

Date of Hearing: March 14, 2023

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Corey A. Jackson, Chair

AB 393 (Luz Rivas) – As Introduced February 2, 2023

SUBJECT: Childcare: dual language learners

SUMMARY: Requires the Director of the California Department of Social Services (CDSS) to develop procedures for general or migrant childcare and development contractors to identify and report data on dual language learners (DLLs) in General Childcare and Development Programs (CCTRs) or Migrant Childcare and Development Programs (CMIGs) and further requires the Superintendent of Public Instruction (SPI) and the Director of CDSS (Director) to coordinate their efforts in developing procedures and reporting data regarding DLLs. Specifically, **this bill:**

- 1) Requires the procedures developed by the Director to identify DLLs to, at a minimum, include the following:
 - a) No later than upon enrollment, the distribution and collection of a completed family language instrument, which must identify languages the child is exposed to and demonstrates understanding or is able to speak, from a parent or guardian of each CCTR or CMIG enrolled child.
 - b) Criteria for childcare and development contractors to use to accurately identify DLLs enrolled in their programs based on the information collected from the family language instrument and criteria for the family language and interest interview.
- 2) Permits the state assessment to be used to designate a DLL when a childcare and development contractor serving a K-12 education program designated by the child's school district, county education office, or charter school.
- 3) Requires, for any child enrolled in a CCTR or CMIG who has been identified as a DLL, a family language and interest interview to be conducted by the child's teacher or other designated staff. At minimum, requires the interview to include an inquiry and a discussion about the strengths and interests of the child, the language background of the child, and the needs of parents, guardians, or family members of the child to support the language and development of the child.
- 4) Requires the Director to develop the family language and interest interview to be used by teachers and designated staff for purposes of these provisions, and to the maximum extent practicable, for the family language and interest interview to align to the interview required for state preschool program contractors.
- 5) Requires the reported data about DLLs in a CCTR or a CMIG to be submitted at a timeframe determined by the Director in line with the Child Care and Development Services Act, and to include, at a minimum, all of the following:
 - a) A child's home language, the language the child is most exposed to, and the family's preferred language in which to receive verbal and written communication;

- b) A child's race or ethnicity;
 - c) Language characteristics of the childcare and development program, including, but not limited to, whether the program uses the home language for instruction, such as a dual language immersion program, or another program that supports the development of home languages; and,
 - d) The language composition of the program staff.
- 8) Requires, to the maximum extent possible, the Director to use existing enrollment and reporting procedures for childcare and development contractors to meet the requirements of these provisions.
 - 9) Requires the Director to develop clear implementation procedures and related guidance for those contractors that, to the maximum extent practicable, align to the procedures and guidance developed by the SPI for state preschool program contractors.
 - 10) Requires the Director to adopt regulations on or before March 15, 2024, and to provide informal directives to implement these provisions until the time regulations are adopted.
 - 11) Prohibits the procedures developed by the Director to identify DLLs from being connected to or associated with the designation of an English learner (EL) in the K–12 public school system.
 - 12) Requires the procedures to identify and report DLLs to be the sole responsibility of the childcare and development contractor and specifies that family childcare providers shall not be responsible nor liable for the accuracy of data. Clarifies that the identification and reporting of DLLs by childcare and development contractors shall not impact the status of a provider within a family childcare home education network.
 - 13) Requires, in order to minimize the administrative work required of contractors, teachers, staff, and families involved in a childcare and development program, or the state preschool program, as specified, the Director and SPI to coordinate their efforts in developing the procedures for data collection and reporting.
 - 14) States legislative intent to connect information about DLLs in the California Cradle-to-Career Data System.
 - 15) States legislative intent for general or migrant childcare and development contractors, teachers, and staff to better understand the language and developmental needs of DLLs enrolled in publicly funded general and migrant childcare and development programs by identifying them as DLLs through a family language instrument and to support their needs through a family language and interest interview.
 - 16) States further intent that the identification of DLLs will help improve program quality and inform the allocation and use of state and program resources to better support DLLs and their linguistic and developmental needs for success in school and in life.

