

Date of Hearing: April 25, 2018

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 1754 (McCarty) – As Amended April 17, 2018

SUBJECT: Pre-K for All Act of 2018

SUMMARY: Requires the state to provide all eligible low-income four-year old children with access to early care and education programs. Specifically, **this bill:**

- 1) Establishes the Pre-K for All Act of 2018.
- 2) Expresses findings and declarations as follows:
 - a) Quality early learning and care for children from infancy to five years of ages, inclusive, is a sound and strategic investment to narrow achievement gaps that are present well before children enter kindergarten.
 - b) In the 2014-15 Budget Act, the Legislature and Governor committed to providing all low-income children with at least one year of early care and education programs.
- 3) Expresses the intent of the state to ensure a fair start to all low-income children by providing quality early care and education for all low-income children whose families wish to enroll them in early care and education programs.
- 4) Requires the state to provide all low-income four-year old children with access to early care and education programs, subject to eligibility. Families are eligible if they meet at least one requirement in each of two areas:
 - a) A family is a current aid recipient, income eligible, homeless, or whose children have been identified as, or at risk of, being abused, neglected or exploited.
 - b) A family needs the child care services because the child is a recipient of protective services; being, or at risk of being neglected, abused, or exploited; homeless; or the parent is engaged in specified education or training; employed; seeking employment; seeking permanent housing; or incapacitated.

EXISTING LAW:

- 1) Establishes eligibility for child care services and child development programs administered by the California Department of Education (CDE) and requires the Superintendent of Public Instruction (SPI) to adopt rules and regulations on eligibility, enrollment and priority of services needed for implementation (EC Section 8263).
- 2) Specifies that in order to be eligible for federal and state subsidized child development services, families must meet at least one requirement in each of the following two areas:
 - a) A family is:
 - i) a current aid recipient

- ii) income eligible
 - iii) homeless
 - iv) one whose children are recipients of protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected, or exploited; and,
- b) A family needs the child care services:
- i) Because the child is identified by a legal, medical, social services agency, a local educational agency liaison for homeless children and youth, a Head Start program, or an emergency or transitional shelter as a recipient of protective services, or being neglected, abused, or exploited, or at risk of neglect, abuse or exploitation, or is homeless.
 - ii) Because the parents are engaged in vocational training leading directly to a recognized trade, paraprofession or profession; engaged in an educational program for English language learners or to attain a high school diploma or general educational development certificate; employed or seeking employment; seeking permanent housing for family stability, or incapacitated (EC Section 8263).
- 3) Establishes the California State Preschool Program (CSPP) and provides that the programs shall include, but not be limited to, part-day age and developmentally appropriate programs designed to facilitate the transition to kindergarten for three- and four-year-old children in educational development, health services, social services, nutritional services, parent education and parent participation, evaluation, and staff development (EC Section 8235).
- 5) Specifies that three-year old and four-year old children are eligible for part-day CSPP if the family meets at least one of the criteria specified in (2) above (EC 8235).
- 4) Defines "income eligible" as a family whose adjusted monthly income is at or below 70% of the state median income (SMI), adjusted for family size, and adjusted annually. For purposes of establishing ongoing eligibility, a family's adjusted monthly income must be at or below 85 percent of the SMI, adjusted for family size. Specifies that the Department of Finance (DOF) will calculate the applicable SMI by family size annually and provide the updated data to the CDE by March 1 of each year (EC Section 8263.1).
- 5) Requires that no more than 10 percent of children enrolled in a CSPP program may be filled by children in families above the income eligibility threshold, and only after all eligible three- and four-year old children have been enrolled, and provided the family income is no more than 15 percent above the income eligibility threshold (EC 8235).
- 6) Specifies that after all otherwise eligible children have been enrolled, a part-day CSPP may provide services to three-year old and four-year old children in families whose income is above the income eligibility threshold if those children have been identified as children with exceptional needs, and specifies that these children do not count toward the 10 percent limit on children from families above the income threshold (EC 8235).

- 6) Establishes compulsory education, requiring children to attend school from age 6-18 (EC 48200).
- 7) Requires a child to be admitted to kindergarten if the child will have his or her fifth birthday on or before one of the following dates:
 - a) December 2 of the 2011-12 school year.
 - b) November 1 of the 2012-13 school year.
 - c) October 1 of the 2013-14 school year.
 - d) September 1 of the 2014-15 school year and each year thereafter (EC 48000).
- 8) Defines “transitional kindergarten” as the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate (EC 48000).
- 9) Requires a school district or charter school that maintains a transitional kindergarten program, as a condition of receiving apportionments for transitional kindergarten enrollment, to admit to transitional kindergarten in the 2014-15 school year, and each year thereafter, a child who will have his or her fifth birthday between September 2 and December 2.
- 10) Authorizes a school district or charter school to, at any time during a school year, admit a child to a transitional kindergarten program who will have his or her fifth birthday after December 2 but during that same school year, with the approval of the parent or guardian, subject to the following conditions:
 - a) The governing board of the school district or the governing body of the charter school determines that the admittance is in the best interests of the child.
 - b) The parent or guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance.
- 11) Specifies that a pupil admitted to a transitional kindergarten program pursuant to (10) above will not generate average daily attendance or be included in the enrollment or unduplicated pupil count until the pupil has attained his or her fifth birthday, regardless of when the pupil was admitted during the school year.
- 12) Establishes the national Head Start program to promote the school readiness of low-income children by enhancing their cognitive, social, and emotional development in a learning environment that supports children’s growth in language, literacy, mathematics, science, social and emotional functioning, creative arts, physical skills, and approaches to learning; and through the provision to low-income children and their families of health, educational, nutritional, social, and other services that are determined, based on family needs assessments, to be necessary (Public Law 110–134—Dec. 12, 2007, 121 Stat. 1363).

