

Date of Hearing: April 20, 2022

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 2131 (Mullin) – As Amended March 29, 2022

[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 daycare facilities

SUMMARY: Authorizes the Department of Social Services (DSS) to implement the single childcare license through written communications to the field prior to the adoption of the necessary regulations. As of January 1, 2024, repeals provisions for an optional toddler program within the California State Preschool Program (CSPP) or other childcare programs. Specifically, **this bill:**

- 1) Authorizes the DSS to implement and administer the single childcare license through all-county letters or similar written instructions until the necessary regulations are adopted, and repeals the authorization for the DSS to adopt emergency regulations for this purpose.
- 2) Repeals provisions for an optional toddler program for children between 18 months to three years of age within the CSPP, or other childcare program serving infants, as of January 1, 2024, to clarify that the existing single childcare license applies to programs serving infant, toddler, preschool, and schoolage children.
- 3) Other technical and clarifying changes.

EXISTING LAW:

- 1) Requires that any person, firm, partnership, association, or corporation operating a child day care facility in California to have a valid license. (Health and Safety Code (HSC) 1596.80)
- 2) Requires the DSS, in consultation with stakeholders, to adopt regulations by January 1, 2021 to create a single childcare center license to serve infant, toddler, preschool, and schoolage children with all respective health and safety requirements, requires all daycare centers to be licensed as childcare centers pursuant to this requirement by January 1, 2024, and requires the DSS to adopt emergency regulations to implement this requirement. (HSC 1596.951)
- 3) Requires the DSS to develop guidelines and procedures to permit licensed child day care centers serving preschool-age children and licensed child day care centers serving infants to create a special toddler program component for children between the ages of 18 months and three years and requires this optional toddler program to meet certain requirements, as specified. Further requires the toddler program to be considered an extension of the infant center or preschool license. (HSC 1596.955 and 1596.956)
- 4) Defines a “child daycare facility” to mean a facility that provides nonmedical care to children under 18 years of age including day care centers, employer-sponsored childcare centers, and family daycare homes. (HSC 1596.750)

- 5) Defines a “daycare center” to include any child daycare facility other than a family daycare home, including infant centers, preschools, extended daycare facilities, and school-age childcare centers. (HSC 1596.76)
- 6) Establishes the Early Education Act, under the direction of the Superintendent of Public Instruction (SPI), 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 located in childcare centers or family childcare homes. (Education Code (EC) Section 8235)
- 7) Requires the DSS to administer general childcare and development programs to provide age and developmentally appropriate activities for children, supervision, parenting education and involvement, social services, health services, nutrition, and training and career ladder opportunities. (Welfare and Institutions Code (WIC) 10240)

FISCAL EFFECT: Unknown

COMMENTS:

This bill updates statutory language relating to childcare licensing. This bill would remove outdated language regarding the optional toddler program within the CSPP or childcare programs serving infants given the requirement to implement a single license for childcare providers by January 1, 2024. The bill also deletes the authorization for the DSS to adopt emergency regulations to administer the single license requirement, and instead authorizes the DSS to do so via all-county letters or similar written instructions until regulations are adopted.

Need for the bill. According to the author, “Childcare has always been an integral part of California’s economy and further streamlining that system for parents and providers is a win for the state. The approaching implementation of AB 605, (Mullin, 2018) modernizes the childcare licensing system in California by creating a single license and negates the need for language regarding the toddler option in statute. AB 2131 resolves this issue while providing the DSS the flexibility to fully implement the single-license program through an all-county letter.”

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 LEAs, community-based providers, and family childcare providers including, but not limited to:

- General Child Care and Development Programs include center-based or family childcare home care, provide part or full-time care for children from 0-5 years and out-of-school care for school age children up to age 13 from income eligible families who have a need for care;
- Alternative Payment Programs (APP) provide voucher-based childcare subsidies to low-income parents to access childcare through a wide range of providers. Includes vouchers offered through California’s state welfare program, California Work Opportunity and Responsibility to Kids (CalWORKs), those for working families, as well as programs specifically for migrant children;

- CSPP provides center-based preschool for 3- and 4-year-old children from income eligible families, or who are otherwise eligible;
- Family Childcare Home Education Networks (FCCHENs) provide childcare and development services in family childcare home settings. CDE contracts with FCCHEN contractors to provide ongoing training and support to network providers in order to assist these family childcare home providers in offering early education and childcare to eligible families with children ages birth through 13 years of age; and
- Head Start and Early Head Start are federally-funded preschool and child development programs serving children from families with incomes below the federal poverty level, and offer education, childcare, extensive family engagement, and wraparound services.

The 2021 Budget Act funded a total of 153,299 preschool slots (part-day and full-day) as well as 78,271 general childcare slots (center-based and FCCHEN), and 129,332 APP vouchers.

Transition of childcare programs. The Budget Act of 2020 required that many childcare programs be transferred from the CDE to the DSS as of July 1, 2021. This change is meant to, among other things, reduce administrative and other barriers to program access so that programs and providers can focus on positive child and family outcomes and help meet the goals of the Master Plan for Early Learning and Education. Through this transition, CSPP and transitional Kindergarten (TK) remain at the CDE, while those programs primarily serving younger children, including general childcare, are moved to the DSS.

