

Date of Hearing: January 11, 2022

ASSEMBLY COMMITTEE ON HUMAN SERVICES  
Lisa Calderon, Chair  
AB 321 (Valladares) – As Amended January 3, 2022

**SUBJECT:** Childcare services: enrollment priority

**SUMMARY:** Adds prioritization for children who come from a family in which the primary home language is a language other than English into specified federal and state subsidized child development services programs. Specifically, **this bill:**

- 1) Makes Legislative findings and declarations pertaining to literacy in the English language and language development in early childhood education.
- 2) Adds, for part-day and full-day California State Preschool Program (CSPP) and federal and state subsidized child development services, a child from a family in which the primary home language is a language other than English as a priority for contracting agencies to give services. Families in this category would be given priority if there are no other families with a child with exceptional needs.

**EXISTING LAW:**

- 1) Establishes the “Child Care and Development Services Act” to provide child care 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. (Welfare and Institutions Code Section [WIC] 10207 *et seq.*)
- 2) Establishes the “Early Education Act” to provide an inclusive and cost-effective preschool program that provides high-quality learning experiences, coordinated services, and referrals for families to access health and social-emotional support services through full- and part-day programs and that all families have equitable access to a high-quality preschool program, regardless of race or ethnic status, cultural, religious, or linguistic background, family composition, or children with exceptional needs. (Education Code Section [EDC] 8200 *et seq.*)
- 3) Requires a part-day CSPP to operate for a minimum of three hours per day and a minimum of 175 days per year, as specified. Further requires a full-day CSPP to operate a minimum of 246 days per year. (EDC 8207 (b) and (c))
- 4) Provides that priority for services for part-day CSPP shall be given in the following order:
  - a) First priority to three-year-old or four-year-old children who are recipients of child protective services or who are at risk of being neglected, abused, or exploited, as specified;
  - b) Second priority to eligible four-year-old children who are not enrolled in a state-funded transitional kindergarten program. Within this priority category, eligible children with the lowest income, as specified, shall be enrolled first. If two or more families have the same

- income ranking, a child with exceptional needs shall be enrolled first. If there are no families with a child with exceptional needs, the child that has been on the waiting list for the longest time shall be admitted first;
- c) Third priority to eligible three-year-old children with similar income, exceptional needs, and waiting-list duration determinations as four-year-olds;
  - d) Fourth priority to children from families whose income is no more than 15% above the eligibility income threshold. Within this priority category, priority shall be given to four-year-old children before three-year-old children;
  - e) Fifth priority to children with exceptional needs whose family's income is above the income eligibility threshold. Within this priority category, priority shall be given to four-year-old children before three-year-old children;
  - f) After all otherwise eligible children have been enrolled, a California preschool program site operating within the attendance boundaries of a qualified free and reduced priced meals school may enroll any four-year-old children whose families reside within the attendance boundary of the qualified elementary school. These children shall, to the extent possible, be enrolled by lowest to highest income. (EDC 8210 (a))
- 5) Provides that priority for services for full-day CSPP shall be given in the following order:
- a) First priority to three-year-old or four-year-old children who are recipients of child protective services or who are at risk of being neglected, abused, or exploited, as specified;
  - b) Second priority to eligible four-year-old children who are not enrolled in a state-funded transitional kindergarten program. Within this priority category, eligible children with the lowest income, as specified, shall be enrolled first. If two or more families have the same income ranking, a child with exceptional needs shall be enrolled first. If there are no families with a child with exceptional needs, the child that has been on the waiting list for the longest time shall be admitted first;
  - c) Third priority to eligible three-year-old children with similar income, exceptional needs, and waiting-list duration determinations as four-year-olds;
  - d) After all otherwise eligible children have been enrolled a contractor may enroll in income ranking order, lowest to highest, and within income ranking order, enroll four-year-old children before three-year-old children.
  - e) Lastly, a California preschool program site operating within the attendance boundaries of a qualified free and reduced priced meals school may enroll any four-year-old children whose families reside within the attendance boundary of the qualified elementary school. These children shall, to the extent possible, be enrolled by lowest to highest income (EDC 8211 (a))
- 6) Provides that, for the purposes of determining order of enrollment for CSPP, public assistance grants shall be counted as income. (EDC 8210 (b) and EDC 8211 (b))

- 7) Requires the Superintendent of Public Instruction to set criteria for, and authorizes the superintendent to grant specific waivers of, the prioritization categories for CSPP agencies that wish to serve specific populations, as specified. (EDC 8210 (c) and EDC 8211(c))
- 8) Provides that priority for federal and state subsidized child development services shall be given in the following order:
  - a) First priority to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency. Further, requires an agency, if it is unable to enroll a child in the first priority category, to refer the family to local resource and referral services to locate services for the child.
  - b) Second priority given equally to eligible families, regardless of the number of parents in the home, who are income eligible. Within this priority category, families with the lowest gross monthly income in relation to family size shall be admitted first. If two or more families are in the same priority in relation to income, the family that has a child with exceptional needs shall be admitted first. If there is no family of the same priority with a child with exceptional needs, the same priority family that has been on the waiting list for the longest time shall be admitted first. (WIC 10271 (b))
- 9) Provides that, for purposes of determining order of admission, grants of public assistance recipients shall be counted as income. (WIC 10271 (b)(2))
- 10) Requires the California Department of Social Services (CDSS) to set criteria for, and authorizes CDSS to grant specific waivers of, the prioritization categories for agencies that wish to serve specific populations, as specified. (WIC 10271 (b)(3))

