

Date of Hearing: April 7, 2021

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Lisa Calderon, Chair

AB 1361 (Blanca Rubio) – As Introduced February 19, 2021

SUBJECT: Childcare and developmental services: preschool: expulsion and suspension: mental health services: reimbursement rates

SUMMARY: Revises and recasts provisions related to expulsion and suspension of a child from the state preschool program and broadens the provisions to include general childcare and development programs and family childcare home education network programs. Specifically, **this bill:**

- 1) Makes findings and declarations related to racial inequity in expulsion and suspension rates in grades K-12; the lack of data from early learning and care providers; and, the impact of trauma, toxic stress, and adversity on the quality of relationships, the quality of care, and the well-being of adults and children.
- 2) States Legislative intent to enact legislation to provide equitable access to quality early learning and care settings by reducing suspension and expulsion, particularly of African American, American Indian, and Latinx children who are currently disproportionately impacted and mitigate the emotional impact that disproportionally affects those ethnic groups; and, to encourage early childhood mental health consultation services as a means of providing adequate supports to teachers, children, and caregivers to promote positive mental health, buffer the effects of toxic stress and trauma, and bring out the most optimal development and learning of each child.

Expulsion Procedures in the California State Preschool Program (CSPP)

- 3) Repeals provisions prohibiting a contracting agency, as part of the state preschool program, from expelling or unenrolling a child because of the child's behavior, except as specified.

Expulsion and Suspension Procedures in Childcare and Development Services Programs

- 4) Defines "program" to mean a California State Preschool program, general childcare and development programs that serve children from 0 to 5 years of age, and family childcare home education network programs that serve children from 0 to 5 years of age.
- 5) Defines "expulsion" to mean the permanent dismissal of a child from a program in response to a child's behavior.
- 6) Defines "suspension" to mean any removal of a child from all or a part of the program day, or prevention of a child from attending the program for one or more days, in response to a child's behavior.
- 7) Defines "persistent and serious challenging behaviors" to mean repeated patterns of behavior, that interfere with learning or engagement in pro-social interactions with peers and adults, and that are not responsive to the use of developmentally appropriate guidance procedures.

This includes but is not limited to physical aggression, disruptive motor behavior such as stereotypic movements, property destruction, and self-injury.

- 8) Prohibits a program from expelling or unenrolling a child because of a child's behavior or from persuading or encouraging a child's parents or legal guardians to voluntarily unenroll from the program due to a child's behavior except for the following situation:

If a program has expeditiously pursued and documented reasonable steps to maintain the child's safe participation in the program and determines, in consultation with the parents or legal guardians of the child, the child's teacher, and, if applicable, the local agency responsible for implementing the federal Individuals with Disabilities Education Act, that the child's continued enrollment would present a continued serious safety threat to the child or other enrolled children, the program shall refer the parents or legal guardians to other potentially appropriate placements, the local child care resource and referral agency, or any other referral service available in the local community, and, to the greatest extent possible, support direct transition to a more appropriate placement. The program may then unenroll the child.

- 9) Provides that if a child exhibits persistent and serious challenging behaviors, the program is required to expeditiously pursue and document reasonable steps, including, but not limited to, consulting with the child's parents or legal guardians and teacher, and, if available, engaging an early childhood mental health consultant, to maintain the child's safe participation in the program. Further requires the program to inform the parents or legal guardians of a child exhibiting persistent and serious challenging behaviors of the process described in these provisions in writing, including a description of the behavior and the program's plan for maintaining the child's safe participation in the program.
- 10) Requires the program, if the child has an individualized family service plan or individualized education program, with written parental consent, to contact the agency responsible for the individualized family service plan or individualized education program to seek consultation on serving the child.
- 11) Requires the program, if the child does not have an individualized family service plan or individualized education program, to consider, if appropriate, completing a universal screening of the child, including, but not limited to, screening the child's social and emotional development, referring the child's parents or legal guardians to community resources, and implementing behavior supports within the program before referring the child's parents or legal guardians to the local agency responsible for implementing the federal Individuals with Disabilities Education Act.
- 12) Provides that a program has up to 180 days to complete the processes described in these provisions for a child that exhibits persistent and serious challenging behaviors.
- 13) Prohibits a program, except as specified, from suspending a child due to a their behavior or encouraging or persuading a child's parents or legal guardians to prematurely pick up a child due to their behavior before the program day ends.
- 14) Specifies that suspension shall only be used as a last resort in extraordinary circumstances when there is a serious safety threat that cannot be reduced or eliminated without removal.

