

## CONCURRENCE IN SENATE AMENDMENTS

AB 321 (Valladares)

As Amended August 26, 2022

Majority vote

**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.

**Senate Amendment**

- 1) Add language from AB 185 (Budget Committee), SB 185 (Budget and Fiscal Review Committee), and SB 1047 (Limón), all of the current legislative session, to avoid chaptering out conflicts.
- 2) Make non-substantive clarifying changes.

As passed by the Assembly, this bill:

- 1) Made Legislative findings and declarations pertaining to literacy in the English language and language development in early childhood education.
- 2) Added, 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.

**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 (Budget and Fiscal Review Committee), 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."

### **Arguments in Support**

According to the California Catholic Conference, "Research suggests that language development starts at birth. In fact, the Master Plan for Early Learning and Care calls upon the Legislature and other stakeholders to 'update the English Learner Roadmap to address birth to age three to fully address the learning and development continuum for dual language learners (DLLs).' This bill strikes an appropriate balance by ensuring all eligible children continue to be served, but also allowing those CSPP programs who have enrolled all eligible children to serve children whose primary language at home is something other than English.

"This bill represents a small step the state can take to better address the needs of DLL children earlier than they may otherwise have been."

### **Arguments in Opposition**

None on file

## **FISCAL COMMENTS**

According to the Senate Appropriations Committee on August 11, 2022, CDE estimates General Fund (GF) 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, the 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.

**VOTES:**

**ASM HUMAN SERVICES: 7-0-1**

**YES:** Calderon, Davies, Arambula, Mia Bonta, Bryan, Stone, Villapudua  
**ABS, ABST OR NV:** Choi

**ASM EDUCATION: 6-0-1**

**YES:** O'Donnell, Bennett, Choi, Lee, McCarty, Quirk-Silva  
**ABS, ABST OR NV:** Chen

**ASM APPROPRIATIONS: 15-0-1**

**YES:** Holden, Bigelow, Bryan, Calderon, Luz Rivas, Davies, Fong, Gabriel, McCarty, Levine, Quirk, Robert Rivas, Akilah Weber, Stone, Mullin  
**ABS, ABST OR NV:** Megan Dahle

**ASSEMBLY FLOOR: 68-0-8**

**YES:** 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  
**ABS, ABST OR NV:** Mia Bonta, Carrillo, Chen, Megan Dahle, Eduardo Garcia, Kalra, Mayes, Waldron

**UPDATED**

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