**FISCAL EFFECT:** Unknown

**COMMENTS:**

***Subsidized childcare:*** California’s subsidized childcare system is designed to provide assistance to parents and guardians who are working, in training, seeking employment, incapacitated, or in need of respite. This childcare is available through a number of programs. Parents participating in California Work Opportunity and Responsibility to Kids (CalWORKs), as well as families transitioning from and no longer receiving CalWORKs aid, can be eligible for childcare, which is offered in three “stages”. Other major programs include General Child Care, which includes contracted centers and family child care homes; alternative payment programs (APPs), which provide vouchers that can be used to obtain child care in a center, family child care home, or from a license-exempt provider; and, the CSPP, which provides developmentally, culturally, and linguistically appropriate curriculum to eligible three- and four-year olds.

SB 98 (Committee on Budget and Fiscal Review), Chapter 24, Statutes of 2020, authorized the transfer of many childcare programs from the California Department of Education (CDE) to CDSS in July 2021. This change was largely meant to reduce administrative and other barriers to program access so that providers and programs can focus on positive child and family outcomes and help meet the goals of the Master Plan for Early Learning and Education. The CSPP, however, was not among the programs relocated from CDE to CDSS.

Certain eligibility and prioritization rules apply to subsidized childcare in California. Families are eligible for non-CalWORKs subsidized childcare if they meet at least one requirement in each of two areas: eligibility and need. First, they must meet one of the eligibility criteria, which are: currently receiving aid, being income-eligible, being homeless, or having children who are recipients of protective services or who have been identified as being, or at risk of being, abused, neglected, or exploited. Secondly, the family must meet one of the “need” requirements which are either the child has to have been identified by a legal, medical, or social services agency or emergency shelter as being a recipient of protective services or being, or at risk of being, abused, neglected or exploited; or, the parents need to be employed or seeking employment, engaged in vocational training, seeking permanent housing for family stability, or incapacitated.

Children are enrolled to CSPP on a priority basis. First priority is for three- or four-year olds who are receiving child protective services or who are identified as at-risk of abuse, neglect or exploitation. Second priority is for eligible four-year olds who are not enrolled in transitional kindergarten, in income ranking order, followed by children with exceptional needs, followed by families who have been on the waiting list the longest. Third priority is for eligible three-year olds in income ranking order followed by children with exceptional needs, followed by families who have been on the waiting list the longest. Fourth priority is for children in families whose income is no more than 15% above the income eligibility threshold, with up to 10% of the enrolled children over the income eligibility threshold. Contractors may enroll age eligible children with exceptional needs whose family income is above the income eligibility threshold after all otherwise eligible children have been enrolled. Children with exceptional needs are children who have an individualized family service plan or an individualized education plan, receive early intervention and related services or appropriate special education, and require the special attention of adults in a childcare setting.

In Fiscal Year 2020-21, there are approximately 299,000 subsidized child care slots offered across the various programs (including 178,000 CalWORKs, 75,000 APP, and 32,000 General Child Care slots) as well as over 143,000 CSPP (133,000 part-day and 67,000 full-day).

***Dual-language learners and English-learners:*** A 2017 report from the UCLA Center for Health Policy Research stated that about 60% of households in California with children ages 0-5 speak a language other than or in addition to English in the home. Additionally, about 35% of households in California with children ages 0-5 speak only a non-English language in the home.

Young children who speak a language other than English at home are known as “dual-language learners,” because they are still developing their home language at the same time that they are learning English. Once they enter K-12 education, students who are not yet proficient in English are usually described as “English learners.” A report from the National Center on Immigration Integration Policy states that for dual-language learners, the quality, type, and amount of care outside of the home can make a significant difference in kindergarten readiness, including measures of math and literacy skills. These early educational interventions can lead to later academic successes. A study from the University of Chicago and Urban Education Institute that followed students in the Chicago Public Schools system found that for English-learners who did not reach proficiency by the end of eighth grade, school was more challenging; attendance, grades, and test scores were lower than those of their peers who did attain proficiency by the end of eighth grade.

*Need for this bill:* Several national and California-based studies have found that English-learners lag behind their native English-speaking peers academically, and those that do not achieve English-proficiency early fare the worst academically. Dual-language learners who begin gaining proficiency in English before kindergarten are better prepared for entering K-12 education. This bill would include prioritization for children who come from a family in which the primary home language is a language other than English into specified federal and state subsidized child development services programs. The ultimate goal would be to provide an equitable playing-field for future academic success.

According to the author, “The prolonged closure of California’s public schools has devastated our children, causing severe learning loss and mental health issues. Particularly impacted by distance learning are English learners, who 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 students whose primary home language is not English, [this bill] offers one meaningful way to help low-income English learners acquire English language proficiency before they enter K-12.”

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

California Catholic Conference  
California School Employees Association

##### **Opposition**

None on file

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