Further provides that to the extent possible, a program shall endeavor to ensure the full participation of enrolled children in all program activities.

- 15) Requires that before a program determines that suspension is necessary, the program collaborates with the child's parents or legal guardians, engage with a mental health consultant, if available, and use appropriate community resources, such as behavior coaches, psychologists, other appropriate specialists, or other resources, as needed, to determine no other reasonable option is appropriate, and provide written notice to the child's parent or legal guardian within 24 hours.
- 16) Requires a program, if suspension is deemed necessary, to help the child return to full participation in all program activities as quickly as possible by doing all of the following:
 - a) Continuing to engage with the parents and, if available, a mental health consultant, and continuing to use appropriate community resources;
 - b) Developing a written plan to document the action and supports needed;
 - c) Providing referrals to appropriate community services; and,
 - d) Determining whether a referral to a local agency responsible for implementing the federal Individuals with Disabilities Education Act is appropriate.
- 17) Requires the State Department of Education (CDE) and State Department of Social Services (CDSS) to include in each contract for service with a program of the limitations on expulsion and suspension provided in these provisions.
- 18) Requires, upon enrollment of a child, a program to notify the child's parents or legal guardians of the limitations on disenrollment, including expulsion and suspension provided in this section. Further requires that this notification be in writing and include resources to submit a complaint or appeal a decision made by a program regarding the expulsion or suspension of a child.
- 19) Provides that a written "Notice of Action, Recipient of Services," as specified, shall include information on expulsions and suspensions provided in these provisions and resources to submit a complaint or appeal a decision made by a program regarding the expulsion or suspension of a child.
- 20) Requires a program to maintain records on, and CDE to annually collect from contracting agencies, all of the following information:
 - a) The number of times the process to prevent unenrolling a child was initiated during a program year, and the outcome of the process;
 - b) The number of times the process to prevent suspending a child or helping a child return to full participation in all program activities was initiated during a program year, and the outcome of the process, including, if applicable, how long a child was excluded from the program; and,

- c) At a minimum, age, sex, race and ethnicity, foster status, home language, disability, and whether the child has an individualized family service plan or an individualized education program for each child.
- 21) Requires CDE and CDSS to collaborate to publish aggregate data on how many times during the most recent program year the processes to prevent unenrolling or suspending a child, as specified, were initiated and the outcomes of the process, disaggregated by student demographic and how many appeals or complaints CDE received from parents or legal guardians regarding expulsion and suspension. Further requires the data to be made available at a statewide and countywide level and be disaggregated by age, sex, race and ethnicity, foster status, home language, disability, and assignment of an individualized family service plan or individualized education program, as applicable.
 - 22) Requires the data to be included in the Cradle-to-Career Data System.
 - 23) Requires CDE and CDSS to collaborate to create guidelines for offering additional support and requiring additional staff training for programs with exceptionally high numbers of suspension and expulsion reported.
 - 24) Changes the adjustment factor for children who are served in a California state preschool program, infants and toddlers who are 0 to 36 months of age and are served in general childcare and development programs, or children who are 0 to 5 years of age and are served in a family childcare home education network setting funded by a general childcare and development program, where early childhood mental health consultation services from 1.05 to 1.1.

Early childhood mental health consultation service

- 25) Redefine “early childhood mental health consultation service” to mean a mental health service that develops the capacity of programs to serve and benefit a child who is enrolled in a childcare and development program.
- 26) Specifies “early childhood mental health consultation service” also includes support for parents, and caregivers to create mental health promoting environments and to respond effectively to all children at both the program and classroom or group levels; aid to parents, and caregivers, and encouraging and facilitating collaboration and communication in developing the skills and tools needed to be successful as they support the mental and emotional well-being, development and early learning of all children; face-to-face interactions or video-based platforms and other modes of communication, as specified; and, group or individual consultations.
- 27) Provides that the early childhood mental health consultation service is provided on a schedule of sufficient and consistent frequency, continuously throughout the program year, to significantly contribute to all of the following:
 - a) Improving interpersonal relationships and child outcomes;
 - b) Increasing the confidence, competence, and well-being of those consulted; and,
 - c) Eliminating suspensions and expulsions.

