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## SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

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**Bill No:** AB 26 **Hearing Date:** June 28, 2017  
**Author:** Caballero  
**Version:** May 2, 2017  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Olgalilia Ramirez

**Subject:** Child care and development: child care resource and referral programs: assistance to license-exempt child care providers

**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 requires the California Department of Education to establish and administer a pilot program to support license-exempt providers in the Counties of Monterey, San Benito, Santa Clara, and Santa Cruz.

### BACKGROUND

#### ***Existing law:***

- 1) Establishes the Child Care and Development Services Act to provide child care and development services as part of a coordinated, comprehensive, and cost-effective system serving children from birth to 13 years old and their parents, and including a full range of supervision, health, and support services through full- and part-time programs. (Education Code (EC) § 8200 *et seq.*)
- 2) Defines "child care and development services" to mean services designed to meet a wide variety of children's and families' needs while parents and guardians are working, in training, seeking employment, incapacitated, or in need of respite. (EC § 8208)
- 3) States the intent of the Legislature that all families have access to child care and development services, through resource and referral where appropriate, and regardless of demographic background or special needs, and that families are provided the opportunity to attain financial stability through employment, while maximizing growth and development of their children, and enhancing their parenting skills through participation in child care and development programs. (EC § 8202)
- 4) Requires the Superintendent of Public Instruction to administer general child care and development programs to include, among other things as specified, age-and developmentally-appropriate activities, supervision, parenting education and involvement, and nutrition. Further allows such programs to be designed to meet

- child-related needs identified by parents or guardians, as specified. (EC § 8240 and 8241)
- 5) Requires the Superintendent of Public Instruction to adopt rules and regulations regarding eligibility, enrollment, and priority of services. (EC § 8263)
  - 6) To allow for maximum parental choice authorizes the operation of Alternative Payment Programs (APPs) and provision of alternative payments and support services to parents and child care providers by local government agencies or non-profit organizations that contract with California Department of Education (CDE). (EC § 8220)
  - 7) Establishes rules and requirements for APPs and providers, as contracted agencies with CDE, to observe, including but not limited to accounting and auditing requirements, attendance monitoring requirements, referral requirements where applicable, and reimbursement and payment procedures. (EC § 8220 *et seq.*)
  - 8) Establishes the California Child Day Care Facilities Act, creating a separate licensing category for child day care centers and family day care homes within Department of Social Services (DSS's) existing licensing structure. (Health and Safety Code (HSC) § 1596.70 *et seq.*)
  - 9) Defines "day care center" to include infant centers, preschools, extended day care facilities, and school-age child care centers. (HSC § 1596.76)
  - 10) Defines "family day care home" to mean a home that provides regular care, protection, and supervision for up to 14 children, in the provider's own home, for periods of less than 24 hours per day, as specified. (HSC 1596.78 (a))
  - 11) Requires any person or entity operating, as specified, a child day care facility in California to have a currently valid license. (HSC § 1596.80)
  - 12) Exempts specified child care providers from licensure requirements, as specified. (HSC 1596.792)

## ANALYSIS

This bill:

- 1) Requires the CDE to establish and administer a pilot program in the Counties of Monterey, San Benito, Santa Clara, and Santa Cruz to provide outreach, training, and technical assistance to license-exempt child care providers through the counties' respective local child care resource and referral programs.
- 2) Requires the county resource and referral program to do all of the following:
  - a) Develop a community-based program model to provide training, outreach and technical assistance to license-exempt child care providers, as specified.

- b) Prioritize assisting license-exempt child care providers serving children ages 0 to 5, inclusive.
  - c) For purposes of the training component, to include early childhood development, health and safety, family literacy and professional development pathways.
  - d) Take into account county needs and implementation lessons identified from the Informal Care Training Project, among other things.
- 3) Authorizes the resource and referral program to seek donations or partnerships with private foundations or other philanthropic entities for the purposes of expanding the training opportunities for license-exempt child care providers.
  - 4) Requires each county, on or before January 1, 2020, and on or before January 1, 2022, to provide a report to the California Department of Education and the Legislature on certain demographic and descriptive data related to the pilots for each calendar year which the county operated a pilot program pursuant to this bill, as specified.
  - 5) Defines various terms for the purpose of this bill.
  - 6) Sunsets the provision of this bill on July 1, 2022.
  - 7) Makes legislative findings and declarations related to the prevalence and importance of, and the need to provide support and training to, license-exempt child care providers.
  - 8) Makes Legislative findings and declarations that a special law is necessary and that a general law cannot be made applicable because of the unique circumstances in Monterey, Santa Benito, Santa Clara, and Santa Cruz Counties, as specified.

