

Date of Hearing: April 24, 2019

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 1001 (Ting) – As Amended April 12, 2019

[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: Child care: strategic planning councils

SUMMARY: Updates the composition and duties of local planning councils (LPCs), renames them strategic planning councils, and defines requirements of these councils to collect local input and facilitate local decision-making regarding early childhood education (ECE) services and to guide local and statewide ECE investments, through the more effective collection and sharing of data between local and statewide agencies. Specifically, **this bill:**

- 1) Replaces the term “local child care and development planning council” with “strategic planning council.”
- 2) Adds to Legislative intent language regarding local child care and development planning councils the intent that such councils seek to create a local system of support for child care.
- 3) Removes the requirement that the county board of supervisors and the county superintendent of schools select the members of the local planning council and establish the term of appointment of the members.
- 4) Requires the strategic planning council to include all of the following:
 - a) One representative from a resource and referral agency or an alternative payment provider in the county, to be appointed by majority vote of all resource and referral agencies and alternative payment providers in the county.
 - b) One representative from the local First 5 county commission.
 - c) One representative from the county office of education.
 - d) One representative from a school district that provides transitional kindergarten within the county.
 - e) One representative from the board of supervisors.
 - f) One representative from the county human services department.
 - g) One representative from the parent advisory committee, appointed by a majority vote of the members of the parent advisory committee.
 - h) One representative from the provider advisory committee, appointed by a majority vote of the members of the provider advisory committee.

- i) One representative of a local postsecondary educational institution that receives state or federal funds and offers a degree, training, or professional development courses in child care, child development, or preschool; who is appointed by a majority vote of the other members of the council.
 - j) Other local government agencies, such as health, human services, social services, regional centers, school districts, and special education local plan areas (SELPA), that provide services to children from birth to 12 years; who may be appointed at the discretion of the other members of the council.
- 5) Specifies that one individual may represent more than one of the categories identified in subparagraphs (a) to (h) of paragraph (3).
- 6) Requires that the members of the strategic planning council serve a term of three years, with the exception of members identified in subparagraphs (a), (e), and (f), who are required to serve for one term.
- 7) Requires the parent advisory committee to be comprised of consumers to include, but not be limited to, the following members:
- a) One consumer who receives services from a family child care home provider or a family, friend, and neighbor provider.
 - b) One consumer who receives services from a child care center provider.
 - c) One consumer who receives services from a transitional kindergarten provider.
- 8) Authorizes the provider advisory committee to include, but not be limited to, the following members:
- a) One family child care home provider or a family, friend, or neighbor provider.
 - b) One child care provider licensed pursuant to Title 5 regulations.
 - c) One child care provider licensed pursuant to Title 22 regulations.
 - d) One Head Start provider.
 - e) One representative from a labor union that represents child care providers in the county.
- 9) Authorizes the county board of supervisors and the county superintendent of schools to mutually agree to merge the strategic planning council and the Quality Rating and Improvement System (QRIS) local consortia, as defined, as long as it can achieve the representation, as specified.
- 10) Authorizes the county boards of supervisors and the county superintendents of schools in two or more contiguous counties to mutually agree to merge their strategic planning councils, as long as it can achieve the representation, as specified.
- 11) Requires, if two or more counties merge their strategic planning councils, the strategic planning council to make every effort to ensure that meetings and stakeholder forums are

accessible to consumers and providers in all of the relevant counties. Specifies that this may be achieved by alternating the location of meetings between the counties, hosting meetings at a central point between the counties, or live broadcasting strategic planning council meetings at multiple locations within the counties.

- 12) Requires the strategic planning council to submit to the California Department of Education (CDE), upon approval by the county board of supervisors and the county superintendent of schools, its local priorities, identified by ZIP Code and prioritized by the strategic planning council according to the greatest child care needs in the county, by May 30 of each year.
- 13) Requires the strategic planning council to do both of the following in the development of the annual local priorities, identified above:
 - a) Encourage public input in the development of the strategic planning council's local priorities, including at least one public hearing, during which members of the public can comment on the proposed priorities.
 - b) Collaborate with subsidized and nonsubsidized child care providers, specified local government agencies, community agencies, and other interested partners to foster partnerships designed to meet local child care needs.
- 14) Requires a strategic planning council to conduct a needs assessment of child care needs in the county at least once every five years, and to submit it to the CDE by May 30 of each year in which it is due.
- 15) Requires the CDE to define and prescribe data elements to be included in the needs assessment, to specify the format for the data reporting, and to develop a needs assessment template in collaboration with the strategic planning councils.
- 16) Requires the strategic planning councils, beginning in 2020, to use the needs assessment template developed by the CDE, in submitting their needs assessments.
- 17) Requires the Department of Social Services (DSS), the California Department of Public Health (CDPH), local departments of social services and welfare, local regional centers, SELPAs, and local resource and referral agencies, to provide to the CDE the information necessary for the strategic planning councils to complete the needs assessment. Requires the CDE to share data and information necessary to complete the needs assessment with strategic planning councils and counties implementing individualized county child care subsidy plans, as specified.
- 18) Requires, on or before March 30, 2020, and every three years thereafter, a strategic planning council to develop and submit to the county board of supervisors and the county board of education a strategic plan and investment priorities using the template adopted by the CDE and First 5 California in collaboration with the strategic planning councils. Requires, before the strategic plan and investment priorities are submitted for approval, the strategic planning council do all of the following:
 - a) Post the most recent needs assessment developed, as specified, on the strategic planning council's website and share the needs assessment with all school districts in the county no