FISCAL EFFECT: Unknown

COMMENTS: *Need for the bill.* According to the author:

“A powerful body of research shows that investing in quality early education is highly effective in promoting student academic success. Early intervention in a child’s education increases cognitive, language, social, and emotional development. This leads to increased high school graduation rates, college attendance, decreasing crime, and builds a stronger middle class.

By the age of two, low-income children are six months behind in language development and by age five are more than two years behind in language development relative to their higher income peers.

Children who are not reading proficiently by the end of 3rd grade are four times more likely to not graduate from high school on time. Further, only 46 percent of California 3rd graders test proficient or better in English-language arts.

Studies also show that high quality preschool decreases costs in criminal justice and welfare. At-risk children who attended preschool are 46 percent less likely to end up in prison and 29 percent more likely to graduate from high school. California must seek smarter approaches to reduce the number of kids who end up in the prison system.

California’s FY 2015–16 Budget included a \$46.3 million investment increase to create an additional 9,530 State Preschool Program slots. However, more than 33,000 of California’s 4-year-olds from low-income families are not participating in and/or do not have access to slots in any publicly supported school readiness program, including the State Preschool Program.”

California currently offers a number of options for four-year olds from eligible families.

Depending upon a child’s birthdate and the income level of the family, a four-year old may be eligible to enroll in a California State Preschool Program (CSPP), Transitional Kindergarten (TK), or a Head Start program, or other early care and education program. This bill does not specify which program(s) the children proposed to be served would be enrolled in.

California State Preschool Program (CSPP) provides both part-day (at least 3 hours per day) and full-day (at least 6.5 hours per day) services to eligible three- and four-year-olds, including: developmentally appropriate curriculum, parent education, meals and snacks, and referral to social and health services for families. CSPP can be offered in various settings, including child care centers, family child care network homes, school districts, or county offices of education. Approximately two-thirds of children in State Preschool are served by local education agencies, and the remaining one-third is served by community-based organizations. In the 2017-18 fiscal year, approximately 165,000 three and four-year old children attend CSPP. Of these, 61 percent attend part-day programs and 39 percent attend full-day programs. A total of 122,861 four-year olds were enrolled in CSPP programs as of April 2017.

Unlike other subsidized child care programs in California, families do not need to show a need for care due to being employed, seeking employment, in vocational or other training,

are homeless, or incapacitated in order for their children to be eligible to attend a part-day CSPP. However, eligibility for full-day CSPP requires that the parents do have a need for care.

The legislature has made significant investments in access to CSPP in recent years. According to data provided by the LAO, the Legislature has taken the following actions in recent years:

Additional CSPP Slots by Budget Year	
2015-16	7,030 full-day CSPP slots, and 2,500 part-day CSPP slots
2016-17	2,959 full-day CSPP slots
2017-18	2,959 full-day CSPP slots
2018-19 (proposed)	2,959 full-day CSPP slots

Transitional Kindergarten (TK) is the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate. TK currently serves “older” four-year-olds and “young” five-year-olds who have their fifth birthday after the cut-off date for kindergarten (between September 2 and December 2). The program is intended to serve children who would previously have been eligible to attend kindergarten. Schools are also authorized, under certain conditions, to admit children who have their fifth birthday after December 5th to TK programs, but may not claim ADA funding until the child turns five.

Most local educational agencies provide a four-hour or longer TK program. A recent report submitted by the CDE, “Kindergarten in California: Implementation Evaluation of Transitional Kindergarten and Kindergarten Public School Programs in California,” notes that approximately 69 percent of California’s five-year-olds with birthdays between September 2 and December 2—and who were thus eligible for Transitional Kindergarten—were enrolled in Transitional Kindergarten during the 2015-16 school year. Although, there is no income eligibility requirement for TK, more than half of the state’s TK students (57 percent) were categorized as socioeconomically disadvantaged and 36 percent were English learners. CDE reports that 100,768 students were enrolled in TK programs in 2016-17.

Head Start is 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. In fiscal year 2016, over 100,000 children were served by Head Start with a program budget of over \$965 million. California's Head Start programs are administered through a system of 185 grantees. The majority of these agencies also have contracts with the CDE, to administer general child care and/or State Preschool programs. Many of the programs are located at the same site. Research suggests that approximately 25 percent of children enrolled in Head Start are also enrolled in CSPP or another subsidized

child care program. According to the California Head Start Association, there are 88,704 funded Head Start slots serving children from three to five years of age.