## STAFF COMMENTS

- 1) ***Need for the bill.*** As reported by the Legislative Analyst's Office, California relies more on license-exempt, care than other states. According to the author License-exempt child care providers lack training and support that can help them provide quality child care. Various studies have revealed that license-exempt providers face unique challenges in accessing resources, information, and early childhood education training.

This bill seeks to create a program that provides access to quality training and support services for license-exempt child care providers in the counties of Monterey, San Benito, Santa Clara, and Santa Cruz.

- 2) ***State-subsidized child care.*** Families may be eligible for state and federally subsidized child care through participation in California Work Opportunity and Responsibility to kids (CalWORKs), or based on income and need for child care services including state preschool. Income eligibility for families that are not

current recipients of CalWORKs is established at 70 percent of state median income as calculated in 2007-2008 (\$42,216 for a family of three) or if they are recipients of child protective services and if they can show a need for child care services.

The state's subsidized child care and development services are delivered to eligible families through two categories of providers, providers with a direct service contract with the California Department of Education (CDE) (licensed Title 5 programs) and Title 22 (Alternative Payment Programs (APP)/vouchers) licensed and licensed-exempt general child care providers. Title 5 child care providers must meet education and training standards that exceed those of Title 22 child care providers (licensed and license-exempt), as well as provide an educational component. The provisions in this bill apply to license-exempt providers.

- 3) ***License-exempt providers.*** License-exempt/home-based child care providers are informal caregivers such as family members. Individuals who care for members of only one other family are also exempt from licensure. This type of care is commonly referred to as family, friend, and neighbor care.
- 4) ***Resource and Referral Programs.*** Eligible families may receive vouchers from an APP and then generally be referred to a local child care resource and referral network. Resource and referral programs help families find child care that best meets their needs, recruit and train child care providers, and collect data from parents and child care providers. Every county in California is served by at least one resource and referral program. The CDE administers the resource and referral state contracts. The roles, responsibilities, and requirements that resource and referral programs are required to meet, are contained in the Education Code, Health & Safety Code, regulations and in the funding terms and conditions developed by the Department of Education.
- 5) ***Informal Care Training Project.*** The Informal Care Training Project, also known as Growing, Learning, Caring, was operational from 2005-2010. Funding and services for the project were provided through the resource and referral network. The Informal Care Training Project sought to ensure that informal caregivers throughout California have access to quality training and support services that are meaningful and culturally relevant. Priority was given to those caregivers who care for children whose parents receive financial assistance for child care.

Local projects adapted to the changing needs of the community by offering support in multiple languages and providing free educational activities tailored to the diverse needs of the areas served. The projects can also help informal caregivers connect with local community services. Technical assistance services include educational home visits and the sharing of games, resources, information, and toys for children in care.

The proposed pilot program seeks to model itself based on the best practices learned from the Informal Care Training Project.

- 6) **Why only certain counties?** The pilot program outlined in this bill solely applies to the specified four counties.

*Given that a similar program operated statewide from 2005-2010 (The Informal Care Project) and therefore already piloted, the committee wish to consider whether the bill should be amended to make its provisions applicable statewide?*

- 7) **Related and prior legislation.**

**AB 300 (Caballero, 2017)** the same counties that would benefit from the provisions in AB 26 are requesting authorization for an additional pilot program related to child care. AB 300 would establish the Monterey County, San Benito County, and Santa Cruz County individualized county child care subsidy plan pilot projects, to sunset 2025, and would make changes to Santa Clara County's subsidized child care pilot program. AB 300 is pending re-referral to the Senate Human Services Committee.

**AB 676 (Limón, 2017)** requires specified child care providers to attend a mandatory occupational safety and health training and requires DSS to compile and share lists of contact information for training attendees and prospective attendees with the entity selected to provide the training. AB 676 is currently awaiting hearing in the Senate Education Committee.

**SB 548 (DeLeón 2015)** would have enacted the Raising Child Care Quality Act to require CDE to offer orientation training including health and safety training, either directly or through contracts, to specified providers in state-funded child care programs, and it would have required CDE to compile and DSS to provide provider contact information to certain provider organizations upon request. It was vetoed by the Governor.

## **SUPPORT**

Monterey County Board of Supervisors

## **OPPOSITION**

California Right to Life Committee, Inc.

-- END --