

Date of Hearing: April 21, 2021

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Lisa Calderon, Chair

AB 393 (Reyes) – As Introduced February 2, 2021

**SUBJECT:** Early Childhood Development Act of 2020

**SUMMARY:** Requires the California Department of Social Services (CDSS) to conduct an evaluation and submit to the Legislature a report about the emergency supports provided to childcare service centers during the COVID-19 pandemic. Specifically, **this bill:**

- 1) Adds to Legislative findings and declarations relating to the prioritizing the comprehensive needs of families in the transition of early learning and care programs.
- 2) Requires CDSS to conduct an evaluation of the emergency supports provided during the COVID-19 pandemic and prepare recommendations for ongoing and future emergency support services.
- 3) Requires CDSS to prepare and submit to the Legislature, on or before October 1, 2021, a report regarding the findings and recommendations of the department. The report shall include both of the following:
  - a) The department's response to the following needs in response to the COVID-19 pandemic:
    - i) How the department met the need for ongoing COVID-19 testing, masks, and personal protection equipment supplies;
    - ii) How the department provided support for necessary cleaning for childcare service centers and related logistical support;
    - iii) How the department determined priority for vaccinations and the logistics for providing and prioritizing related support; and,
    - iv) How the department determined whether there were adequate paid days of closure for family childcare homes
  - b) The department's evaluation and recommendations on the following topics:
    - i) How to address the availability of crisis childcare service slots;
    - ii) How to best implement and expand the existing Emergency Child Care Bridge Program for Foster Children; and,
    - iii) Identify ongoing services and resources necessary to ensure sufficient emergency childcare options and supportive services.
- 4) Provides that these provisions are an urgency statute to go into immediate effect in order to facilitate the immediate evaluation of the department's assistance, and the ongoing need for emergency childcare services during the COVID-19 pandemic.

**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, and 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. These services may include direct care and supervision, instructional activities, resource and referral programs, and alternative payment arrangements. (EDC 8208(j))
- 3) Establishes the Emergency Child Care Bridge Program for Foster Youth, a county option program for the purpose of stabilizing foster children with families at the time of placement by providing a time-limited payment or voucher for child care following the child’s placement, or for a child whose parent is in foster care, and by providing the family with a child care navigator to assist the family in accessing long-term subsidized child care. (Welfare and Institutions Code Section 11461.6)

**FISCAL EFFECT:** This bill was keyed non-fiscal by Legislative Counsel.

**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 the California Department of Education (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, alternative payment programs, 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.

***Emergency Child Care Bridge Program for Foster Children (Bridge Program):*** The Bridge Program addresses the lack of child care as a barrier for families otherwise willing to bring a foster child into their home, and for parenting foster youth. The Bridge program has three goals: 1) to increase the number of foster children successfully placed in home-based family care settings; 2) to increase capacity of child care providers to meet the needs of foster children in their care; and, 3) to maximize funding to support the child care needs of eligible families. The program provides vouchers for child care and child care navigator services for families as well as trauma-informed care training and coaching for child care providers to enhance their ability to provide nurturing and safe environments for children.

***COVID-19: effects and response:*** In 2020 and continuing into 2021, across the state, throughout the nation, and around the world, the global COVID-19 pandemic has had drastic effects on public health and the economy. On March 4, 2020, in response to the global COVID-19 outbreak, Governor Newsom declared a statewide state of emergency. In addition to the over 500,000 lives lost to COVID-19 in the United States, many individuals have also experienced unemployment, as well as food and housing insecurity resulting from reduced employment opportunities.

On April 4, 2020, the Governor signed Executive Order N-45-20 enacted in SB 820 (Committee on Budget and Fiscal Review), Chapter 110, Statutes of 2020, to facilitate child care for children of essential critical infrastructure workers by waiving certain programmatic and administrative requirements in response to the COVID-19 pandemic. The Executive Order also required CDE and CDSS to jointly develop and issue guidance on how the essential worker prioritization will be implemented and how child care programs and providers can safely provide care. On April 8, 2020, CDE released guidelines with Management Bulletin 20-06, which provided guidance to state-subsidized early learning and care programs that will continue to provide services to currently-enrolled families or begin to provide “Emergency Childcare” for essential workers and other vulnerable populations.

SB 89 (Committee on Budget and Fiscal Review), Chapter 2, Statutes of 2020, appropriated \$500 million to be used for any purpose related to the March 4, 2020 emergency declaration. Of that appropriation, \$50 million was provided to Resource and Referral (R&R) programs to support Cleaning and Supplies for Childcare Providers (CSCP) on April 29, 2020. The R&R programs, in turn, allocated CSCP funds to open or soon-to-be open providers operating childcare or early learning and care programs for children of essential workers, at-risk populations, and children with disabilities or special health care needs where the child’s individualized education plan or individualized family service plan includes early learning and care services. The CSCP funding was available for both licensed and license-exempt center and home-based providers who are non-local education agencies (e.g. community-based organizations, city or county, or private) and who provide early learning and care services to families receiving subsidies or private paying families. Awards for CSCP funds were made on a first-come, first-serve basis, and allocated based on the capacity of the childcare provider and a per-child funding amount of \$65.89, and had to be spent by June 30, 2020. Examples of allowable expenses include cleansers and sanitizers; masks, gloves, and other personal protective equipment; labor costs associated with additional time for cleaning or cleaning services; and, supplies including instructional materials necessary to implement social distancing and other reasonable health and safety costs associated with responding to state and local health official COVID-19 guidance.

*Need for this bill:* According to the author, “[This bill] will support the ongoing transition of child care and development programs from CDE to CDSS, as funded by the 2020-21 Budget, and ensure the voices of families and providers are heard as the transfer moves forward. This bill will also help prepare California’s child care system for future crises by requiring CDSS to report on the emergency supports provided to families and providers during the COVID-19 pandemic, and to provide recommendations for ongoing and future emergency supports.”

**PRIOR AND RELATED LEGISLATION:**

*SB 89 (Committee on Budget and Fiscal Review) Chapter 2, Statutes of 2020*, appropriated \$500 million from the General Fund to be used for any purpose related to the Governor’s March 4, 2020, proclamation of a state of emergency. SB 89 further authorized additional appropriations in increments of \$50 million, up to a total appropriation of \$1 billion.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Child Care Resource Center (Co-Sponsor)  
EveryChild California (Co-Sponsor)  
American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO  
California Association of Student Councils  
Children Now

**Opposition**

None on file

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