later than January 1 of each year in which a strategic plan and investment priorities will be submitted.

- b) Seek input from the relevant parent advisory committee and the provider advisory committee.
 - c) Identify existing publicly owned facilities that could house a child care program and periodically survey school districts, county offices of education, and city and county governments to identify sites that could house a child care program and the modifications that each site would need to meet child care health and safety requirements.
 - d) Encourage public input in the development of the strategic plan and investment priorities, including at least one public hearing during which members of the public can comment on the proposed strategic plan and investment priorities before submission to the county board of supervisors and the county board of education.
- 19) Requires the strategic plan to address facility needs, workforce needs, family access, and quality and transition planning; and to include the investment priorities for the county board of supervisors, the county board of education, and the Legislature.
- 20) Requires the county board of supervisors and the county board of education to hold public hearings on the proposed strategic plan and investment priorities at a regularly scheduled meeting, before adoption of the strategic plan and investment priorities and may be no sooner than three days after the proposed strategic plan and investment priorities are posted on the strategic planning council's website. Requires the county board of supervisors and the county board of education to each approve the strategic plan and investment priorities no later than July 1 of each year in which a strategic plan and investment priorities are submitted.
- 21) Requires the strategic plan and investment priorities to be effective for a period of three years and to be updated each intervening year by March 30.
- 22) Requires at least twice each year, a strategic planning council to convene a forum for stakeholders to provide input to and receive updates from the QRIS local consortium.
- 23) Requires a strategic planning council to work with the county office of education, SELPAs, and the school districts and regional centers in the county to facilitate the transition of children with exceptional needs into the K–12 system.
- 24) Specifies that the operation of this section is contingent upon an appropriation in the annual Budget Act for these purposes.
- 25) Expresses the intent of the Legislature that any additional conditions imposed upon strategic planning councils shall be funded from available federal funds to the greatest extent legally possible.
- 26) Makes other technical and clarifying changes.

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 including a full range of supervision, health, and support services. (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 and states that these services may include direct care supervision, instructional activities, resource and referral programs, and alternative payment arrangements. (EC 8208)
- 3) States Legislative intent that LPCs provide a forum for the identification of local priorities for child care and the development of policies to meet the needs identified within those priorities. (EC 8499.3)
- 4) Requires the county board of supervisors and county superintendent of schools to select the members of the LPC and establish the term of appointments for those members, and requires the LPC to have consumers, child care providers, public agency representatives, community representatives, and agency appointees, each representing 20 percent of the membership, as specified. (EC 8499.3)
- 5) Requires every effort to be made to ensure that the ethnic, racial, and geographic composition of the LPC is reflective of the ethnic, racial, and geographic distribution of the population of the county. (EC 8499.3)
- 6) Permits the board of supervisors and county superintendent of schools to designate an existing child care planning council or coordinated child and family services council as the LPC, provided representation requirements are met, as specified. (EC 8499.3)
- 7) Requires each LPC to develop and implement a training plan to provide increased efficiency, productivity, and facilitation of LPC meetings, as specified. (EC 8499.3)
- 8) Requires an LPC to, upon approval by the county board of supervisors and the county superintendent of schools, submit the local priorities it has identified that reflect all child care needs in the county to CDE by May 30 of each year. (EC 8499.5)
- 9) Requires an LPC to, in order to meet its obligation of annually submitting local priorities to CDE, carry out a number of activities including, among others: conducting an assessment of child care needs in the county at least once every five years; encouraging public input in the development of the priorities, including through at least one public hearing; and, preparing a comprehensive countywide child care plan designed to mobilize public and private resources to address identified needs, as specified. (EC 8499.5)
- 10) Requires CDE, with specified exceptions, to allocate funding within each county in accordance with the priorities identified by the LPC of that county and submitted to the CDE, unless the priorities do not meet the requirements of state or federal law. (EC 8499.5)

FISCAL EFFECT: The Office of Legislative Counsel has keyed this as a possible state-mandated local program.

