

Date of Hearing: March 27, 2019

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 6 (Reyes) – As Amended March 18, 2019

SUBJECT: Early childhood education: Early Childhood Education Branch

SUMMARY: Establishes the Early Childhood Education Branch in the California Department of Education by January 1, 2021. Specifically, **this bill:**

- 1) Establishes the Early Childhood Education Branch in the California Department of Education (CDE) on or before January 1, 2021, in order to ensure a holistic implementation of early childhood education programs and universal preschool.
- 2) Specifies that the Branch of Early Childhood Education will replace the Early Learning and Care Division, currently housed within the Teaching and Learning Support Branch of the CDE.
- 3) Requires that the responsibilities of the Branch include the following:
 - a) Coordination of services with the State Department of Social Services (DSS) and the California Health and Human Services Agency to ensure that social and health services are provided to children in early childhood programs.
 - b) Identification of families for early childhood education financial assistance when possible.
 - c) Coordination with local county offices of education to identify key strategies and implement a high quality curriculum.
 - d) Provision of leadership and support to contractors and the child development community, ensuring that high quality early learning programs are provided.
 - e) Support of the mixed delivery systems within early childhood education programs.
- 4) States the intent of the Legislature to adequately finance the new Branch by its start date, and to support the Branch in its efforts to promote alignment with K-12 staff and systems within the CDE.

EXISTING LAW:

- 1) Establishes the Child Care and Development Services Act, and specifies the purposes as follows:
 - a) To provide a comprehensive, coordinated, and cost-effective system of child care and development services for children from infancy to 13 years of age and their parents, including a full range of supervision, health, and support services through full- and part-time programs.

- b) To encourage community-level coordination in support of child care and development services.
 - c) To provide an environment that is healthy and nurturing for all children in child care and development programs.
 - d) To provide the opportunity for positive parenting to take place through understanding of human growth and development.
 - e) To reduce strain between parent and child in order to prevent abuse, neglect, or exploitation.
 - f) To enhance the cognitive development of children, with particular emphasis upon those children who require special assistance, including bilingual capabilities, to attain their full potential.
 - g) To establish a framework for the expansion of child care and development services.
 - h) To empower and encourage parents and families of children who require child care services to take responsibility to review the safety of the child care program or facility and to evaluate the ability of the program or facility to meet the needs of the child. (EC 8200, 8201)
- 2) Designates the CDE as the single state agency responsible for the promotion, development, and provision of care of children in the absence of their parents during the workday or while engaged in other activities which require assistance of a third party or parties. Requires the CDE to administer the federal Child Care and Development Fund. (EC 8206)
- 3) Establishes the federal Child Care and Development Fund (CCDF) and specifies the purpose as follows:
- a) To allow each State maximum flexibility in developing child care programs and policies that best suit the needs of children and parents within that State.
 - b) To promote parental choice to empower working parents to make their own decisions regarding the childcare services that best suits their family's needs.
 - c) To encourage States to provide consumer education information to help parents make informed choices about childcare services and to promote involvement by parents and family members in the development of their children in child care settings.
 - d) To assist States in delivering high quality, coordinated early childhood care and education services to maximize parents' options and support parents trying to achieve independence from public assistance.
 - e) To assist States in improving the overall quality of childcare services and programs by implementing the health, safety, licensing, training, and oversight standards established in this subchapter and in State law (including State regulations).

- f) To increase the number and percentage of low-income children in high-quality child care settings.
 - g) To improve child care and development of participating children. (45 Code of Federal Regulations (CFR) Section 98.1)
- 4) Requires the lead state agency in administering the CCDF funds to:
- a) Maximize parental choice of safe, healthy and nurturing child care settings through the use of certificates, through grants and contracts, and by providing parents with information about child care programs.
 - b) Include in their programs a broad range of child care providers, including center-based care, family child care, in-home care, care provided by relatives, and sectarian child care providers.
 - c) Improve the quality and supply of child care and before- and after-school care services that meet applicable requirements and promote healthy child development and learning and family economic stability.
 - d) Coordinate planning and delivery of services at all levels, including Federal, State, Tribal, and local.
 - e) Design flexible programs that provide for the changing needs of recipient families and engage families in their children's development and learning.
 - f) Administer the CCDF responsibly to ensure that statutory requirements are met and that adequate information regarding the use of public funds is provided.
 - g) Design programs that provide uninterrupted service to families and providers, to the extent allowed under the statute, to support parental education, training, and employment and continuity of care that minimizes disruptions to children's learning and development.
 - h) Provide a progression of training and professional development opportunities for caregivers, teachers, and directors to increase their effectiveness in supporting children's development and learning and strengthen and retain (including through financial incentives and compensation improvements) the child care workforce. (45 CFR Sec.98.1)
- 5) Requires the Community Care Licensing Division of the DSS to regulate child care licensees. Specifies that all child care regulatory functions of the licensing division, including the adoption and interpretation of regulations, staff training, monitoring and enforcement functions, administrative support functions, and child care advocacy responsibilities is to be carried out by the child care licensing branch. (HSC 1596.816)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, “AB 6 ensures that California’s children and families have high-quality early childhood education programs by elevating early childhood governance structures. By creating a Branch of Early Childhood Education, the multi-agency nature of our early education system can better coordinate to serve children and families.”