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. (Welfare and Institutions Code Section [WIC] 10207 *et seq.*)
- 2) Defines terms within the Child Care and Development Services Act as follows:
 - a) “Caregiver” means a person who provides direct care, supervision, and guidance to children in a child care and development facility. (WIC 10213.5(g))
 - b) “Child care and development facility” means a residence or building or part thereof in which child care and development services are provided. (WIC 10213.5(h))
 - c) “Child care and development programs” means those programs that offer a full range of services for children from infancy to 13 years of age, for any part of a day, by a public or private agency, in centers and family child care homes. These programs include, but are not limited to, general child care and development and migrant child care and development. (WIC 10213.5(i))
 - d) “Child care and development services” means those services designed to meet a wide variety of needs of children and their families, while their parents or 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. (WIC 10212(j))
- 3) Requires CDSS to administer all CMIGs and to support and encourage the state-level coordination of all agencies that offer services to migrant children and their families and state-level coordination of existing health funds for migrants. (WIC 10235)
- 4) Defines a “migrant agricultural worker family” to mean a family that has earned at least 50% of its total gross income from employment in fishing, agriculture, or agriculturally related work during the 12-month period immediately preceding the date of application for child care and development services. (WIC 10236(a))
- 5) Requires children of migrant agricultural worker families to be enrolled in child development programs on the basis of the following priorities:
 - a) The family moves from place to place;
 - b) The family has qualified under (a) within the past five years and is currently dependent for its income on agricultural employment, but is currently settled near agricultural areas;
 - c) The family resides in a rural agricultural area and is dependent upon seasonal agricultural work, and,
 - d) Eligibility and priority for services for the federally funded CMIG shall be in accordance with the applicable federal regulations. (WIC 10236(b))

- 6) Requires CDSS to develop appropriate CMIG quality indicators, as specified, and the following:
 - a) Social services;
 - i) Bilingual liaison between migrant parents and the center or family child care home, or both;
 - ii) Liaison between the agency and the relevant community agencies and organizations, including health and social services; and,
 - iii) Identification and documentation of family needs and follow-up referrals as appropriate.
 - b) Staffing; and,
 - i) Requires bilingual health personnel to be available to each program site of a migrant child care and development agency;
 - ii) Requires professional and nonprofessional staff to reflect the linguistic and cultural background of the children being served; and,
 - iii) Whenever possible, migrants will be recruited, trained, and hired in child care and development programs. Requires documentation of training and career ladder opportunities and of recruitment and hiring efforts to be provided to CDSS. Requires staff training to include principles and practices of child care and development for the age groups of children being served, and,
 - c) Health services in migrant child care and development programs to include health and dental screening and follow-up treatment and requires health records for all migrant children to follow the child. (WIC 10237)
- 7) “English learner” means a pupil who is “limited English proficient” as that term is defined in the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 7801(25)). (Education Code Section 306(a))
- 8) Requires CDSS, with funds appropriated for this purpose, to administer CCTR programs, which include:
 - a) Age and developmentally appropriate activities for children;
 - b) Supervision;
 - c) Parenting education and parent involvement;
 - d) Social services that include, but are not limited to, identification of child and family needs and referral to appropriate agencies;
 - e) Health services;
 - f) Nutrition; and,

- g) Training and career ladder opportunities, documentation of which shall be provided by CDSS. (WIC 10240)
- 9) Establishes the “California Community Care Facilities Act”, which provides regulatory structure for a coordinated and comprehensive statewide system of care for the mentally ill, developmentally and physically disabled, and children and adults who require care or services provided by licensed community care facilities, and establishes regulatory structure for licensed child care. (Health and Safety Code 1500 et seq.)

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS:

Background: *Dual Language Learners Data Collection:* Currently, the K-12 school system and the California state preschool program utilize language instruments to identify DLL students. Because state preschool, CCTR, and CMIG are under different purviews, CCTRs and CMIGs are not included in the requirement to identify and collect data on DLLs. This bill builds upon prior efforts to collect data and establish language instruments to determine DLL students within additional subsidized childcare options.