- 28) Provides that, for programs that are reimbursed as specified, at a minimum, each classroom shall receive, on average, at least one hour of consultation service during each week of program operation, not inclusive of other consultation activities including, but not limited to, work with one or more individual children or families.
- 29) Provides that the early childhood mental health consultation service is provided by one of the following persons:
- a) A licensed mental health professional, as specified;
 - b) A license-eligible mental health professional, as specified;
 - c) A person holding, at a minimum, a master's degree in a field related to mental health or human services, as specified;
 - d) A person meeting all of the requirements of a licensed mental health professional, who is providing supervision, as specified, may be an employee of a contracting agency, including on a temporary or part-time basis, or engaged as an external contractor, provided that supervision takes place on a regular basis that is sufficient to offer professional guidance and support.
- 30) Provides that within the first 30 days upon hire or start of consultation services, a provider agency ensures that a consultant is trained in all of the following:
- a) California law and professional ethics for early childhood mental health consultation, as specified;
 - b) Child abuse and neglect mandated reporting laws;
 - c) Best practices and foundations of early childhood mental health consultation; and,
 - d) All relevant laws and regulations regarding state and federal childcare programs.
- 31) Requires consultants and supervisors to participate in continuing professional development and education for at least 18 hours per program year, as specified.
- 32) Specifies that the early childhood mental health consultation service relationship-based model include, but not be limited to, all of the following:
- a) At least twice per program year, conducting early care- and education setting-based mental health assessments, as specified;
 - b) Recordkeeping that adequately documents all consultation activities;
 - c) With consent from parents or legal guardians, at least one screening of each enrolled child for adverse childhood experiences and screening for buffering factors including, but not limited to resilience.
- 33) Provides that Alternative Payment Programs (APPs) and agencies administering CalWORKs Stage 1, 2, and 3 programs, as specified, may utilize funds for administrative and support services to provide early childhood mental health consultation services, as specified.

Citations and civil penalties

- 34) Adds whether a facility is following guidelines on expulsion and suspension to what CDSS must consider when determining whether to issue a citation or impose a civil penalty.
- 35) Prohibits CDSS from issuing a citation or civil penalty on a child daycare facility for a violation that is related to the behavior of a child when the facility is in the process of complying with guidelines on expulsion and suspension developed with these provisions.
- 36) Authorizes a child daycare facility to appeal a citation or civil penalty issued by CDSS that is related to the behavior of a child including the actions of the facility or its staff related to the behavior of a child, if the facility is in the process of complying with guidelines on expulsion and suspension developed with these provisions. Further requires CDSS to withdraw all citations or civil penalties upon the presentation of evidence by the facility that it was in the process of complying.

Expulsion and Suspension Procedures in Child daycare facilities

- 37) Defines “program” to mean childcare services provided by a licensed child daycare facility, as specified.
- 38) Defines “expulsion” to mean the permanent dismissal of a child from a program in response to a child’s behavior.
- 39) Defines “suspension” to mean any removal of a child from all or a part of the program day, or prevention of a child from attending the program for one or more days, in response to a child’s behavior.
- 40) Defines “persistent and serious challenging behaviors” to mean repeated patterns of behavior, that interfere with learning or engagement in pro-social interactions with peers and adults, and that are not responsive to the use of developmentally appropriate guidance procedures. This includes, but is not limited to, physical aggression, disruptive motor behavior such as stereotypic movements, property destruction, and self-injury.
- 41) States that nothing in this section exempts a program from guidelines on expulsion and suspension developed for CSPP, general childcare, and family childcare home education network programs.
- 42) Authorizes a program to utilize positive, age-appropriate behavior management strategies and, to the greatest extent possible, refrain from exclusionary disciplinary measures, including, but not limited to, removing children from group activities.
- 43) Requires a program to develop guidelines for expulsion and suspension and requires those guidelines to include, but not be limited to:
 - a) A statement of the program’s philosophy regarding suspension and expulsion;
 - b) Information on the steps a program will take to address persistent and serious challenging behaviors, including behavior support offered, with the understanding that suspension and expulsion shall only be used as a last resort;

- c) Information on how parents or legal guardians will be involved when children exhibit persistent and serious challenging behaviors;
 - d) Policies for transitioning a child to an alternative, more appropriate setting if that would be in the best interest of the child; and,
 - e) Information on how a parent or legal guardian may file a concern or complaint regarding a decision on suspension or expulsion by the program, including but not limited to contacting CDSS.
- 44) Requires a program, upon enrolling or reenrolling any child, to provide the parent or legal guardian with a copy of the guidelines for expulsion and suspension.
- 45) Requires CDSS, by July 1, 2022, to issue guidance for programs on implementing these requirements, including but not limited to a model set of guidelines. Further, requires CDSS to engage a diverse group of stakeholders and experts, including families and providers, to inform their guidance.

