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THIRD READING

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Bill No: AB 321  
Author: Valladares (R), et al.  
Amended: 8/26/22 in Senate  
Vote: 21

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SENATE EDUCATION COMMITTEE: 6-0, 6/1/22  
AYES: Leyva, Ochoa Bogh, Cortese, Dahle, Glazer, Pan  
NO VOTE RECORDED: McGuire

SENATE HUMAN SERVICES COMMITTEE: 5-0, 6/20/22  
AYES: Hurtado, Jones, Cortese, Kamlager, Pan

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/11/22  
AYES: Portantino, Bates, Bradford, Jones, Laird, McGuire, Wieckowski

ASSEMBLY FLOOR: 68-0, 1/27/22 - See last page for vote

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**SUBJECT:** Childcare services: enrollment priority

**SOURCE:** Author

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**DIGEST:** 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.

*Senate Floor Amendments* of 8/26/22 include double-jointing language to avoid chaptering conflicts with AB 185 (Budget Committee) and SB 185 (Budget and Fiscal Review Committee).

*Senate Floor Amendments* of 8/22/22 (1) specify that the procedures the Superintendent of Public Instruction is to develop must enable programs to identify dual language learners before enrollment; and (2) make technical changes.

*Senate Floor Amendments* of 8/18/22 add double-jointing language to avoid chaptering issues with SB 1047 (Limón).

**ANALYSIS:**

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, until June 30, 2024, is for eligible four-year-old children who are not enrolled in a state-funded transitional kindergarten program. Beginning July 1, 2024, to the extent that there are additional three- and four-year-old children with exceptional needs interested in enrolling beyond those already enrolled in the 10 percent of funded enrollment set aside, the second priority for services shall be given to all three- and four-year-old children with exceptional needs from families with incomes below the income eligibility threshold.
    - 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) Fourth 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)

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) Specifies that the existing requirement for the SPI to develop procedures for state preschool programs to distribute and collect a completed family language instrument is to identify dual language learners *before* enrollment.
- 4) 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.
- 5) Includes double-jointing language to avoid chaptering issues with SB 1047 (Limón).

**Comments**

*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.”

*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>

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

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee, the CDE estimates General Fund costs of \$188,000 in the first year and \$186,000 (GF) in the second year for 1.0 position to write regulations and provide guidance to the field. The workload activities include responding to questions from the field, developing and conducting ongoing trainings and providing technical assistance. These costs also include related travel expenses. The CDE indicates that the cost for updating the Child Development Management Information System will be minimal.

The CDE also indicates that there is no data available to indicate how the new priority would impact the overall levels of reimbursement because these children are already eligible for services. Additionally, this bill's new subcategory of income eligibility would not increase the number of children that will be eligible to receive services because these children are already income eligible.

**SUPPORT:** (Verified 8/29/22)

California Catholic Conference  
California School Employees Association

**OPPOSITION:** (Verified 8/29/22)

None received

**ASSEMBLY FLOOR:** 68-0, 1/27/22

**AYES:** Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Bryan, Burke, Calderon, Cervantes, Choi, Cooley, Cooper, Cunningham, Daly, Davies, Flora, Fong, Friedman, Gabriel, Gallagher, Cristina Garcia, Gipson, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Ward, Akilah Weber, Wicks, Wood, Rendon

**NO VOTE RECORDED:** Mia Bonta, Carrillo, Chen, Megan Dahle, Eduardo Garcia, Kalra, Mayes, Waldron

Prepared by: Lynn Lorber / ED. / (916) 651-4105  
8/29/22 9:11:20

\*\*\*\* END \*\*\*\*