

Changes in Law 2021

Early Childhood

While only a handful of bills dealing with early learning and care were signed into law this year, that did not preclude the sector from seeing a truly seismic policy shift. As with many other areas dealing with PreK-12, the most significant policy change was carried out with the enactment of the state budget.

California to fully implement Universal Transitional Kindergarten (TK) by 2025-26. Per the budget and related trailer bills ([AB 130](#) and [AB 167](#)), TK must be offered to all four year-olds by 2025-26, broken down as follows:

- In the **2022-23** school year, a child turning five between September 2 and February 2 shall be admitted to a TK program maintained by the school district or charter school
- In the **2023-24** school year, a child turning five between September 2 and April 2 shall be admitted to a TK program maintained by the school district or charter school
- In the **2024-25** school year, a child turning five between September 2 and June 2 shall be admitted to a TK program maintained by the school district or charter school
- In the **2025-26** school year, and in each school year thereafter, a child turning four by September 1 shall be admitted to a TK program maintained by the school district or charter school

To receive apportionment for students enrolled in TK, a school district or charter school shall do all of the following:

- Maintain an average TK class enrollment of no more than 24 pupils at each schoolsite
- Commencing with the **2022-23** school year, maintain an average of at least one adult for every 12 pupils in TK classrooms
- Commencing with the **2023-24** school year and each year thereafter, maintain an average of at least one adult for every 10 pupils in TK classrooms, contingent upon appropriation of funds for this purpose

The language in the trailer bill also makes clear that a child's TK eligibility will not impact family eligibility for a preschool or other childcare program. Additionally, the language specifies that the State Superintendent of Public Instruction (SPI) will authorize California state preschool program contracting agencies to offer wraparound childcare services for eligible TK or kindergarten programs.

One other important thing to note - it is estimated implementation of Universal TK will cost roughly \$2.7 billion. The Governor referred to this expansion as "creating a new grade". Accordingly, Proposition 98 will be "re-benched" to cover the cost of expanding TK to all four-year-olds. The specific language around rebenching, however, was not included in the 2021 Budget Act.

Pre-K Planning and Implementation Grant Program. As part of the expansion of Pre-K offerings at local educational agencies (LEAs), the budget trailer bill also contains language to establish the California Prekindergarten Planning and Implementation Grant Program. For the 2021-22 fiscal year, \$300 million will be appropriated from the General Fund to the SPI for allocation to LEAs, to be available for encumbrance until June 30, 2024. The program will be broken down into two pots of money and distributed based on the following parameters:

- \$200 million to the SPI for allocation to LEAs operating kindergarten programs
 - ▶ Of the \$200 million, funds will first be allocated using CalPADS Fall 1 kindergarten enrollment data as follows:
 - Minimum base grants of \$25,000 to LEAs with an enrollment of 1 to 23 pupils
 - Minimum base grants of \$50,000 to LEAs with an enrollment of 24 to 99 pupils
 - Minimum base grants of \$100,000 to LEAs with an enrollment of 100 or more pupils
 - Minimum base grants of \$15,000 to each county office of education (COE) for each LEA in their county that operates kindergarten programs to support countywide planning and capacity-building
 - ▶ Remaining funds shall be disbursed as follows:
 - 60% of the funds for enrollment grants based on an LEA's proportional share of total CalPADS Fall 1 kindergarten enrollment for the 2019-20 fiscal year
 - 40% of the funds for supplemental grants based on an LEA's CalPADS Fall 1 kindergarten enrollment minus the TK program enrollment for the 2019-20 fiscal year, multiplied by the LEA's unduplicated pupil percentage
 - ▶ Grant funds can be used for costs associated with creating or expanding California State Preschool Programs (CSPP) or TK programs, or to establish or strengthen partnerships with other providers of Pre-K education within the LEA, including Head Start programs, to ensure high-quality options for Pre-K education are available to all four-year-olds.
 - Allowable costs include but are not limited to planning costs, hiring and recruitment costs, staff training and professional development, classroom materials, and supplies.
- \$100 million to the SPI to award competitive grants to LEAs
 - Intended to increase the number of highly-qualified teachers available to serve CSPP and TK pupils, and provide training for CSPP, TK, and kindergarten teachers
 - The SPI will develop and administer the process to award these grants, subject to approval of the Executive Director of the State Board of Education, on a competitive basis to LEAs
 - To apply, an LEA will need to submit an application to the California Department of Education (CDE) describing how it will allocate funds and increase either the number of credentialed teachers available for these programs, or enhance the competencies of CSPP, TK, and kindergarten teachers