Other programs offer early education and care to specific populations of four-year olds, including programs serving children with exceptional needs or migrant children. Some four-year old children are currently served in general child care programs, offered through child care centers or family child care home networks. Finally, local education agencies may use a portion of their federal Title I funding or their general Local Control Funding Formula (LCFF) allocations to offer early childhood programs, including preschool.

An estimated 69 percent of eligible four-year olds are being served. A 2017 report by the Learning Policy Institute, *Understanding California’s Early Care and Education System*”, estimates that 166,000 of the 242,000 eligible four-year olds or 69 percent are enrolled in an early care and education program in California. They estimate that approximately 76,000 eligible four-year olds are not currently enrolled.

It is difficult to gain an accurate count of the number of children served 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.

Using the most recent data from the American Institute of Research, the California Child Care Resource Center has provided information on the share of children eligible for subsidized child care programs who are currently being served in California by age of the child:

Age group	Number of income eligible children (70% of SMI)	Eligible children served in subsidized programs
0	212,871	4.83%
1	238,869	6.54%
2	245,574	9.08%
3	255,327	35.05%
4	260,408	66.72%

Statewide, approximately 67 to 69 percent of eligible four-year old children are served, while less than 10 percent of eligible children from 0-2 years are currently being served in California’s subsidized early care and education programs. These figures vary significantly from one county to another.

In a 2016 report, the American Institute for Research (AIR) notes that not all families offered the option of subsidized preschool will choose to enroll. For example, in two states with universal access to preschool programs, regardless of family income, participation rates are 70 percent (Oklahoma) and approximately 80 percent (Florida). They further contend that it is reasonable to assume that lower income parents, such as those with children eligible for California's State Preschool Program, may choose to have their children participate in publicly provided preschool programs at higher rates than other parents, on average. These parents, although unable to afford high-quality private programs, may recognize that their children need early learning services to promote school readiness, and may also need child care in order to work.

Addressing one component of building a quality early care and education system. This bill addresses the need to create additional slots to meet the needs of eligible four-year olds, which is one component of a systemic approach to building a strong early care and education system. Other bills in this session address the need for slots for infants and toddlers, professional development for providers, the importance of inclusive environments for all children, including those with exceptional needs, reimbursement rates, and the need for adequate facilities and equipment for early care and education settings.

Arguments in support. Organizations in support cite overwhelming research showing that investing in quality early learning programs is highly effective in promoting cognitive, language and social emotional development, student academic success, increased high school graduation rates, decreased interaction with the criminal justice system, better health outcomes, and higher lifetime earnings. Ensuring children's access to preschool or transitional kindergarten is one of the critical steps toward creating more effective early childhood and K-12 systems.

Furthermore, supporters note that AB 1754 builds on the progress that has made in recent years to ensure that low-income children in California have at least one year of state preschool, Transitional Kindergarten, or Head Start prior to Kindergarten. Despite recent state investments, over 30 percent or an estimated 40,000 eligible children of this age are still not enrolled in one of these early education settings.

Similar and prior legislation. SB 837 (Dodd) of this Session expands eligibility for transitional kindergarten to all four-year olds, phased in over a two-year period beginning in the 2020-21 school year. This bill is pending before the Senate Appropriations Committee.

AB 2292 (Aguilar-Curry) of this Session establishes a program to recruit, train and support new family child care providers; adjusts the reimbursement rate for infant and toddler care; and increases access to inclusive early care and education environments by providing grants for one-time infrastructure costs. This bill is pending before this committee.

AB 2626 (Mullin) of this Session makes a number of statewide changes to subsidized child care and development programs, including raising the income eligibility threshold for families; changing the age restrictions for CSPP; providing opportunities for staff training; and increasing flexibility in the use of contracted funds. This bill is pending before this committee.

AB 47 (McCarty) of the 2015-16 Session would have established the Preschool for All Act of 2015 and required, on or before June 30, 2018, all eligible children who are not enrolled in transitional kindergarten to have access to the California State Preschool Program (CSPP) the year before they enter kindergarten, if their parents wish to enroll them and contingent upon the

appropriation of sufficient funding in the annual Budget Act for this purpose. This bill was vetoed by the Governor.

REGISTERED SUPPORT / OPPOSITION:

Support

Advancement Project California
American Academy of Pediatrics
American Civil Liberties Union of California
AVID Center
California Academy of Child & Adolescent Psychiatry
California Federation of Teachers
California Police Chiefs Association
California State PTA
Child360
Children NOW
Common Sense Kids Action
Disability Rights California
Early Edge California
First 5 California
First 5 LA
Los Angeles Unified School District
MomsRising
National Association of Social Workers-California Chapter
Riverside County Office of Education
San Bernardino County District Advocates for Better Schools
San Francisco Unified School District
United Ways of California
Numerous individuals

Opposition

None on file

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