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 through full- and part-time programs. (Education Code Section [EDC] 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. (EDC 8208 (j))
- 3) Requires families to meet certain criteria in order to be eligible for federal and state subsidized child development services, including that a family must be either a current aid recipient, income eligible, homeless, or one whose children are recipients of protective services or have been identified as being abused, or neglected, as specified. (EDC 8263)
- 4) Requires the State Superintendent of Public Instruction (Superintendent) to administer all state preschool programs, which include, but are not 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. (Education Code [EDC] 8235(a))
- 5) Defines “child day care facility” as a facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Child day care facility includes day care centers, employer-sponsored child care centers, and family day care homes. (Health and Safety Code [HSC] Section 1596.750)

- 6) Transfers, effective July 1, 2021, the responsibility for specified programs, responsibilities, services, and systems from CDE and the Superintendent to CDSS, including, but not limited to:
 - a) APPs;
 - b) Migrant alternative payment programs;
 - c) California Work Opportunity and Responsibility to Kids (CalWORKs) Stage 2 and Stage 3 childcare;
 - d) General childcare and development programs;
 - e) Migrant childcare and development programs; and,
 - f) Childcare and development services for children with severe disabilities. (Welfare and Institutions Code Section [WIC] 10203)
- 7) Requires CDSS, by March 31, 2021, to submit to the appropriate budget and policy committees of the Legislature, the Department of Finance, and the Early Childhood Policy Council, a plan that describes how the department will achieve the transfer of responsibilities specifying, amongst other things, how a cradle-to-career, interagency data system will provide improved state-level reporting, support the goals of the Master Plan for Early Learning and Care, and support the achievement of parents making an informed childcare choice that best meets their child's and family's needs. (WIC 10205(j))
- 8) Establishes the "California Child Day Care Facilities Act" to provide a comprehensive, quality system for licensing child day care facilities to ensure that working families have access to healthy and safe child care providers and that child care programs contribute positively to a child's emotional, cognitive, and educational development, and are able to respond to, and provide for, the unique characteristics and needs of children. (HSC 1596.70 et seq.)
- 9) Establishes the federal "Individuals with Disabilities Education Act" to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living. (20 U.S. Code 1400 et seq.)
- 10) Establishes the "Cradle-to-Career Data System Workgroup" to assess and recommend data system structural components, processes, and options for expansion and enhancement of data system functionality, to be outlined in specified reports; and, advise ongoing efforts to develop, administer, and enhance the data system. (EDC 10853)
- 11) Defines "early childhood mental health consultation service" to mean a service benefiting a child who is served in a California state preschool program, an infant or toddler who is 0 to 36 months of age and is served in a general child care and development program, or a child who is 0 to 5 years of age and is served in a family child care home education network setting funded by a general child care and development program that includes, but is not limited to:

- a) Support to respond effectively to all children, with a focus on young children with disabilities, challenging behaviors, and other special needs;
 - b) Assistance through individual site consultations, provision of resources, formulation of training plans, referrals, and other methods that address the unique needs of programs and providers;
 - c) Aid to providers in developing the skills and tools needed to be successful as they support the development and early learning of all children, including observing environments, facilitating the development of action plans, and supporting site implementation of those plans;
 - d) The development of strategies for addressing prevalent child mental health concerns, including internalizing problems, such as appearing withdrawn, and externalizing problems, such as exhibiting challenging behaviors; and,
 - e) If a child exhibits persistent and serious challenging behaviors, support with the pursuit and documentation of reasonable steps to maintain the child's safe participation in the program. (EDC 8265.2(a))
- 12) Provides that the early childhood mental health consultation service is supervised and provided by a licensed marriage and family therapist, a licensed clinical social worker, a licensed professional clinical counselor, a licensed psychologist, a licensed child and adolescent psychiatrist, or others, as specified. (EDC 8265.2(b)(2))
- 13) Prohibits, in federal regulations, a Head Start program from expelling or un-enrolling a child from Head Start based on the child's behavior and requires a program to prohibit or severely limit the use of suspension due to a child's behavior, as specified. (45 CFR §1302.17)
- 14) Prohibits a contracting agency, as part of the state preschool program, from expelling or unenrolling a child because of the child's behavior, except as specified. (EDC 8239.1)

FISCAL EFFECT: Unknown

COMMENTS:

Subsidized child care: California's subsidized child care system is designed to provide assistance to parents and guardians who are working, in training, seeking employment, incapacitated, or in need of respite. This child care is available through a number of programs. Parents participating in California Work Opportunity and Responsibility to Kids (CalWORKs), as well as families transitioning from and no longer receiving CalWORKs aid, can be eligible for child care, which is offered in three "stages." CDSS administers Stage 1, and CDE administers Stages 2 and 3. CDE also administers non-CalWORKs child care. The largest programs are: General Child Care, which includes contracted centers and family child care homes; the California State Preschool Program, which provides developmentally, culturally, and linguistically appropriate curriculum to eligible three- and four-year olds; and, APPs, which provide vouchers that can be used to obtain child care in a center, family child care home, or from a license-exempt provider.

Certain eligibility and prioritization rules apply to subsidized child care in California. Families are eligible for non-CalWORKs subsidized child care if they meet at least one requirement in each of two areas: eligibility and need. First, they must meet one of the eligibility criteria, which are currently receiving aid, being income-eligible, being homeless, or having children who are recipients of protective services or who have been identified as being, or at risk of being, abused, neglected, or exploited. Secondly, the family must meet one of the “need” requirements which are either the child has to have been identified by a legal, medical, or social services agency or emergency shelter as being a recipient of protective services or being (or at risk of being) abused, neglected or exploited, or the parents need to be employed or seeking employment, engaged in vocational training, seeking permanent housing for family stability, or incapacitated.

In Fiscal Year 2020-21, there are approximately 299,000 subsidized child care slots offered across the various programs (including 178,000 CalWORKs, 75,000 APP, and 32,000 General Child Care slots) as well as over 143,000 CSPP (133,000 part-day and 67,000 full-day).

Impacts of suspension and expulsion: While evidence of the disproportionate suspension and expulsion of school-age students of color has been recorded and analyzed for some time, more recently, similar concerning trends have been observed in preschool and early learning populations. For the first time, in 2011-12, the U.S. Department of Education Office for Civil Rights’ Civil Rights Data Collection included data on preschool suspensions and expulsions, and the findings were troubling. Black children were determined to represent 18% of preschool enrollment, yet constituted 48% of all preschool children receiving more than one out-of-school suspension. Overall, 6% of school districts with children participating in preschool programs reported placing at least one child in out-of-school suspension.

Suspensions and expulsions can have significantly negative, lasting impacts for children. In 2015, the U.S. Departments of Health and Human Services and Education released a “Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings.” This statement claims that:

“Suspension and expulsion can influence a number of adverse outcomes across development, health, and education. Young students who are expelled or suspended are as much as 10 times more likely to drop out of high school, experience academic failure and grade retention, hold negative school attitudes, and face incarceration than those who are not. While much of this research has focused on expulsion and suspension in elementary, middle, and high school settings, there is evidence that expulsion or suspension early in a child’s education is associated with expulsion or suspension in later school grades.”

The policy statement goes on to acknowledge that, not only do suspensions and expulsions hold the potential to negatively impact social-emotional and behavioral development, but they also pull children out of the very settings that could benefit them the most: early learning environments. Not only do suspended and expelled children then miss out on the benefits they could gain in those environments, but education professionals lose access to those children and thus, the opportunity to identify the underlying sources of their behavior and the ability to help those children address those underlying issues. Additionally, suspension and expulsion can add to family stresses and burdens. The policy statement contends that:

“In many cases, families of children who are expelled do not receive assistance in identifying an alternative placement, leaving the burden of finding another program entirely to the family. There may be challenges accessing another program, particularly an affordable high-

quality program. Even in cases where assistance is offered, often there is a lapse in service which leaves families, especially working families, in difficult situations.”

Cradle-to-Career Data System: The California Cradle-to-Career Data System Act, established in 2019, set out requirements for the development of a statewide data infrastructure to ensure that educational, workforce, financial aid, and social service information is fully leveraged to address disparities in opportunities and improve outcomes for all students from cradle to career. The data system is intended to serve students families by identifying and tracking predictive indicators to enable parents, teachers, health and human services providers, and policymakers to provide appropriate interventions and supports to address disparities in opportunities and improve outcomes for all students; creating direct support tools for teachers, parents, advisors, and students; enabling agencies to plan for and optimize educational, workforce, and health and human services programs; and, advancing academic and governmental research on improving policies from birth through career. Three types of committees were created to develop recommendations to inform these decisions:

- **Workgroup:** The Workgroup is made up of partner entities (principally, state agencies) that will provide information to the data system. This group will provide recommendations to the Governor’s Office about data system development.
- **Advisory Groups:** The advisory groups include a broad range of perspectives and provide a means for the public to offer recommendations to the Workgroup about the data system.
- **Subcommittees:** To address highly technical considerations related to data system development, partner entities designated individuals that are serving on Subcommittees. The Subcommittees will develop recommendations for the Workgroup and create work products necessary to start building the data system.