Preschool, TK, and Full-Day Kindergarten Facilities Grant Program. In addition to the planning grants outlined above, the trailer bills contain language that expands the Full-Day Kindergarten Facilities Grant Program to also include facility expenditures intended for the construction or modernization of CSPP and TK classrooms. The language provides for, in the 2021-22 fiscal year, \$490 million General Fund to be appropriated to the State Allocation Board to provide grants to school districts that lack the facilities to provide TK or full-day kindergarten, or that lack facility capacity to increase CSPP services. As this program already exists in current law, many of the same provisions continue to apply as they pertain to local matching requirements, allowances for financial hardship, and priority order for grant awards. However, given the expansion of the program as proposed in the bill, a few additions to the provisions of the program are important to note. For instance, the bill specifies:

- For a school district seeking a new construction grant for preschool classrooms, the school district shall demonstrate that its existing classrooms, including outdoor play areas and equipment, are insufficient to meet the needs of providing preschool, and that the school district's projected enrollment in the preschool program exceeds the current preschool program classroom capacity at the applicable

schoolsite. A school district shall use both of the following to demonstrate enrollment for purposes of determining eligibility:

- The most recent childcare needs assessment conducted by its regional local planning council for preschool age children
- A current or future contract with CDE to operate a preschool program

Additionally, the bill makes clear school districts cannot use this funding to purchase or install portable classrooms.

The Governor signed the following early childhood bills:

Child Care

[AB 82 \(Ting\) - COVID-19 pandemic emergency: contact tracing: childcare.](#)

This bill, which took effect immediately in February 2021, made several appropriations necessary to implement the Early Action budget.

Chapter 6, Statutes of 2021

[AB 1363 \(Rivas, Luz\) - Preschool: dual language learners.](#)

This bill requires the SPI to include in preschool quality indicators the program activities and services that meet the need of dual language learners for support in the development of their home language and English.

Chapter 498, Statutes of 2021

[SB 393 \(Hurtado\) - Migrant Childcare and Development Programs.](#)

This bill aligns the funding structure for the migrant childcare alternative payment program with other voucher programs by shifting the reimbursement rate for migrant childcare alternative payment programs from the Standard Reimbursement Rate to the Regional Market Rate. This bill also expands reimbursement allowances to include additional costs, and expands the reimbursement for migrant childcare programs from covering only startup and closedown costs, to cover ongoing costs.

Chapter 499, Statutes of 2021

Early Childhood

[AB 382 \(Kamlager\) - Whole Child Model program.](#)

This bill removes labor organizations from the Whole Child Model stakeholder advisory group, and includes recognized exclusive representatives of California Children's Services county providers. The bill also delays the sunset of the advisory group from December 31, 2021 to December 31, 2023.

Chapter 51, Statutes of 2021

[AB 1294 \(Quirk\) - Childcare: individualized county childcare subsidy plans.](#)

This bill, an urgency measure, authorizes the County of Santa Clara to continue its individualized county childcare subsidy plan until July 1, 2023.

Chapter 497, Statutes of 2021

Capitol Advisors Group has produced a set of comprehensive client briefs detailing new education laws that were passed by the Legislature and signed into law by Governor Newsom in 2021. 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, 2022, unless the bill specifically states otherwise.