Childcare licensing through the DSS. The licensure, maintenance, and operation of child daycare centers and family daycare homes in the state are governed by the California Child Daycare Facilities Act. This law and the corresponding regulations establish, among other things, general health and safety requirements, staff-to-child ratios, and provider training requirements for licensed childcare. The DSS's Child Care Licensing Program, within the Community Care Licensing Division (CCLD), is charged with ensuring licensed childcare facilities meet health and safety standards through monitoring facilities, providing technical assistance, and establishing partnerships with providers, parents, and the childcare community.

At the current time, separate licenses are required for serving infant, preschool, and school age children. Infant care centers serve children who are less than two years old. Preschool childcare centers serve children from the age of two to when they start school, and school-age childcare centers serve children who have entered the first grade or are in a childcare program exclusively for children in kindergarten and above. Infant care centers and school-age centers may also offer a toddler component, as an extension of their existing licenses. The toddler component permits care of children 18 months to three years old. The process for obtaining approval of a toddler component is slightly streamlined from the licensing process, but it does require a site inspection.

Owner/operators of centers serving all three populations (infant, preschool and school-age) must get three licenses and undergo separate licensure, inspection and compliance processes for each license they hold. Such centers may be designated a "combination center," and they must be owned and operated by one licensee and operating at a common address. In addition, as previously mentioned, they may also include a toddler component.

In addition to initial license approval, CCLD is required to conduct unannounced site visits of all licensed child daycare facilities and homes. CCLD conducts random inspections of 30% of

facilities annually, and each facility must be visited at least once every three years. However, some exceptions trigger more frequent inspections. Under the current program rules, combination centers are subject to multiple inspections because each license is treated independently for purposes of inspections. While not required, CDSS states that it makes a concerted effort to perform inspections for each license type operating within a combination center at the same time. In other words, if a combination center has a license to operate infant and preschool centers, CDSS staff would conduct inspections of both centers during a single site visit.

Previously enacted legislation, AB 605 (Mullin) Chapter 574, Statutes of 2018, requires the DSS to implement a single childcare license for programs serving infants, toddlers, preschool, and school-age children by January 1, 2021, and requires all daycare centers to possess this license by January 1, 2024. This single childcare center license allows licensed providers to obtain one license and select which age group or groups they wish to serve. A single license promotes greater continuity of care for children and parents being served in childcare centers. The single license supports an ongoing relationship between parents, children and their care providers without having to transition children to a new group or new caregiver based solely on the child's birthdate.

Recommended Committee amendments. *Staff recommends that the bill be amended to* require DSS to consult with the CDE regarding any potential impacts on the CSPP administered by the CDE.

Arguments in support. Head Start California, a co-sponsor of the bill notes, "Currently, California issues distinct child care licenses for infants and preschool-age care. Both infant providers and preschool providers have the option of expanding their program to serve children ages 18-36 months with a special licensing component known as the toddler option. Assembly Bill (AB) 605 (Mullin) consolidated the multiple licenses into a single child care license. CDSS is working on regulations to implement the new comprehensive licenses by January 1, 2024. However, when AB 605 was passed, language regarding the toddler option remained in statute. This was necessary to ensure that providers could continue serving toddlers during the period of transition while the new licenses were developed. Now that regulations for the new single license are prepared, the language for the toddler option is no longer needed and is a barrier to issuing the new licenses. AB 2131 will address this issue by removing this language from statute. The flexibility provided by a single license will be welcomed by early learning and care providers, who indicate that being able to serve varying ages of children is critical to permitting their businesses to remain open and successful. With the expansion of Transitional Kindergarten, the need for increased flexibility for providers to shift to serving younger children is particularly needed. This bill will also give the DSS the authority to implement the new license for all providers via All County Letter while regulations are being developed, allowing the new licenses to be more promptly implemented."

Related legislation. AB 605 (Mullin) Chapter 574, Statutes of 2018, requires the DSS to implement, through the adoption of regulations, a childcare center license to serve infant, toddler, preschool, and school-age children by January 1, 2021, and requires all daycare centers to possess this license by January 1, 2024.

AB 1897 (Mullin) of the 2015-16 Session would have required the DSS to create an optional birth-to-entering first grade daycare center license. The bill was held in the Assembly Appropriations Committee.

AB 762 (Mullin) Chapter 373, Statutes of 2015, increased the upper age limit for optional toddler programs from 30 months to three years of age.

SB 89 (Committee on Budget and Fiscal Review) Chapter 24, Statutes of 2020, authorizes the transfer of childcare and development programs, other than CSPP, administered by the CDE to the DSS effective July 1, 2021.

REGISTERED SUPPORT / OPPOSITION:

Support

Head Start California (Co-Sponsor)
Los Angeles County Office of Education (Co-Sponsor)
Child Care Resource Center
ReadyNation

Opposition

None on file

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