COMMENTS

Need for the bill. According to the author, “The Speaker’s Blue Ribbon Commission has identified improving local planning, data collection, and coordination as a critical step for the expansion of early childhood education (ECE) programs in California. AB 1001 refreshes the existing Local Planning Councils to make their membership reflect the broader world of ECE stakeholders and provides these entities with more direction and data to allow the State expansions to these programs to be better informed by local child care needs assessments.”

Local planning councils. Each county in California has an LPC. These LCPs are designed to provide a forum for the identification of local priorities for child care, and the development of policies to meet the needs identified within those priorities. State law requires the county board of supervisors and county superintendent of schools to select the members of the LPC and to establish the term of appointments for those members, and requires the LPC to have consumers, child care providers, public agency representatives, community representatives, and agency appointees each represent 20% of the LPC’s membership. LPCs are charged with a number of responsibilities, including: conducting an assessment of child care needs at least once every five years, preparing local comprehensive countywide child care plans that are designed to mobilize public and private resources to address identified needs, and encouraging local input into development of community-level priorities.

LPCs were first established in California in the early 1990s, with the adoption of AB 2141 (Speier) which created local planning processes in response to the federal adoption of the Child Care and Development Block Grant (CCDBG) program in 1991. The creation of local planning councils, was intended to ensure the inclusion of local voices when determining priorities for allocation of CCDBG dollars. LPCs were formalized in 1997 with the adoption of AB 1542 (Ducheny).

California has a complex system of early childhood programs. California’s system of subsidized early care and education (ECE) is made up of a complex system of programs serving children from birth through 13 years, funded through a mix of federal and state dollars, and administered through a mixed delivery system by local education agencies, and community-based providers. The major direct service ECE programs include, but are not limited to, the programs listed on the next page.

| Program | Description | 2018-19 Enrollment |
|---|--|---|
| General Child Care | Provided through contracted centers and family child care home networks that are administered through private or public agencies and offer child care, education, and development services. | 28,427* |
| Alternative Payment Programs (APPs) | Offers families vouchers that allow them to choose their own child care in either centers, family child care homes, or license-exempt settings. | 47,526* |
| California Work Opportunity and Responsibility to Kids (CalWORKs) | For parents who receive or have received CalWORKs. CalWORKs child care can be provided in centers, family child care homes, or license-exempt settings and is paid for using vouchers. Stage 1 is administered by DSS and Stages 2 & 3 are administered by CDE. | 141,837* |
| California State Preschool Program (CSPP) | Provides both part-day and full-day services to eligible three- and four-year-olds, including: developmentally appropriate curriculum, parent education, and meals and snacks. CSPP can be offered in various settings, including child care centers, family child care network homes, school districts, or county offices of education. | 168,478* |
| Head Start | A national program providing comprehensive developmental services for low-income children from birth to entry into elementary school. California's Head Start program is the largest in the nation. | Estimated at more than 100,000 children |

*Based upon the 2018-19 Governor's Budget.

Lack of capacity to provide ECE services to eligible children. A 2017 report by the Learning Policy Institute, "Understanding California's Early Care and Education System" examined the need for child care and the capacity of the system to meet that need. They note that it is difficult to gain an accurate count of the number of unique children served in each program for a number of reasons. Children enter and leave programs throughout the year and due to a lack of a unique child identifier, these children may be counted multiple times. Many children receive service from multiple programs simultaneously for different parts of the day and thus may again be counted more than once.

In addition, due to a lack of a statewide eligibility database, it is difficult to identify the total number of children and families eligible for care or the number of children and families currently waiting for care. Based upon data from the American Institute of Research, the California Child Care Resource Center provides estimates on the share of children eligible for subsidized child care programs who are currently being served in California:

| Age group | Number of income eligible children (70% of SMI) | Eligible children served in subsidized programs |
|-------------|---|---|
| 0 | 212,871 | 5% |
| 1-year-olds | 238,869 | 6.5% |
| 2-year-olds | 245,574 | 9% |
| 3-year-olds | 255,327 | 35% |
| 4-year-olds | 260,408 | 67% |

Statewide, approximately 67 to 69 percent of eligible four-year-old children are served, while less than 10 percent of eligible children from birth-2 years are currently being served in California’s subsidized early care and education programs. These figures vary significantly from one county to another.

