

1 [Administrative Code - Early Care and Education for All]

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3 **Ordinance amending the Administrative Code to establish the Early Care and**
4 **Education for All Initiative, to be funded by appropriations from the Babies and**
5 **Families First Fund, including procedures concerning a spending plan and reporting**
6 **requirements.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

14 Be it ordained by the People of the City and County of San Francisco:

15

16 Section 1. Chapter 20 of the Administrative Code is hereby amended by adding Article
17 XVII, consisting of Sections 20.17-1, 20.17-2, and 20.17-3, to read as follows:

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19 **ARTICLE XVII: EARLY CARE AND EDUCATION FOR ALL**

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21 **SEC. 20.17-1. EARLY CARE AND EDUCATION FOR ALL INITIATIVE.**

22 *The Office of Early Care and Education (OECE) shall establish and maintain the Early Care*
23 *and Education for All Initiative (Initiative), to provide support for quality early care and education for*
24 *children in San Francisco families, consistent with this Article XVII. The Initiative shall be funded by*
25 *appropriations from the Babies and Families First Fund established in Section 10.100-36 of this*
Administrative Code, in addition to such other appropriations as the Board of Supervisors may direct
by ordinance. This Article XVII implements Section 2112(d)(2) of the Business and Tax Regulations

1 Code, by facilitating the allocation of moneys in the Babies and Families First Fund among the
2 purposes set forth in subsections (d)(1)(A), (d)(1)(B), (d)(1)(C), and (d)(1)(D) of Section 2112.

3
4 **SEC. 20.17-2. SPENDING PLAN.**

5 (a) Within 30 days of the effective date of this Article XVII, OECE shall submit to the Board
6 of Supervisors a report setting forth the procedures OECE intends to use to develop the spending plan
7 described in subsection (b). These procedures shall be designed to encourage broad and diverse
8 community engagement—including, but not limited to, engagement with employees working in early
9 care and education, the owners of businesses offering early care and education, parents, nonprofit
10 organizations, philanthropists, the Child Care Planning and Advisory Council (CPAC), First 5
11 San Francisco, and academics, and other experts—in the development of that spending plan, and
12 shall include the development of a wide range of mechanisms by which engaged community members
13 may communicate with OECE. These mechanisms shall include, but need not be limited to, one or
14 more public town halls, one or more surveys, a dedicated page on OECE’s existing website, and a
15 social media presence. Each of these mechanisms shall be advertised prominently on OECE’s website.

16 (b) Within ~~six~~nine months of the effective date of this Article XVII, and subject to the
17 budgetary and fiscal provisions of the Charter, OECE shall submit to the Board of Supervisors a five-
18 year spending plan for the Initiative, and a proposed resolution to approve the spending plan. It is the
19 Board’s intent that this spending plan provide guidance to the Board when the Board adopts future
20 appropriations ordinances. The spending plan shall estimate the anticipated funds available to the
21 Initiative, identify specific programs or services to be offered as components of the Initiative, and
22 specify the level of funding proposed for each such component in light of anticipated funds available to
23 support the Initiative as a whole. To the extent possible in light of anticipated available funds, the
24 spending plan shall, in a manner consistent with subsection (c), be designed to achieve the
25 following goals, in whatever priority OECE deems most appropriate:

1 (1) Providing support for quality early care and education to all San Francisco
2 children under the age of six from households whose incomes are at or below 85% of State Median
3 Income, and who are listed as eligible, on that basis, to receive support for early care and education—
4 but who, because of a lack of available resources, are not receiving the full amount of support to which
5 they are entitled;

6 (2) Providing financial support for measures to increase the compensation of early
7 care and education professionals and staff by not less than 10%, with an ultimate goal of achieving
8 parity in compensation with K-12 educators who have commensurate experience, in a manner
9 designed to improve the quality and availability of early care and education;

10 (3) Providing support for quality early care and education to all San Francisco
11 children under the age of four whose families earn up to and including 200% of Area Median Income,
12 in a manner proportionate to family income (such that families with lower incomes receive
13 proportionately more support);

14 (4) Undertaking other measures designed to improve access to quality early care
15 and education services that support the physical, emotional, and cognitive development of San
16 Francisco children under the age of six.

17 (c) — The spending plan described in subsection (b) shall reflect that, during the five-
18 year period covered by the spending plan, the Initiative’s primary priority shall be providing the
19 support described in subsection (b)(1), the Initiative’s secondary priority shall be providing the
20 support described in subsection (b)(2), and the Initiative’s tertiary priority shall be providing
21 the support described in subsection (b)(3). Notwithstanding the foregoing sentence, this
22 subsection (c) shall not be construed to require OECE to completely address any particular
23 priority, or to achieve any particular objective with respect to any particular priority, before
24 addressing other Initiative goals identified in subsection (b). In developing the spending plan,
25 OECE shall retain discretion to allocate resources among the Initiative goals identified in

1 subsection (b) as OECE deems most appropriate, giving due consideration to the general
2 priorities identified in this subsection.

3 (dc) To promote stability and continuity in early care and education, the spending plan
4 described in subsection (b) shall contain provisions addressing policies for financial reserves, strategic
5 one-time expenditures, and other strategies designed to manage revenue volatility.

6 (ed) Within 90 days of introduction of the resolution to approve the spending plan described
7 in subsection (b), the Board shall take any action it deems necessary, in its discretion, to approve,
8 amend, or reject the proposed resolution and spending plan.

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10 **SEC. 20.17-3. REPORTS.**

11 The spending plan described in Section 20.17-2(b) shall also include metrics designed to
12 evaluate the effectiveness of the Initiative and each of its specific components. Within one year of
13 OECE's submission of the spending plan to the Board of Supervisors, and on an annual basis
14 thereafter, OECE shall prepare, and submit to the Board of Supervisors, a report evaluating the
15 effectiveness of the Initiative and each of its specific components, using the metrics previously
16 developed in OECE's spending plan. Before OECE submits this annual report to the Board of
17 Supervisors, OECE's Citizens Advisory Committee shall have an opportunity to review the report and
18 submit related recommendations to OECE.

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20 **Section 2. Severability.**

21 (a) Except as provided in subsection (b), if any section, subsection, sentence,
22 clause, phrase, or word of this Article XVII, or any application thereof to any person or
23 circumstance, is held to be invalid or unconstitutional by a decision of a court of competent
24 jurisdiction, such decision shall not affect the validity of the remaining portions or applications
25 of the Article. The Board of Supervisors hereby declares that, except as provided in

1 subsection (b), it would have enacted this Article, including each and every section,
2 subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional,
3 without regard to whether any other portion of this Article or application thereof would be
4 subsequently declared invalid or unconstitutional.

5 (b) If, as provided in Section 2115(b) of the Business and Tax Regulations Code,
6 imposition of the Early Care and Education Commercial Rents Tax in Section 2104 of the
7 Business and Tax Regulations Code is held in its entirety to be facially invalid or
8 unconstitutional in a final court determination, this Article XVII shall be void and of no force
9 and effect, and the City Attorney shall cause it to be removed from the Administrative Code.

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11 Section 3. Effective Date.

12 This ordinance shall become effective 30 days after enactment. Enactment occurs
13 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
14 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
15 Mayor’s veto of the ordinance.

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17 APPROVED AS TO FORM:
18 DENNIS J. HERRERA, City Attorney

19 By: _____
20 MATTHEW LEE
Deputy City Attorney

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