Early Childhood Mental Health Consultation Service: Early childhood mental health consultation is increasingly seen as an effective approach to help young children and their families through decreasing challenging behavior and increasing social and emotional health. The U.S. Department of Health and Human Services’ Substance Abuse and Mental Health Services Administration (SAMHSA), in a 2005 report on early childhood mental health consultation, stated that, “Mental health consultation in early childhood settings is a problem-solving and capacity-building intervention implemented within a collaborative relationship between a professional consultant with mental health expertise and one or more individuals, primarily child care center staff, with other areas of expertise. Early childhood mental health consultation aims to build the capacity (improve the ability) of staff, families, programs, and systems to prevent, identify, treat, and reduce the impact of mental health problems among children from birth to age 6 and their families.”

The early childhood mental health consultation service was established with AB 2698 (B. Rubio), Chapter 946, Statutes of 2018. These services are available to CSPPs, general child care and development programs, and family child care home education networks. These services can currently be provided by a licensed marriage and family therapist, a licensed clinical social worker, a licensed professional clinical counselor, a licensed psychologist, a licensed child and adolescent psychiatrist, or others as determined by CDE; however, CDE has not added other individuals to the list of qualified service providers.

Need for this bill: Evidence has shown that expulsion and suspension of students from any academic setting has lasting negative consequences on the student. These consequences can range from stifling potential educational attainment to leading to social-emotional and behavioral development issues. Expulsion and suspension in early learning and care settings can lead to these negative consequences at a young age. This bill seeks to provide guidelines to follow before a decision is made to expel or suspend a child in an early learning and care setting. This bill also provides supports to help in this endeavor in the form of expanding early childhood mental health service to all early learning and care programs and to provide the supports to parents, and caregivers.

According to the author, “National data indicates children are expelled, suspended, and counseled out of early learning and childcare programs at much higher rates than in K-12 education. African American and Latino children, especially boys, are disproportionately impacted by this detrimental practice. This begins in preschool and persists throughout their educational journey. When children are excluded from early learning classrooms, they miss out on the opportunity to develop key social, emotional, and academic skills.

“As a former teacher myself, I believe we need to ensure all our children are given a fair opportunity to succeed in their earliest school years. This bill helps address structural inequities in our early childhood education system by not only prohibiting suspensions and expulsions, but also by providing needed support to staff.”

Double referral: This bill will be referred to the Assembly Education Committee should it pass out of this committee.

PRIOR AND RELATED LEGISLATION:

AB 568 (R. Rivas) of 2021, would establish a process related to discriminatory practices around the suspension or expulsion of a child in child care and require CDSS to create a Dashboard to collect data for publicly reporting specified race, and suspension and expulsion data from early learning and care programs. AB 568 is set to be heard in the Assembly Human Services Committee on April 7, 2021.

AB 752 (B. Rubio), Chapter 708, Statutes of 2017, prohibited a contracting agency from expelling or unenrolling a child from a state preschool program because of a child’s behavior unless the contracting agency has expeditiously pursued and documented reasonable steps to maintain the child’s safe participation in the program. Further, required CDSS to consider, in determining whether to issue a citation to or impose a civil penalty on a child day care facility that contracts with CDE, whether the child day care facility is in the process of complying with the outlined procedure.

SB 75 (Committee on Budget and Fiscal Review), Chapter 51, Statutes of 2019, established the Cradle-to-Career Data System Act which set out requirements for the development of a statewide data infrastructure to address disparities in opportunities and improve outcomes for all students from cradle to career.

REGISTERED SUPPORT / OPPOSITION:

Support

Black Men for Educational Equity (Co-Sponsor)
Kidango (Co-Sponsor)
Santa Clara County Office of Education (Co-Sponsor)
California Association of Black School Educators
California Charter Schools Association
Compton Unified School District
Early Edge California
GRACE
Mission Strategy Group
National Association of Social Workers, California Chapter
San Diego Unified School District

Opposition

None on file

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