
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: SB 567
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Consultant: Olgalilia Ramirez
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Fiscal: Yes

Subject: Child care programs: continuity of services

SUMMARY

This bill deems a child who is enrolled in a federal or state funded child care program to be eligible for the remainder of the program year in order to promote continuity of service and includes legislative intent language regarding early learning and child development services.

BACKGROUND

Existing law establishes the Child Care and Developmental 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 including a full range of supervision, health, and support services through full- and part-time programs. (Education Code § 8200, et. seq.)

Existing law states legislative intent that all families have access to child care and development services, regardless of demographic background or special needs, 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, among other things. (EC § 8202)

Existing law requires the Superintendent of Public Instruction to adopt rules and regulations regarding eligibility, enrollment, and priority of services. The Superintendent may extend the 60-day eligibility limit for job-seeking activities, as specified, in order to promote continuity of care. Existing law also requires a physical examination and evaluation for enrollment, as specified. (EC § 8263)

ANALYSIS

This bill:

1. Deems a child who is enrolled in a federal or state funded child care program to be eligible for the remainder of the program year in order to promote continuity of service.
2. States legislative intent that promotes access to specified federal and state funded early learning and educational support services from birth to five years of age, including:

- A. Supporting parent-child relationships, promoting language enrichment, developing curriculum with differentiated instruction, knowledgeable educators and staff, developing appropriate program activities and services, promoting healthy practices, supporting cultural, linguistic and ability diversity, ensuring a safe environment, providing for nutritional needs and physical activity and ensuring access for low-income families.
- B. Support services that include specified referrals related to health care, child abuse prevention, identifying child and family needs, mental health services, parenting education, family and community engagement, counseling, nutrition services and interagency collaboration among state agencies.

STAFF COMMENTS

1. **Need for the bill.** According to the author, families in California that receive state subsidized childcare are certified for 12-months of eligibility, however, they are also required to report changes in circumstances throughout that period which can result in the loss of the child care subsidy. For example, an increase in hourly wages could push a family past the income threshold resulting in termination of service. The author contends that the loss of the child care subsidy can destabilize families, create financial disincentives, and interrupt the continuity of care for children. This bill seeks to guarantee eligibility to families enrolled in subsidized care for the remainder of the program year.
2. **Child Care Eligibility.** Existing law specifies that children are eligible for subsidized child care if the family currently receives aid, meets specified income eligibility requirements, is homeless, or if the child is the recipient of protective services, or has been identified as neglected, abused or exploited (or at risk of such). In addition, the family must be in need of the child care services due to specified social service circumstances, employment training, or other specified needs.

Families are required to report changes in these circumstances throughout their child's enrollment that could disqualify a child from the program. Specifically, state regulations require:

- A. Recertification and eligibility verification of each family/child as follows:
 - (1) Families receiving services because the child is at risk of abuse, neglect, or exploitation are recertified at least once every six months.
 - (2) Families receiving services because of actual abuse, neglect, or exploitation are recertified at least every six months, as specified.
 - (3) All other families are recertified at least once each contract period and at intervals not to exceed 12 months. (5 CCR § 18103)

- B. Families to notify the child care provider (contractor) within five calendar days of any changes in family income, size or the need for service. (5 CCR § 18102)
- C. Documentation to determine continued need and eligibility and any change to fee assessment, if applicable. (5 CCR § 18103)

This bill statutorily deems a child enrolled in a subsidized child care program to remain eligible for the remainder of the program year before they can be terminated. As a result, a child that becomes ineligible during the program year would be allowed to continue to receive federal or state funded child care for the duration of the program year.

- 3. **Child Care and Development Block Grant (CCDBG):** The federal Child Care and Development Block Grant Act of 1990 was reauthorized in 2014. This reauthorization brought about a number of changes aimed at addressing health and safety requirements, quality of care, and consumer and provider education. Among the changes adopted, the reauthorization establishes a 12-month eligibility redetermination period for families, regardless of changes in income (provided income does not exceed 85% of State median income), or temporary changes in participation in work, training, or education activities.

As mentioned in comment 2 in the analysis, state regulations establish a 6-month eligibility redetermination period in some special cases. These provisions call into question whether the state currently meets the federal 12-month eligibility requirement. The Department of Education is seeking a legal opinion to determine if the state qualifies for CCDBG based on current regulations and/or if clarifying language is needed. According to the author's office, this bill moves the state toward meeting the 12-month eligibility requirement by clarifying that families should receive care for a full program year or for the remainder of the program year if a family is offered care after the program year has begun.

- 4. ***Related and prior legislation.***

RELATED LEGISLATION

AB 233 (Lopez, 2015) adopts a 12-month eligibility determination process for subsidized child care and removes certain reporting and administrative requirements. AB 233 is scheduled to be heard in Assembly Education on April 29th.

PRIOR LEGISLATION

SB 1123 (Liu, 2014) would have increased access to infant and toddler care and family support services by establishing grant programs in parent engagement and voluntary home visitation. Additionally the bill would have provided for greater flexibility and allowed services to be tailored to fit community needs including remainder of program year eligibility. SB 1123 was held in the Assembly Appropriations Committee.

SUPPORT

Los Angeles Unified School District

OPPOSITION

None received.

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