California Cradle-to-Career Data System: The California Cradle-to-Career Data System was enacted through the Budget with the passage of SB 75 (Committee on Budget and Fiscal Review), Chapter 51, Statutes of 2019, to establish of a statewide, longitudinal data system. The system aims to link existing education, workforce, financial aid, and social service information so that policymakers, educators, and the public can better address disparities and improve outcomes for students throughout the state. The data system is designed to be used to provide access to data and information necessary to provide insights into critical milestones in the education-to-employment pipeline, including insight regarding early learning. This bill states intent that the data collected is included in this system.

Subsidized childcare: California’s subsidized childcare system is designed to provide assistance to parents and guardians who are working, in training, seeking employment, incapacitated, or in need of respite. Center-based direct-contract child care and development programs are dually administered by CDSS and the California Department of Education (CDE). CDE administers the state preschool program, which provides developmentally, culturally, and linguistically appropriate curriculum to eligible three- and four-year olds, while CDSS administers the CCTR and CMIG programs, among others.

To operate these programs, the state contracts directly with child care centers and Family Child Care Education Home Networks Program (FCCHENs) for a fixed number of child care slots. These contractors provide child development services for children from birth through 12 years of age as well as older children with exceptional needs to provide a developmentally, culturally, and linguistically appropriate educational component. The programs also provide meals and snacks to children, parent education, referrals to health and social services for families, and staff development opportunities to employees.

Voucher-based subsidized childcare includes programs for parents participating in California Work Opportunity and Responsibility to Kids (CalWORKs), as well as families transitioning from and no longer receiving CalWORKs aid. These parents can be eligible for childcare, which is offered in three stages, of which Stages 2 and 3 fall under CDSS’ purview.

Similar to the CCTRs, CMIGs also provide culturally, linguistically, and developmentally appropriate care for the children served along with meals and snacks, parent education, referrals to health and social services for agricultural families, and staff development opportunities to employees. A migrant agricultural worker family, is eligible for services when the parents are one of the following: a current aid recipient, income eligible, experiencing homeless, or one whose child is the recipient of protective services, or whose child has been identified as being abused, neglected, or exploited, or at risk of being abused, neglected, or exploited. CMIG services are unique because some of the contractors provide services year round, while others open their doors in alignment with the agricultural seasons in the communities in which they serve. As of January 2023, a total of 507 children were enrolled in the migrant childcare and development program, however when migrant camps were open for the season, the number of children enrolled in the same program in June 2022 was 1,461.

Assembly Blue Ribbon Commission on Early Childhood Education report. The state Assembly convened a Blue Ribbon Commission to examine early education and provide policy recommendations. The Blue Ribbon Commission released a report in April 2019 that included several recommendations to address disparities in compensation and career advancement in childcare and urged the establishment of supports and systems to optimize all providers' ability to meet the diverse needs of children and families, including working with DLLs, supporting culturally responsive practices, and providing trauma-informed care and instruction. The report also emphasized the need to recognize the assets of DLLs, increase language access and cultural competence, remove systemic barriers due to cultural and linguistic bias, and to expand investments in professional development opportunities to support all DLL children.

The report also suggested that professional development for service providers who work with parents should include best practices on family engagement and joint decision-making and that providers and parents should collaborate to design training for providers, including programs focused on parents of DLLs.

Master Planning for Early Learning and Care. Building upon the Blue Ribbon Commission, in November 2019, the California Health and Human Services Agency created a roadmap to begin implementing recommendations from past research and to build upon these efforts to better understand the benefit of early education. The task force that authored this roadmap, Master Planning for Early Learning and Care, focused on early learning and care system: access, quality, universal preschool, facilities, and financing. The report identified four major policy goals: 1) unify programs to improve access and equity, 2) support children's learning and development by enhancing educator competencies, incentivizing, and funding career pathways, and implementing supportive program standards, 3) unify funding to advance equity and opportunity, and 4) streamline early childhood governance and administration to improve equity.