Assembly Blue Ribbon Commission recommendation. The Assembly Blue Ribbon Commission (BRC) on Early Childhood Education was formed to plan an early learning system that works for, and meets the needs of, children, families, and providers. The Commission is dedicated to the development of strategic solutions to improve outcomes for young learners in California. Among their guiding principles, the Commission notes “effective partnerships are key to successful outcomes. Silos must be broken down, and early childhood education and care integrated with other supports and services for children, families and the workforce.” In the draft report of the Commission, released in March 2019, recommendations related to governance include the establishment of an augmented Division or Office for Early Childhood Education at CDE with sufficient resources and staff to meet all mandates including implementation of BRC recommendations.

State level governance of early childhood education programs. A multitude of state agencies is involved in the health, well-being, and education of young children. These include:

- a) The CDE is the lead agency for purposes of administering the federal CCDF grant program, which accounted for \$857 million in 2018-19. The total child care and preschool budget in 2018-19 was \$3.81 billion (excluding Transitional Kindergarten), the bulk of which is administered through CDE, including the following programs:
 - CalWORKs child care Stages 2 & 3
 - General Child Care
 - Alternative Payment Program (voucher-based)
 - California State Preschool Programs
 - Other child care support programs
- b) The DSS is the lead agency for licensing and inspecting child care facilities. DSS also administers the CalWORKs Stage 1 child care program, and other support programs.
- c) The California Department of Health Care Services (DHCS) Children's Medical Services (CMS) Branch provides a comprehensive system of health care for children through preventive screening, diagnostic, treatment, rehabilitation, and follow-up services. The CMS Branch carries out this mission through a variety of programs meeting specific health care needs of targeted population.
- d) The California Department of Public Health (CDPH) administers the Women, Infants, & Children Program (WIC), which assists families by providing nutrition education, breastfeeding support, vouchers for healthy foods, and referrals to healthcare and other community services. The Immunization Branch of CDPH provides leadership and support to public and private sector efforts to protect the population against vaccine-preventable diseases, including child care centers.

Is this the appropriate solution? The author contends that given the dramatic expansion of early childhood programs proposed by the Governor and the Legislature, there is a need to create a centralized space for the effective coordination of the multi-faceted early childhood system. It is important to note that these proposals are under consideration through the budget and legislative processes and no final decisions have been made about the level of investment in early childhood programs for the coming year and beyond.

The CDE has an existing Early Learning and Care Division, which has the primary responsibility for California's early childhood system, other than licensing/inspections and the management of Stage 1 of the CalWORKs programs, which are the responsibilities of DSS. The responsibilities this bill would assign to the newly created Early Childhood Education Branch are primarily the responsibilities held by the current division. *The Committee may wish to consider* whether there is a problem with the current structure and whether a reorganization within CDE would address the stated problem of a disjointed system, with responsibilities held at multiple agencies. Further, this bill may be setting a precedent of the Legislature dictating the organizational structure and staffing for a department headed by a constitutional officer.

It is certainly within the Legislature's purview to suggest that a department should have additional staffing and resources when responsibilities expand. The Governor's 2019-20 Budget proposes \$1.7 million in non-Proposition 98 General Fund for CDE to add 12 new positions to its Early Learning and Care Division.

Recommended amendments. *Staff recommends that the bill be amended* to remove reference to the Branch's responsibility to "identify families eligible for early childhood education financial assistance when possible." This is the function of local Resource and Referral Agencies and Alternative Payment Plan Programs.

REGISTERED SUPPORT / OPPOSITION:

Support

American Academy of Pediatrics, California
California Academy of Child and Adolescent Psychiatry
California State PTA
California Teachers Association

Opposition

California Right to Life Committee

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