

Date of Hearing: April 24, 2024

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 2949 (Rendon) – As Amended March 21, 2024

[Note: This bill was double referred to the Assembly Human Services Committee and was heard by that Committee as it relates to issues under its jurisdiction.]

SUBJECT: Family childcare home education networks

SUMMARY: Codifies, clarifies, and expands the duties and responsibilities of family childcare home education network (FCCHEN) contractors and affiliated family childcare home providers. Specifically, **this bill:**

- 1) Requires a FCCHEN contractor to, in addition to existing duties, to:
 - a) Develop and implement a plan for timely payment to providers;
 - b) Use assessment tools appropriate to family childcare home settings to assess the educational quality of the program offered in each family childcare home;
 - c) Ensure completion by a provider of a folder, known as a developmental profile, for each child enrolled in the program that includes a child's work product, including the following:
 - i) In consultation with the provider, complete the developmental child assessment profile selected by the DSS; and
 - ii) Ensure that the developmental profile is completed using the developmental portfolio maintained by the provider, including provider observations of the child, and is signed by the contractor's child development specialist.
 - d) Conduct a parent survey and ensure that parent conferences are offered to the parents of each enrolled child. Clarifies that parents may decline a parent conference;
 - e) Monitor each family childcare home affiliated with the network to ensure that basic health, nutrition, and quality standards are met;
 - f) Support the affiliated providers in meeting the standards for program quality by reviewing, observing, and assessing the providers' program components;
 - g) Maintain a signed, written agreement with each affiliated provider and an authorized representative of the FCCHEN, including, but not limited to, all of the following:
 - i) The provider's status as an independent contractor with the FCCHEN;
 - ii) The provider's nondiscrimination policy; and
 - iii) The established reimbursement rates.

- 2) Clarifies that a FCCHEN contractor is not required to maintain a parent advisory committee.
- 3) Requires a provider in a FCCHEN to adopt and use a curriculum or curricula of their choosing appropriate for the age of the children in the home.
- 4) Authorizes the FCCHEN contractor to adopt a policy limiting the curricula acceptable within the network to ensure educational quality for the children served, requires the policy to include at least three curricula, and authorizes the contractor to approve provider-developed curricula if they are educational and age appropriate.
- 5) Requires a provider in a FCCHEN to do all of the following:
 - a) Provide age-appropriate and developmentally appropriate educational activities for children;
 - b) Provide care and supervision of children;
 - c) Provide parenting education to parents, which may include, but is not limited to, general program information, formal or informal parent conferences and the exchange of information about the development, needs, and skills of the parents' children;
 - d) Identify child and family social service or health needs and share those needs with the family childcare home education network FCCHEN contractor;
 - e) Provide nutrition that is consistent with standards of the federal Child and Adult Care Food Program (CACFP) of the United States Department of Agriculture (USDA);
 - f) Work in consultation with the contractor to complete the developmental profile for each child, including doing all of the following:
 - i) Maintain a developmental portfolio for each child that includes items produced by the child, and share the portfolio with the contractor for purposes of departmental review;
 - ii) Maintain observations and other documentation of the child's skills; and
 - iii) Conduct or participate in parent conferences per contractor policies.
 - g) Provide the contractor with copies of all citations issued to the provider by the Community Care Licensing Division (CCLD) of the DSS within five calendar days of the issuing date of the citation.
- 6) Authorizes a provider to encourage parent involvement in the provider's FCCHEN and clarifies that a provider is not required to maintain a parent advisory committee.
- 7) Technical and conforming changes.

EXISTING LAW:

- 1) Establishes the “Early Education Act” to provide an inclusive and cost-effective preschool program that provides high-quality learning experiences, coordinated services, and referrals for families to access health and social-emotional support services through full- and part-day programs and provides that all families have equitable access to a high-quality preschool program, regardless of race or ethnic status, cultural, religious, or linguistic background, family composition, or children with exceptional needs. (Education Code (EC) 8200)
- 2) 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 including a full range of supervision, health, and support services through full- and part-time programs. (Welfare and Institutions Code (WIC) 10270)
- 3) Defines “FCCHEN” as an entity organized under law that contracts with the California Department of Education (CDE) to make payments to licensed family childcare home providers and to provide educational and support services to those providers and to children and families eligible for California state preschool program (CSPP) services. (EC 8205)
- 4) Defines “family childcare home education network” to mean an entity organized under law that contracts with the DSS to make payments to licensed family childcare home providers and to provide educational and support services to those providers and to children and families eligible for state-subsidized childcare and development services. (WIC 10213.5)
- 5) Defines “family daycare home” as a facility that regularly provides care, protection, and supervision for 14 or fewer children in the provider’s own home for less than 24 hours per day. A large family daycare home is licensed to serve 7 to 14 children, and a small family daycare home is licensed to serve 8 or fewer children. (Health and Safety Code (HSC) 1596.78)
- 6) Requires the Department of Social Services (DSS), with funds appropriated for this purpose, to contract with entities organized under law to operate FCCHENs that support educational objectives for children in licensed family child care homes that serve families eligible for subsidized child care. (WIC 10250)
- 7) Requires FCCHEN programs to include, but are not limited to, all of the following:
 - a) Age and developmentally appropriate activities for children;
 - b) Care and supervision of children;
 - c) Parenting education;
 - d) Identification of child and family social or health needs and referral of the child or the family to the appropriate social or health services;
 - e) Nutrition;

