

Date of Hearing: April 24, 2019

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 124 (McCarty) – As Amended April 22, 2019

SUBJECT: Childcare: local planning councils

SUMMARY: Requires local planning councils (LPCs) to provide information to cities and counties regarding the need for early childhood education facilities. Specifically, **this bill:**

- 1) Requires local planning councils 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.

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 local child care and development planning councils 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 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 the California Department of Education (CDE) by May 30th of each year. (EC 8499.5)

- 9) Requires an LPC to, in order to meet its obligation of annually submitting local priorities to the CDE, carry out a number of activities including: 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 the 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, “Early learning facilities are crucial to the early childhood education (ECE) ecosystem. Without facilities, children cannot be served, even if the slots are available. California has made great strides in the last four years with expanding access to ECE in the budget process. LPCs support the overall coordination of child care services in counties. These councils play a significant role in determining how dollars are allocated for slots, compensation, and facilities. Through their hard work, they identify needs and gaps in all of the various facets that involve early learning services. They also provide recommendations if problems need solutions. In order to make ECE slots viable and sustainable, California needs spaces to house these programs. AB 124 provides a first step in expanding facilities by requiring LPCs to share ECE facilities needs data with city and county governments, who can prioritize these needs.”

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 percent 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).

State of ECE facilities infrastructure. According to a 2019 policy brief by the Advancement Project, titled “Building California’s Future: Tackling the Facilities Challenge for our Youngest Learners”, California has nearly three million children under the age of six, yet the current ECE facilities infrastructure has the capacity to serve less than a quarter of these children. They report that California has 522,462 licensed childcare center seats for children ages two through five, plus 90,707 transitional kindergarten (TK) seats, leaving 1,401,331 children ages two through five without an available licensed childcare center or TK seat. The situation is more dire for children under the age of two, as the state only has 47,443 licensed childcare center seats for children ages birth through two, leaving 921,525 infants and toddlers without access. They suggest that 94 percent of infants and toddlers from income-eligible families do not currently have access to subsidized childcare.

The Advancement Project brief states that licensed family child care homes have seats for 283,544 children from birth through twelve and are a critical piece of the facilities puzzle in meeting the needs of children and families. These facilities tend to provide more affordable and flexible care options for families, as 41 percent offer evening, weekend, or overnight care.

Challenges to building the necessary ECE infrastructure. There are significant challenges to addressing the ECE infrastructure shortage in California including, but not limited to, the following:

- Available land to construct childcare centers or homes to operate family childcare programs may be in short supply in certain areas of the state.
- The cost of constructing facilities designed specifically for young children is relatively high compared to standard commercial space.
- Low reimbursement rates limit the ability of many childcare providers to be able to repay facilities loan funding.
- Land use and regulatory barriers present challenges to childcare providers, including zoning requirements, permitting approval processes, land use regulations, and the costs of application and permit fees.
- Most childcare providers lack the necessary knowledge of business, finances, local government processes, facility design, as well as development and construction management.
- The difficulty associated with navigating multiple funding sources with different requirements, as no single financial source is likely to provide all of the capital needs of a given project, requiring providers to leverage public and private funding sources to cover the cost of development.

Prior and related legislation. AB 1001 (Ting) of this Session updates the composition and duties of LPCs, renames them strategic planning councils, and defines requirements of these councils to collect local input and facilitate local decision-making regarding ECE services and to guide local and statewide ECE investments, through the more effective collection and sharing of data between local and statewide agencies. This bill is pending before this Committee.

AB 452 (Mullin) of this Session establishes the California Childcare Facilities Grant Fund and requires the CDE to provide grants, subject to available funding, for the construction of new childcare centers that serve children in subsidized childcare programs, as well as the renovation, repair and modernization of family childcare homes. This bill is pending before this Committee.

SB 192 (Liu) of the 2013-14 Session, would have required, among other things, 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 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 LPCs, 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**

None on file

Opposition

None on file

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