The report further explains that, "Approximately 75 percent of California's young children are nonwhite, sixty percent of whom speak a home language other than English, and thirteen percent of whom receive special education supports. Yet, California lacks a basic universal infrastructure for identifying DLLs and practices that lead to equitable identification of young children that benefit from special education supports.

"Caregivers often lack the support they need in order to provide these children with high-quality, culturally relevant experiences in both English and the children's home language. Research supports providing DLLs with high-quality language experiences in both English and their home

language as a foundation for future academic success. Bilingualism has associated benefits such as strengthened cognitive and memory processes, improved communication abilities, social and cultural benefits, and advantages in the job market.”

Author statement: According to the Author, “[This bill], takes a critical step in implementing the Master Plan for Early Learning and Care recommendations supporting our children who are DLLs. Despite the state’s positive shift acknowledging linguistic and cultural diversity as assets, and although 60% of children ages birth to five live in households in which a language other than English is spoken, there is no consistent manner of identifying DLLs in California’s general child care programs. The absence of information about the state’s DLLs impairs the ability of state policymakers to make informed decisions over resources that could be leveraged to nurture and develop the early linguistic assets of these children for their benefit and the greater benefit of California.”

Need for this bill: The provisions of this bill seek to build upon the changes that were enacted through the passage of AB 1363 (Luz Rivas), Chapter 498, Statutes of 2021, by expanding the reach of DLL identification across the state’s mixed-delivery system to ensure that all childcare programs are equipped with sufficient bilingual staff and materials to serve California’s multilingual children.

As noted in the Assembly’s Blue Ribbon Commission report, the state’s DLL/ EL students enter the education system with linguistic, cultural, and intellectual assets that contribute to the rich diversity of California.

Research has indicated that DLLs often struggle navigating through school, higher education, and life due to language barriers. Identifying where DLLs are enrolled has the potential to help establish ways to provide resources and create parity in educational outcomes. A report from the National Center on Immigration Integration Policy states that for DLLs, the quality, type, and amount of care outside of the home can make a significant difference in kindergarten readiness, including measures of math and literacy skills. Early educational interventions can lead to later academic successes.

Staff comments: While this bill is consistent with the recommendations in the Master Plan for Early Learning and Care and the Assembly Blue Ribbon Commission to embrace DLLs and the benefits of learning more than one language, the author may wish to consider clarifying how provisions related to collecting and reporting data will be implemented in order to better understand whether it is logistical feasible to require general and migrant childcare and development contractors to collect this information and the reporting timelines that would be appropriate.

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

RELATED AND PRIOR LEGISLATION:

AB 321 (Valladares), Chapter 903, Statutes of 2022, added prioritization for children who come from a family in which the primary home language is a language other than English into specified federal and state subsidized child development services programs.

AB 1363 (Luz Rivas), Chapter 498, Statutes of 2021, required the SPI to develop procedures for providers to identify and report data on DLLs enrolled in CSPPs.

AB 1012 (Reyes) of 2019, would have required, upon an appropriation, CDE to provide grants to local educational agencies for, among other purposes, professional learning for child development providers to support the development of DLLs. *AB 1012 was held on the Assembly Appropriations Committee suspense file.*

AB 2514 (Thurmond), Chapter 763, Statutes of 2018, established the “Pathways to Success Grant Program”, to provide grants for the establishment and expansion of dual language immersion programs, developmental bilingual programs for ELs, and early learning DLL programs.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Biligual Education (Co-Sponsor)
Californians Together (Co-Sponsor)
Early Edge California (Co-Sponsor)
California State PTA
Catalyst California
Child Care Providers United (CCPU)
Children Now
Institute for Racial Equity and Excellence
Kidango
North Bay Leadership Council
Parent Institute for Quality Education
Sobrato Early Academic Language (SEAL)
The Children's Partnership
The Education Trust - West

Opposition

None on file

Analysis Prepared by: Jessica Langtry / HUM. S. / (916) 319-2089