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## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

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**Bill No:** AB 6 **Hearing Date:** June 19, 2019  
**Author:** Reyes, and McCarty  
**Version:** April 2, 2019  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Olgalilia Ramirez

**Subject:** Early childhood education: Early Childhood Education Branch.

**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 establishes, on January 1, 2021, the Early Childhood Education Branch within the California Department of Education for purposes of ensuring a holistic implementation of early childhood education programs and universal preschool.

### BACKGROUND

Existing law:

- 1) Establishes the Child Care and Development Services Act, and specifies the purposes as follows:
  - a) To provide a comprehensive, coordinated, and cost-effective system of childcare and development services for children from infancy to 13 years of age and their parents, including a full range of supervision, health, and support services through full- and part-time programs.
  - b) To encourage community-level coordination in support of childcare and development services.
  - c) To provide an environment that is healthy and nurturing for all children in childcare and development programs.
  - d) To provide the opportunity for positive parenting to take place through understanding of human growth and development.
  - e) To reduce strain between parent and child in order to prevent abuse, neglect, or exploitation.
  - f) To enhance the cognitive development of children, with particular emphasis upon those children who require special assistance, including bilingual capabilities, to attain their full potential.

- g) To establish a framework for the expansion of childcare and development services.
  - h) To empower and encourage parents and families of children who require childcare services to take responsibility to review the safety of the childcare program or facility and to evaluate the ability of the program or facility to meet the needs of the child. (Education Code § 8200, 8201)
- 2) Designates the California Department of Education (CDE) as the single state agency responsible for the promotion, development, and provision of care of children in the absence of their parents during the workday or while engaged in other activities which require assistance of a third party or parties. Requires the CDE to administer the federal Child Care and Development Fund. (EC 8206)
- 3) Establishes the federal Child Care and Development Fund (CCDF) and specifies the purpose as follows:
- a) To allow each State maximum flexibility in developing child care programs and policies that best suit the needs of children and parents within that State.
  - b) To promote parental choice to empower working parents to make their own decisions regarding the childcare services that best suits their family's needs.
  - c) To encourage States to provide consumer education information to help parents make informed choices about childcare services and to promote involvement by parents and family members in the development of their children in child care settings.
  - d) To assist States in delivering high quality, coordinated early childhood care and education services to maximize parents' options and support parents trying to achieve independence from public assistance.
  - e) To assist States in improving the overall quality of childcare services and programs by implementing the health, safety, licensing, training, and oversight standards established in this subchapter and in State law (including State regulations).
  - f) To increase the number and percentage of low-income children in high-quality childcare settings.
  - g) To improve childcare and development of participating children. (45 Code of Federal Regulations (CFR) Section 98.1)
- 4) Requires the lead state agency in administering the CCDF funds to:
- a) Maximize parental choice of safe, healthy and nurturing childcare settings through the use of certificates, through grants and contracts, and by providing parents with information about child care programs.

- b) Include in their programs a broad range of child care providers, including center-based care, family child care, in-home care, care provided by relatives, and sectarian child care providers.
  - c) Improve the quality and supply of child care and before- and after-school care services that meet applicable requirements and promote healthy child development and learning and family economic stability.
  - d) Coordinate planning and delivery of services at all levels, including Federal, State, Tribal, and local.
  - e) Design flexible programs that provide for the changing needs of recipient families and engage families in their children's development and learning.
  - f) Administer the Child Care and Development Fund (CCDF) responsibly to ensure that statutory requirements are met and that adequate information regarding the use of public funds is provided.
  - g) Design programs that provide uninterrupted service to families and providers, to the extent allowed under the statute, to support parental education, training, and employment and continuity of care that minimizes disruptions to children's learning and development.
  - h) Provide a progression of training and professional development opportunities for caregivers, teachers, and directors to increase their effectiveness in supporting children's development and learning and strengthen and retain (including through financial incentives and compensation improvements) the childcare workforce. (45 CFR Sec.98.1)
- 5) Requires the Community Care Licensing Division of the Department of Social Services (DSS) to regulate childcare licensees. Specifies that all child care regulatory functions of the licensing division, including the adoption and interpretation of regulations, staff training, monitoring and enforcement functions, administrative support functions, and child care advocacy responsibilities is to be carried out by the child care licensing branch. (Health and Safety Code § 1596.816)

## ANALYSIS

This bill establishes, on January 1, 2021 the Early Childhood Education Branch within the California Department of Education, for purposes of ensuring a holistic implementation of early childhood education programs and universal preschool. Specifically it,

- 1) Replaces the department's Early Learning and Care Division with the Early Childhood Education Branch.
- 2) Provides that the responsibilities of the Early Childhood Education Branch to include all of the following:

- a) Coordinate services with the State Department of Social Services and the California Health and Human Services Agency to ensure that social and health services are provided to children in early childhood education programs.
  - b) Coordinate with local county offices of education to identify key strategies and implement a standardized curriculum.
  - c) Provide leadership and support to contractors and the child development community, ensuring high-quality early childhood education programs are provided.
  - d) Support mixed delivery systems within early childhood education programs.
- 3) States that it is the Legislature's intent to adequately finance the Early Childhood Education Branch when it is established and support the Branch in its efforts to promote alignment with elementary and secondary education staff and systems within the department.

#### STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "California's Early Childhood system currently is governed and administered in silos. Covering everything from childcare to pre-school. Early Childhood Education (ECE) engages with multiple state agencies including the California Department of Education, the California Department of Social Services and the California Department of Health Services. Furthermore, different types of childcare settings from childcare centers to family friends and neighbors (FFN) and a variety of Pre-K and TK options, it is becoming increasingly imperative for centralized governance and coordination of ECE programs. Given the rapid expansion of ECE programs by both the Legislature and the Governor creating a centralized space for this already multi-faceted system helps ensure effective coordination which maintains high-quality ECE programs for our children and families. While there is an existing office which aims to do most of these tasks within CDE entitled the Early Learning and Care Division, the dramatic expansion requires this office be elevated to branch status, rather than Division, to ensure adequate numbers of staff and authority in implementing and overseeing the diverse array of ECE programs."
- 2) ***Is restructuring the department necessary?*** The existing office responsible for early childhood education at the department is the Early Learning and Care Division which provides leadership and support to contractors and the child development community and seeks to ensure high quality early education programs are provided to children ages birth to 13 years. This division falls under the Teaching and Learning Support Branch, which supports six other divisions including English Learner Support and Special Education.

This bill seeks to promote the Early Learning and Care to branch status within the department's organizational structure. It's unclear what the issues are with the current structure or whether establishing a new branch is necessary to meet

the intended goal. Concerns have been raised regarding setting a precedent of the Legislature dictating the organizational structure and staffing for a department headed by a constitutional officer.

- 3) ***State level governance of early childhood education programs.*** A multitude of state agencies are involved in the health, well-being, and education of young children. These include:
- a) The California Department of Education is the lead agency for purposes of administering the federal Child Care and Development Fund grant program, which accounted for \$857 million in 2018-19. The total child care and preschool budget in 2018-19 was \$3.81 billion (excluding Transitional Kindergarten), the bulk of which is administered through CDE, including the following programs:
    - CalWORKs child care Stages 2 & 3
    - General Child Care
    - Alternative Payment Program (voucher-based)
    - California State Preschool Programs
    - Other child care support programs
  - b) The Department of Social Services (DSS) is the lead agency for licensing and inspecting childcare facilities. DSS also administers the CalWORKs Stage 1 childcare program, and other support programs.
  - c) The California Department of Health Care Services (DHCS) Children's Medical Services (CMS) Branch provides a comprehensive system of health care for children through preventive screening, diagnostic, treatment, rehabilitation, and follow-up services. The CMS Branch carries out this mission through a variety of programs meeting specific health care needs of targeted population.
  - d) The California Department of Public Health (CDPH) administers the Women, Infants, & Children Program (WIC), which assists families by providing nutrition education, breastfeeding support, vouchers for healthy foods, and referrals to healthcare and other community services. The Immunization Branch of CDPH provides leadership and support to public and private sector efforts to protect the population against vaccine-preventable diseases, including childcare centers.
- 4) ***Assembly Blue Ribbon Commission recommendation related to governance.*** The Assembly Blue Ribbon Commission held a hearing on March 11, 2019 in its final report regarding development of an early learning system that meets the needs of children, families, and providers. The commission asserts that the current funding for the system is outdated and the need for access to childcare continues to grow. The report provides numerous recommendations for topics within early childhood education, some of which relate to state's governance structure. Recommendations related to early childhood education governance include, among other things; 1) establish an inclusive early childhood

policy council to advise state decision makers; 2) establish an augmented Division or Office for Early Childhood Education in the Department with sufficient resources and; 3) staff to implement recommendations, align administration and coordinate services establish an Interagency Agency Workgroup to implement changes and coordinate among agencies its recommendations notes that the commission concurs.

- 5) ***Fiscal effect.*** According to the Assembly Appropriations Committee, “ongoing General Fund costs in the high hundreds of thousands of dollars to low millions of dollars annually to create a new branch in the California Department of Education (CDE). Costs would include hiring a deputy superintendent to head the branch and likely hiring several staff to support the deputy superintendent. Because many of the duties required by this bill currently are performed by the Early Learning and Care division, some of costs would be absorbable. To the extent the branch performs additional duties, or creates various divisions with directors under the branch as current branches have, there will be costs to hire staff to perform the activities.”
- 6) ***Related budget activity.*** The Governor’s 2019-20 Budget proposes \$1.7 million in non-Proposition 98 General Fund for CDE to add 12 new positions to its Early Learning and Care Division. In addition, the conference committee to action to approve \$1 million. The budget proposal is silent on the creation of a new branch within the department.

## **SUPPORT**

Alliance for Children’s Rights  
 American Academy of Pediatrics  
 American Civil Liberties Union of California  
 California Academy of Child and Adolescent Psychiatry  
 California Alliance of Child and Family Services  
 California Alternative Payment Program Association  
 California Family Resource Association  
 California State PTA  
 California Teachers Association  
 Child Abuse Prevention Center  
 Child Care Law Center  
 Child Care Resource Center  
 Consortium for Early Learning Services  
 First 5 California  
 San Francisco Child Care Planning and Advisory Council  
 The Child Abuse Prevention Center  
 Union Leagues of California State Public Affairs Committee

## **OPPOSITION**

California Right to Life Committee

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