

Date of Hearing: January 12, 2022

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 321 (Valladares) – As Amended January 3, 2022

[Note: This bill is double referred to the Assembly Human Services Committee and was heard by that Committee as it relates to issues under its jurisdiction.]

SUBJECT: Childcare services: enrollment priority

SUMMARY: Adds a priority for enrollment of children for state-subsidized childcare programs, based upon the child being from a family in which the primary home language is other than English following existing priorities. Specifically, **this bill:**

- 1) Adds a priority for enrollment of four-year old children in the California State Preschool Program (CSPP) based upon the child being from a family in which the primary home language is other than English, following existing priorities for recipients of child protective services or those who at risk of being neglected, abused, or exploited; those who are not enrolled in a transitional kindergarten (TK) program; those families with the lowest income; and children with exceptional needs.
- 2) Adds a priority for enrollment of children for other subsidized childcare programs, administered by the Department of Social Services (DSS), based upon the child being from a family in which the primary home language is other than English, following existing priorities for recipients of child protective services or those who are at risk of being neglected, abused, or exploited; those families with the lowest income; and children with exceptional needs.

EXISTING LAW:

- 1) Establishes the “Child Care and Development Services Act” to provide childcare and development services as part of a coordinated, comprehensive, and cost-effective system serving children from birth to 13 years old and their parents, including a full range of supervision, health, and support services through full- and part-time programs. (Education Code (EC) 8200 *et seq.*)
- 2) Defines “childcare and development services” to mean services designed to meet a wide variety of children’s and families’ needs while parents and guardians are working, in training, seeking employment, incapacitated, or in need of respite and states that these services may include direct care supervision, instructional activities, resource and referral programs, and alternative payment arrangements. (EC 8208)
- 3) States the intent of the Legislature that all families have access to childcare and development services, through resource and referral where appropriate, and regardless of demographic background or special needs, and that families are provided the opportunity to attain financial stability through employment, while maximizing growth and development of their children, and enhancing their parenting skills through participation in childcare and development programs. (EC 8202)

- 4) Requires the Superintendent of Public Instruction (SPI) to administer general childcare and development programs to include, among other things as specified, age- and developmentally-appropriate activities, supervision, parenting education and involvement, and nutrition. Further allows such programs to be designed to meet child-related needs identified by parents or guardians, as specified. (EC 8240 and 8241)
- 5) Transfers responsibility for specified childcare programs, other than the CSPP, from the California Department of Education (CDE) to the DSS effective July 1, 2021. (Welfare and Institutions Code (WIC) 10203)
- 6) Establishes eligibility for child care services and child development programs administered by the CDE and requires the SPI to adopt rules and regulations on eligibility, enrollment and priority of services needed for implementation. (EC 8263)
- 7) Specifies that in order to be eligible for federal and state subsidized child development services, families must meet at least one requirement in each of the following two areas:
 - a) The family is a current aid recipient; income eligible; homeless; or one whose children are recipients of protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected, or exploited; and
 - b) The family needs the child care services:
 - i) Because the child is identified by a legal, medical, social services agency, a local educational agency liaison for homeless children and youth, a Head Start program, or an emergency or transitional shelter as a recipient of protective services, or being neglected, abused, or exploited, or at risk of neglect, abuse or exploitation, or is homeless; and
 - ii) Because the parents are engaged in vocational training leading directly to a recognized trade, paraprofession or profession; engaged in an educational program for English learners or to attain a high school diploma or general educational development certificate; employed or seeking employment; seeking permanent housing for family stability, or incapacitated. (EC 8263)
- 8) Establishes the CSPP and provides that the programs shall include, but not be limited to, part-day age and developmentally appropriate programs designed to facilitate the transition to kindergarten for three- and four-year-old children in educational development, health services, social services, nutritional services, parent education and parent participation, evaluation, and staff development. (EC 8235)
- 9) Specifies that three-year-old and four-year-old children are eligible for part-day CSPP if the family meets at least one of the criteria specified above. (EC 8235)
- 10) Defines "income eligible" as a family whose adjusted monthly income is at or below 85% of the State Median Income (SMI), adjusted for family size, and adjusted annually. For purposes of establishing ongoing eligibility, a family's adjusted monthly income must be at or below 85% of the SMI, adjusted for family size. Requires the Department of Finance

(DOF) to calculate the applicable SMI by family size annually and provide the updated data to the CDE by March 1 of each year. (EC 8263.1)

- 11) Defines “attendance” as the number of children present at a child care and development facility. “Attendance,” for purposes of reimbursement, includes excused absences by children because of illness, quarantine, illness or quarantine of their parent, family emergency, or to spend time with a parent or other relative as required by a court of law or that is clearly in the best interest of the child. (EC 8208 (e))
- 12) Requires that no more than 10% of children enrolled in a CSPP program may be filled by children in families above the income eligibility threshold, and only after all eligible 3- and 4-year old children have been enrolled, and provided the family income is no more than 15% above the income eligibility threshold. (EC 8235)
- 13) Specifies that after all otherwise eligible children have been enrolled, a part-day CSPP may provide services to 3-year-old and 4-year-old children in families whose income is above the income eligibility threshold if those children have been identified as children with exceptional needs, and specifies that these children do not count toward the 10% limit on children from families above the income threshold. (EC 8235)
- 14) Authorizes a provider operating a CSPP within the attendance boundary of a public school, except a charter or magnet school where at least 80% of enrolled pupils are eligible for free or reduced-price meals, to enroll 4-year old children regardless of family income, subject to specified priorities. (EC 8236.3)

FISCAL EFFECT: Unknown

COMMENTS: *Need for the bill.* According to the author, “The prolonged closure of California’s public schools has devastated our children, causing severe learning loss and mental health issues. English learners have been particularly impacted by distance learning because they face significant barriers to education, even during normal school years. The existing inequities between English learners and their English-speaking peers will worsen if not addressed. By expanding priority enrollment eligibility for state childcare services and preschool to income-eligible students whose primary home language is not English, AB 321 offers one meaningful way to help low-income English learners acquire English language proficiency before they enter K-12.”

