

Changes in Law 2018: Early Childhood

This year, several proposals were brought forward that sought to expand access to preschool and child care programs. California's patchwork of early education, child care, and preschool programs can be difficult to navigate, for providers and participants alike. Pilot programs in several counties across the state have allowed local programs to be more flexible and responsive to the needs within the region. The success of those pilots serve as a good framework for the changes that could be implemented on a statewide level. While not all were successful, we know that the likely next Administration puts a high priority on early education and child care - expect this issue to surface again next year.

Significant Preschool and Transitional Kindergarten Bills Stalled. Due largely to cost, two measures that would have greatly expanded Preschool and Transitional Kindergarten (TK) died in fiscal committees. SB 837 by Senator Bill Dodd (D-Napa) would have opened eligibility for TK to all four-year-olds. Legislative staff pegged the cost estimate in the low billions of dollars.

As introduced, AB 1754 by Assembly Member Kevin McCarty (D-Sacramento) also proposed a broad expansion of early childhood education programs for the state's 4-year-olds. The measure ultimately died due to cost. The bill was supported by a wide range of stakeholders and legislators. Assembly Member McCarty chairs the Assembly Budget Subcommittee on Education, and is a champion for early learning. Given his position, the support his bill garnered this year and a likely sympathetic administration in 2019, the stage may be set for a successful run next year.

Simplification and Expansion for Child Care Programs. Assembly Member Kevin Mullin (D-South San Francisco), ran two successful bills this year which simplify licensure requirements for child care providers and expand eligibility criteria for children. Specifically, AB 605 requires the Department of Social Services (DSS) to consult with stakeholders and adopt regulations on or before January 1, 2021 to create a child care center license that will enable holders to serve infant, toddler, preschool and school age children. All child care centers will be required to comply with the new licensure structure. The regulations will need to address:

1. Components for serving infant, toddler, preschool and schoolage children
2. Health and safety standards for children in care
3. Enhanced ability to transition children from one age group to the next

Additionally, AB 605 authorizes DSS to extend the period for participation in the toddler program for three months at the request of the day care provider if they are unable to find an alternative placement.

AB 2626 (Mullin) affords early learning and subsidized child care programs the exceptions currently authorized in thirteen counties, including San Mateo, San Francisco, Santa Clara, Monterey, Contra Costa and San Diego. Specifically, AB 2626 makes the following changes, among others:

1. For the California State Preschool Program (CSPP) eligibility, changes the date by which a child must have his or her third or fourth birthday from September 1 to December 1 of the fiscal year of enrollment
2. Adds that children who have their third birthday on or after December 2 may be enrolled in a CSPP after their third birthday
3. Requires children under four years of age to be served in a CSPP facility
4. Changes the initial income eligibility for subsidized child care services from 70% to 85% of the state median income

Supporters of both measures believe the changes will streamline and simplify requirements for providers, and expand options for families.

The Governor signed the following early childhood bills:

Child Care

AB 108 (Committee on Budget) - Education: Child care: individualized county child care subsidy plans: the Every Kid Counts (EKC) Act.

This bill consolidates statute authorizing child care pilots in Alameda, Contra Costa, Fresno, Marin, Monterey, San Benito, San Diego, Santa Clara, Santa Cruz, Solano, and Sonoma counties into a single program to allow for streamlined program administration and reporting. This bill also clarifies that pilot counties are permitted to enroll families for 24 months without re-enrollment, and that pilot counties may create local policies related to the ratio of four-year olds in state preschool.

Chapter 7, Statutes of 2018

AB 605 (Mullin) - Child day care facilities: infant to schoolage license.

This bill requires DSS to adopt regulations on or before January 1, 2021, to create a child care center license to serve infant, toddler, preschool, and schoolage children and requires all day care centers to be licensed as child care centers before January 1, 2024. This bill requires the regulations to include components for infant, toddler, preschool, and schoolage children, health and safety standards for children in care, and enhanced ability to transition children from one age group to the next.

Chapter 574, Statutes of 2018

AB 2370 (Holden) - Lead exposure: child day care facilities: family day care homes.

This bill adds a requirement that licensed child day care facilities, upon enrolling any child, provide parents or guardians with written information on the risks and effects of lead exposure and blood lead testing recommendations and requirements. This bill also subjects child day care centers to testing and mitigation requirements for lead in drinking water.

Chapter 676, Statutes of 2018

AB 2626 (Mullin) - Child care services.

This bill makes a number of changes regarding subsidized child care and California State Preschool Programs (CSPPs), including, among others: raising the income eligibility threshold for families initially applying for subsidized child care services; removing certain age restrictions for CSPP; providing for staff training for providers of contracted center-based care; and increasing flexibility in funding adjustments for contractors. The provisions of this bill will become operative on July 1, 2019.

Chapter 945, Statutes of 2018

AB 2960 (Thurmond) - Child care and development services: online portal.

This bill requires, subject to the availability of funding, the Superintendent of Public Instruction (SPI) to develop an online portal for California's comprehensive child care and development services by June 30, 2022 to help families navigate the many options and requirements of child care programs in the state. This bill also requires a workgroup to evaluate and provide recommendations to the SPI on modifications or improvements to the portal, and requires the SPI to submit a comprehensive plan to the Legislature for implementing the recommendations of the workgroup by January 21, 2021.

Chapter 829, Statutes of 2018

SB 1083 (Mitchell) - Resource family approval.

This bill extends the deadline by which foster care providers are required to have resource family approval to December 31, 2020, and extends the operation of current certifications, licenses, and approvals until that date. The bill would authorize an applicant who withdraws a resource family application before its approval or denial to resubmit the application within 12 months.

Chapter 935, Statutes of 2018

SB 1446 (Glazer) - CalWORKs: welfare-to-work.

To prevent a recipient from federal sanctions, this bill allows a CalWORKs recipient who is meeting certain federal Temporary Assistance for Needy Families (TANF) participation requirements to be deemed in compliance with welfare-to-work activity requirements.

Chapter 740, Statutes of 2018

Early Learning

AB 2698 (Rubio) - California state preschool programs: general child care and development programs: mental health consultation services: adjustment factors.

Encourages the provision of early childhood mental health consultation services in CSPP programs and provides that the costs of providing these services are reimbursable. This bill also increases the reimbursement rates to providers by adding an adjustment factor.

Chapter 946, Statutes of 2018

Capitol Advisors Group has produced a series of comprehensive client briefs detailing new education laws that were passed by the Legislature and signed into law by Governor Brown in 2018. Each brief is organized by subject area and includes an executive summary highlighting major changes we think you should know about. Bills signed by the Governor take effect on January 1, 2019, unless the bill specifically states otherwise.