- f) Training and support for the FCCHEN's family childcare providers and staff;
 - g) Assessment of each family childcare provider to ensure that services are of high quality and are educationally and developmentally appropriate;
 - h) Developmental profiles for children enrolled in the program; and
 - i) Parent involvement. (WIC 10250)
- 8) Requires contractors operating through a FCCHEN to do all of the following:
- a) Recruit, enroll, and certify eligible families;
 - b) Recruit, train, support, and reimburse licensed family childcare home providers;
 - c) Collect family fees in accordance with contract requirements;
 - d) Assess, according to standards set by the CDE or DSS, the educational quality of the program offered in each family childcare home in the network;
 - e) Assure that a developmental profile is completed for each child based upon observations of network staff, in consultation with the provider;
 - f) Monitor requirements, including quality standards, and conduct periodic assessments of program quality in each family childcare home affiliated with the network;
 - g) Ensure that basic health and nutrition requirements are met; and
 - h) Provide data and reporting in accordance with contract requirements. (EC 8223, WIC 10251)
- 9) Requires each FCCHEN contractor (under CDE) to ensure that their staff have sufficient training to successfully accomplish the requirements described in #6 above. (EC 8223)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, "It's vital that family childcare home education networks (FCCHENs) have clear responsibilities and uniform standards as to the education and care of California's kids. AB 2949 will codify best practices and standards for FCCHEN providers and contractors, allowing for a better, more consistent quality of care across these home education facilities."

What is a FCCHEN? FCCHENs have operated in California since the 1970s but were not codified until the enactment of AB 379 (Mullin), Chapter 897, Statutes of 2004. A FCCHEN is a group of family childcare home providers within a network administered by a contractor, such as an Alternative Payment Program (APP) agency or local education agency (LEA). FCCHENs provide additional quality support to affiliated family childcare home providers, who are small

business owners, including training and professional development, technical assistance, coaching and mentoring, and a supportive community.

FCCHENs are one component of the state's mixed delivery early care and education system. DSS had 73 FCCHEN contractors serving 1,693 providers and 10,374 children in the 2021-22 fiscal year. CDE has five CSPP FCCHENs serving 113 providers and 151 children.

According to the author, existing law lacks clarity and consistent standards for the administration and implementation of FCCHENs. As a result, FCCHEN contractors and providers cannot be held to uniform expectations, which can lead to drastically different outcomes in the quality of care for children in these settings.

Blue Ribbon Commission supports FCCHENS. The final report of the Assembly Blue Ribbon Commission on Early Childhood Education, issued in April 2019, includes a recommendation to expand support for and participation in FCCHENs to expand quality care options for families and provide a system of ongoing support to providers in order to improve quality by ensuring the following:

- Assessment tools are evidence-based and appropriate to family childcare home settings;
- Developmental profiles are realistic for family childcare settings and include a child's work product and observations of the child;
- Providers provide opportunities for parent involvement and offer parent conferences;
- Contractors employ at least one child development specialist who has educational qualifications equivalent to a child development teacher permit, to provide training, technical assistance, and coaching to providers;
- Contractors develop and implement a plan for timely payment to providers;
- Contractors monitor each family childcare home affiliated with the network to ensure that requirements are met, including, but not limited to, basic health, nutrition, and quality standards; and
- Contractors offer providers at least 12 hours annually of training and technical assistance in group or individual settings, including age- and developmentally appropriate educational practices and activities for children.

This bill would implement many of these recommendations by codifying many of the practices currently occurring in FCCHENs and thereby ensuring consistent standards for contractors and clear expectations for providers to meet, in order to improve the quality of the childcare provided.

Arguments in support. The Child Care Resource Center writes, "AB 2949 would create statewide consistency for the administration of FCCHENs and comprehensive program wrap supports. FCCHENs are community-based networks of family child care providers. These family childcare providers receive support from state funded contract agencies. FCCHENs offer a

promising model for the State to increase and improve the supply of quality family childcare options in California.

Family childcare meets the unique needs of many families. Family childcare homes offer a warm and nurturing childcare setting for children ages 0-13 while also providing the opportunity for rich learning. Family childcare homes are largely located in residential neighborhoods, making them a convenient and familiar choice for families. They can serve less densely packed communities that lack the critical mass for center-based childcare programs and might otherwise become childcare deserts. Many family childcare providers offer care during non-traditional hours, such as evenings and weekends, and flexibility for families with variable schedules. In a recent survey of parents working non-traditional hours, parents with a family childcare provider reported greater satisfaction with their childcare arrangement than parents with center-based or license-exempt care. (California Child Care Resource & Referral Network, 2019)

FCCHENs offer an opportunity to increase the quality of childcare environments through training and coaching provided by the network contractor. Research shows that family childcare providers affiliated with a community-based, agency-run support network offer significantly higher quality care than unaffiliated providers (Herr Research Center for Children and Social Policy, 2009). In addition, FCCHENs offer a community of support to providers who operate small, independent businesses and often deal with issues related to isolation. Networks offer both peer and professional support as well as a community of practice to support providers in reaching the best quality of care in their program.”

Related legislation. AB 1038 (Rendon) of the 2023-24 Session would have imposed requirements on FCCHEN programs, contractors, and affiliated providers to ensure assessments are appropriate to family childcare home settings, curricula are age and developmentally appropriate, and quality standards are met. This bill is inactive on the Senate Floor.

AB 2001 (Reyes) of the 2017-18 Session would have codified the duties and responsibilities of FCCHEN contractors and providers. This bill was held in the Senate Appropriations Committee.

AB 598 (Calderon) of the 2015-16 Session would have codified, clarified, and standardized the duties and responsibilities of FCCHEN contractors and providers. This bill was held in the Senate Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Child Care Resource Center

Opposition

None on file

Analysis Prepared by: Debbie Look / ED. / (916) 319-2087