Who are California Dual Language Learners (DLLs), ages 0-5? Data from the California Health Interview Survey for the years 2011-2014 show that the majority (58%) of families with young children in California speak languages other than English (Holtby, 2017).

Most of the children in the surveyed families who were DLLs lived in Spanish-speaking families, followed by families speaking an Asian language. 10% of respondents spoke only another language in the home, excluding Spanish. More than 60% of the parents said they spoke English well or very well, and 37% said they spoke English "not well" or "not at all." Of the parents in DLL families, 70% were Hispanic, 10.2% were white, 17.9% were Asian, and 2.2% were other races (including African-American). About two-thirds of the parents in these families were born outside the U.S., and 23.4% had been naturalized. The data also show that DLL

families are not a homogenous population. Families differ in household income and education levels, and this heterogeneity may have implications for programs and policy.

Master Plan for Early Learning and Care recommends identification of DLLs. The Master Plan for Early Learning and Care (Master Plan), released in December, 2020 by the California Health and Human Services Agency, recommended providing DLLs with high-quality language experiences in both English and their home language as a foundation for future academic success, noting that bilingualism has associated benefits such as strengthened cognitive and memory processes, improved communication abilities, social and cultural benefits, and advantages in employment.

The Master Plan also found that California lacks a basic universal infrastructure for identifying DLLs and that caregivers often lack the support they need in order to provide these children with high-quality, culturally relevant experiences in both English and the children's home language.

The Master Plan recommended that legislation require identification and reporting of the language status of children from birth through five years in subsidized early learning and care (disaggregated by age, race, ethnicity, language, and disability).

Current law also requires the SPI to develop procedures for child care providers to identify and report data on DLLs enrolled in CSPPs.

Arguments in support. The California State PTA “believes that English language learners must be provided an education that will allow them the opportunity to acquire the skills necessary to realize their full potential. PTA supports efforts to ensure that all children have opportunities, including access to high-quality developmentally appropriate preschool programs, to develop the readiness skills they need to become successful academic learners.”

Related legislation. AB 1363 (L. Rivas) Chapter 498, Statutes of 2021, requires the SPI to develop procedures for providers to identify and report data on DLLs enrolled in the CSPP.

AB 22 (McCarty) of this Session would expand eligibility for TK by adding one month of eligibility per year over a 10-year period to achieve universal TK eligibility by 2032-33, adding specific requirements for TK, and identifying a funding stream.

AB 130 (Committee on Budget) Chapter 44, Statutes of 2021, revises the timespans for the admittance requirements for TK to be phased in from the 2022–23 school year to the 2025–26 school year, at which time a school district or charter school, as a condition of receipt of apportionments for pupils in a TK program, would be required to admit a child who will have their 4th birthday by September 1.

SB 50 (Limon) of this Session would expand the range of types of childcare and early learning services that a CSPP contracting agency may provide. This bill was vetoed by the Governor with the following message:

This bill would make a child who is between 18 months and 3 years old eligible for the CSPP as long as the child meets all other eligibility requirements and would extend eligibility for federal and state subsidized child care services to a family in which a member of that family has been certified as eligible to receive benefits from other means-tested government programs.

Expanding access to high quality early learning and care for babies and toddlers is a priority for my Administration. That's why I worked to make universal TK a reality, strengthen our paid family leave policies, and expand child care slots for children in California.

Unfortunately, the timing of this bill is premature as it presupposes how the State Preschool Program will be modified to account for the implementation of universal transitional kindergarten. Next January, modifications will be proposed to the State Preschool Program in the 2022 Budget to align the program with the Master Plan for Early Learning and Care. I appreciate the author's leadership on this issue and look forward to working with her on improving the State Preschool Program and serving more of California's youngest children.

AB 123 (McCarty) of the 2019-20 Session would have established the Pre-K for All Act; expanded the eligibility for CSPP; increased the reimbursement rate for the CSPP and required a portion of the increase to be used to increase teacher pay; required CSPP lead teachers to hold a bachelor's degree by a specified date; and established a program to provide financial support to childcare workers pursuing a bachelor's degree. This bill was held in the Senate Appropriations Committee.

SB 217 (Portantino) of the 2019-20 Session would have created the Early Intervention Grant Program to increase inclusive access to early education programs for children with exceptional needs and expand eligibility for TK to include children with exceptional needs turning 5-years-old at any time during the school year. This bill was amended to include content outside of the jurisdiction of education.

AB 1754 (McCarty) of the 2017-18 Session would have required the state to provide all eligible low-income 4-year-old children with access to early care and education programs. This bill was held in the Senate Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Catholic Conference
California State PTA

Opposition

None on file

Analysis Prepared by: Debbie Look / ED. / (916) 319-2087