
SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 321 **Hearing Date:** June 1, 2022
Author: Valladares
Version: January 3, 2022
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Childcare services: enrollment priority

NOTE: This bill has been referred to the Committees on Education and Human Services. A "do pass" motion should include referral to the Committee on Human Services.

SUMMARY

This bill adds children with a primary home language other than English to priority enrollment in state preschool and federal or state subsidized general child care programs.

BACKGROUND

Existing law:

- 1) Establishes the following priorities for enrollment in *part-day* state preschool programs:
 - a) First priority is for three- or four-year-old neglected or abused children who are recipients of child protective services.
 - b) Second priority is for eligible four-year-old children who are not enrolled in a state-funded transitional kindergarten program.
 - i) Within this category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the Superintendent of Public Instruction (SPI) at the time of enrollment, shall be enrolled first.
 - ii) If two or more families have the same income ranking according to the most recent schedule of income ceiling eligibility table, a child with exceptional needs shall be enrolled first.
 - iii) 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 is for eligible three-year-old children.

- i) Within this category, eligible children with the lowest income shall be enrolled first.
 - ii) If two or more families have the same income ranking according to the most recent schedule of income ceiling eligibility table, a child with exceptional needs shall be enrolled first.
 - iii) 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.
 - d) Forth priority, after all otherwise eligible children have been enrolled, is for children from families whose income is no more than 15 percent above the eligibility income threshold. Within this priority category, priority shall be given to four-year-old children before three-year-old children.
 - e) The fifth priority after all otherwise eligible children have been enrolled, is for a child 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) Authorizes after all otherwise eligible children have been enrolled in the first through fifth priority categories, a California preschool program site operating within the attendance boundaries of a qualified free and reduced priced meals school to 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 according to the most recent schedule of income ceiling eligibility table. (Education Code § 8210)
- 2) Establishes the following priorities for enrollment in *full-day* state preschool programs:
 - a) First priority is for three- or four-year-old neglected or abused children who are recipients of child protective services.
 - b) Second priority is for eligible four-year-old children who are not enrolled in a state-funded transitional kindergarten program.
 - i) Within this category, eligible children with the lowest income shall be enrolled first.
 - ii) If two or more families have the same income ranking according to the most recent schedule of income ceiling eligibility table, a child with exceptional needs shall be enrolled first.
 - iii) 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 is for eligible three-year-old children.
 - i) Within this category, eligible children with the lowest income shall be enrolled first.
 - ii) If two or more families have the same income ranking according to the most recent schedule of income ceiling eligibility table, a child with exceptional needs shall be enrolled first.
 - iii) 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.
- d) Authorizes, after all otherwise eligible children have been enrolled in the first through fourth priority categories, the contractor to enroll the children in the following order:
 - i) The contractor may enroll three- and four-year-old children from families that meet eligibility criteria. Within this priority, contractors shall enroll families in income ranking order, lowest to highest, and within income ranking order, enroll four-year-old children before three-year-old children.
 - ii) For California state preschool program sites operating within the attendance boundaries of a qualified free and reduced priced meals school, the contractor may enroll any four-year-old children whose families reside within the attendance boundary of the qualified school without establishing eligibility or a need for services. These families shall, to the extent possible, be enrolled in income ranking order, lowest to highest. (EC § 8211)
- 3) Establishes priority for federal and state subsidized child development services as follows:
 - a) First priority is for 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.
 - b) Second priority is to be given equally to eligible families, regardless of the number of parents in the home, who are income eligible.
 - i) Within this priority, families with the lowest gross monthly income in relation to family size shall be admitted first.
 - ii) 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.

- iii) 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)

ANALYSIS

This bill adds children with a primary home language other than English to priority enrollment in state preschool and federal or state subsidized general child care programs. Specifically, this bill:

Part- and full-day state preschool programs

- 1) Adds children from a family in which the primary home language is other than English within priority enrollment, after the existing priority for children who are abused or neglected, low-income four-year olds, and children with exceptional needs (and before children who have been on the waiting list).