Assembly Blue Ribbon Commission on Early Childhood Education (BRC): The BRC was established with the intent to “plan an early learning system that works for and meets the needs of children, families, and providers.” The BRC, consisting of members appointed from the Assembly and stakeholders, began its work in early 2017, holding quarterly hearings and establishing subcommittees. Quarterly hearings and subcommittee meetings continued during 2018, and work was done to develop BRC recommendations. On March 11, 2019, draft recommendations were released, including the following, relevant to this bill:

- Each region, county or sub-county should have an effective local coordinating body that does local needs assessments, that collects data, identifies equity goals and implementation for targeted resources and policies, that supports local innovation, coordinates local partnerships, and evaluates local efforts. This body should have robust parent and provider as well as agency, Tribal and local government involvement. They should be linked to state bodies. The state should adequately support these bodies including stipends for parents and providers to participate.
- Ongoing data collection and mapping should identify geographic disparities and child care deserts on an ongoing basis and develop proposals with an equity lens to incentivize creation of supply particularly in child care deserts. New funding should be directed to areas of greatest need and we should consider contracts and other incentives to develop resources in areas with little supply.
- Decrease barriers to linking administrative data across systems and build on existing administrative data systems to provide timely data on the array of federal, state and locally funded programs serving families with young children. Use linked administrative data to support cross-agency planning, inform decision-making and guide resource allocation based on key outcomes for children.

Arguments in support. Supporters state that as California contemplates the expansion of ECE, the state lacks a comprehensive data system to inform, and a local planning infrastructure to

support, new investments in the state's mixed delivery system. In 1997, the LPCs were established to bring together ECE agencies, parents, and stakeholders in each county to identify local child care needs and priorities. LPC's funding and structure has not kept pace with the changing needs of families and relevant state and federal laws. AB 1001 would ensure that all agencies who operate or support ECE programs are included in local decision-making, align the local planning body with the newly created Quality Counts California, institutionalize the relationship between ECE providers, K-12 providers, and higher education, and give counties the flexibility to merge and align quality investments and planning efforts to maximize the number of children receiving services.

Recommended amendments. Staff recommends that the bill be amended to:

- 1) Require every member of the strategic planning council to serve a three-year term.
- 2) Add a requirement that a tribal government representative, a parent of a children with special needs, and an after school consumer be included on parent advisory committees.
- 3) Add a requirement that providers experienced in full inclusion of children with special needs be included on the provider advisory committees.
- 4) Provide flexibility in the composition of committees, including allowing other representatives to be included at the discretion of the council.
- 5) Amend the appointment process for specified members of the council to provide clarity on the appointment process and ensure that the COE and Board of Supervisors continue to be invested in the Council.
- 6) Remove the requirement that the First 5 California adopt the strategic plan template to be developed by the CDE, and instead require the CDE to collaborate with First 5 California.
- 7) Amend the start date for the new needs assessment and strategic plan to 2021 to allow time for the CDE to collaborate with stakeholders on the strategic plan template.

Prior and related legislation.

AB 124 (McCarty) of this Session requires LPCs to provide information to cities and counties regarding facility needs for early childhood education, including but not limited to, childcare and preschool, in their jurisdictions. This bill is pending before this Committee.

SB 192 (Liu) of the 2013-14 Session would have required, LPCs to develop a draft of local priorities for early learning and educational support program funding that considers the resources currently available in attendance areas of elementary schools ranked in deciles 1 to 3, inclusive, of the Academic Performance Index. Also would have required that the CDE to allocate funding within each county in accordance with the priorities identified by the LPC of that county unless the priorities do not meet the requirements of state or federal law. This bill was held in the Assembly Appropriations Committee.

AB 1542 (Ducheny) Chapter 270, Statutes of 1997 established Local Planning Councils, among other things.

AB 2141 (Speier), Chapter 1187, Statutes of 1991 created local planning processes in response to the federal adoption, in 1991, of the CCDBG program.

REGISTERED SUPPORT / OPPOSITION:

Support

California Child Care Coordinators Association
California County Superintendents Educational Services Association
Child Care Coordinating Council of Nevada County
El Dorado County Office of Education
First 5 San Francisco
First 5 San Mateo County
Kidango
Lake County Child Care Planning Council, Lake County Office of Education
League of Women Voters of California
Riverside County Office of Education
San Bernardino County Superintendent of Schools
San Francisco Child Care Planning and Advisory Council
San Mateo County Office of Education
Santa Clara County Office of Education
Santa Cruz County Childhood Advisory Council
UDW/AFSCME Local 3930
Numerous individuals

Opposition

None on file.

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