Child care and development programs

- 2) Adds children from a family in which the primary home language is other than English within priority enrollment, after the existing priority for children who are abused or neglected, low-income children, and children with exceptional needs (and before children who have been on the waiting list).

Other

- 3) States legislative findings and declarations relative to prioritizing access to state preschool and childcare and developmental services for children who reside in homes in which the primary language is a language other than English.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, “Over half of California’s children under the age of six speak a language other than or in addition to English at home. These children, who are commonly referred to as dual-language learners (DLLs), will be designated as English learners’ (ELs) if they enter kindergarten or later grades without being fully proficient in English.

“Due to the COVID-19 pandemic related school shutdowns, DLLs and ELs have suffered academically, more so than every other category of student, with the exception of homeless youth. The LA Unified School district reported that the percentage of ELs failing their classes had increased 10%. Sacramento Unified School District reported that of the students that stopped reporting to classes, over 44% were ELs.

“Fortunately, students who transition out of the EL designation by achieving English proficiency are significantly more likely to succeed in the classroom than ELs in general. A Public Policy Institute of California report found that throughout grades 2-11, former ELs who became proficient in English scored significantly higher on statewide tests than ELs did in general, and even higher than native

English speakers did in some grade levels. A recent University of Chicago study confirms that ELs who achieved English proficiency by eighth grade actually performed as well and in some cases better on tests than their native English-speaking peers do. The sooner ELs learn English, the more likely they are to perform well in school.”

- 2) *Academic outcomes.* 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. According to these reports, DLLs who begin gaining proficiency in English before kindergarten are better prepared for entering K-12 education. <https://www.ppic.org/publication/californias-english-learner-students/#:~:text=Introduction,as%20EL%20is%20greater%20still;https://www2.ed.gov/datastory/el-outcomes/index.html#introText>
- 3) *What do we know about young children who are dual language learners?* The California Department of Education (CDE) collects and publishes K-12 student demographic information that includes the identification of students who are English learners. Recently enacted 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 state preschool program.

The Health Policy Brief “Families with Young Children in California: Findings from the California Health Interview Survey, 2011-2014, by Geography and Home Language” (May 2017) issued by the University of California at Los Angeles’ Center for Health Policy Research, uses data from the California Health Interview Survey for the years 2011-2014, to present findings on families with children ages birth to five years. Findings include that about 40 percent of households spoke English and another language, and 20.3 percent did not speak English in the home. Children in these two groups are considered dual language learners, accounting for almost 60 percent of the children in California age birth to five years.

https://healthpolicy.ucla.edu/publications/Documents/PDF/2017/Child_PB_FINAL_5-31-17.pdf

- 4) *Professional development resources.* The California Department of Education offers the Dual Language Learners Professional Development Program for state-funded early learning and care programs, with DLL-specific training activities available from specified professional development providers. [Dual Language Learners Professional Development - Child Development \(CA Dept of Education\)](#)
- 5) *Master Plan for Early Learning and Care.* The Master Plan for Early Learning and Care, 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. <https://cdn-west-prod-chhs-01.dsh.ca.gov/chhs/uploads/2020/12/01104743/Master-Plan-for-Early-Learning-and-Care-Making-California-For-All-Kids-FINAL.pdf>

- 6) *Fiscal impact.* According to the Assembly Appropriations Committee, this bill would impose the following costs:
- a) CDE estimates one-time costs of \$188,000 (General Fund) in the first year, and \$188,000 in the second year, to write regulations and provide guidance to the field. These costs include one position for responding to questions from the field, developing and conducting ongoing training, and providing technical assistance necessary to reconcile this bill's provisions with the implementation of AB 1363 (Luz Rivas), Chapter 498, Statutes of 2021, which requires providers to identify and report data on dual language learners enrolled in the state preschool program.
 - b) CDE also notes potential costs, unknown at this time, for updating the Child Development Management Information System.
 - c) Negligible costs to the Department of Social Services.

SUPPORT

California Catholic Conference
California School Employees Association

OPPOSITION

None received

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