

Date of Hearing: April 7, 2021

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Lisa Calderon, Chair

AB 568 (Robert Rivas) – As Introduced February 11, 2021

SUBJECT: Early learning and care: complaints about discrimination and exclusion of children: Early Learning and Care Dashboard

SUMMARY: Establishes a complaint process related to discriminatory practices around the suspension or expulsion of a child in child care. Also requires the State Department of Social Services (CDSS) to create an Early Learning and Care Dashboard (Dashboard) to collect data for publicly reporting specified race, and suspension and expulsion data regarding early learning and care programs. Specifically, **this bill:**

- 1) Makes various findings and declarations related to racial inequity in expulsion and suspension rates in grades K-12 and the lack of data from early learning and care providers.
- 2) States Legislative intent to enact legislation that, through greater data transparency and accountability, addresses the suspension and expulsion of African American and Hispanic children in early learning and care settings at disproportionate rates and inequitable access to high-quality early learning and care.
- 3) Adds the number of requests for care by age of the child, race and ethnicity of the child, hours of care needed by race and ethnicity of the child, and facility type requested by race and ethnicity of the child to the list of documentation of requests for service tabulated through the internal referral process required to be maintained by childcare resource and referral programs.
- 4) Commencing January 1, 2022, authorizes any person to submit a complaint related to discriminatory or exclusionary practices, including suspension or expulsion of a child, persuading a family to withdraw a child, or cutting hours of care unrelated to a change in family need, to CDSS orally or in writing. Further, requires complainants to be asked to indicate the age, race, and ethnicity of the child, the facility type of the provider, and whether the care was provided by a subsidized program, as specified. Further specifies that complaints regarding discriminatory or exclusionary practices shall not trigger an inspection or investigation.
- 5) Requires CDSS to report the total number of complaints regarding discriminatory or exclusionary practices to the Legislature on or before January 31, 2023, and on or before January 31 of each year thereafter.
- 6) Adds that complaints may be made regarding health and safety, discrimination, and exclusion to the notice that CDSS must furnish to each licensed child day care facility to be seen by employees and consumers.
- 7) Requires CDSS, in coordination with the State Department of Education, and in consultation with the Cradle-to-Career Data System Workgroup, no later than January 1, 2024, to develop and maintain the Dashboard, a web-based system for publicly reporting data regarding the California state preschool program, and the early learning and care programs. Further

requires the Dashboard to report all of the following information at a statewide and countywide level:

- a) Enrollment by race, ethnicity, and age in each type of early learning or childcare program;
 - b) The number of requests for early learning and childcare by age, and race and ethnicity;
 - c) The time category of care requested, by race and ethnicity of the child;
 - d) The type of early learning or childcare facility preferred, if stated, by race and ethnicity;
 - e) The total number of health and safety complaints, by early learning or childcare facility type;
 - f) The total number of complaints related to discrimination or exclusion, by race and age of the child, and by early learning or childcare facility type;
 - g) The number of active child day care licenses by facility type, capacity, ages served, and ZIP Code;
 - h) The number of active child development permits, at each level, as reported by the Commission on Teacher Credentialing;
 - i) The total number of children with an individualized education program or individualized family service plan by race and ethnicity;
 - j) The total number of children with an individualized education program or individualized family service plan who were enrolled in the California state preschool program and were suspended or expelled, by race and ethnicity; and,
 - k) The total number of children enrolled in the California state preschool program or one of the early learning and care programs that were suspended or expelled, by race and ethnicity.
- 8) Requires the Cradle-to-Career Data System Workgroup, no later than January 1, 2025, to make recommendations for additions or modifications to the Dashboard to ensure that it aligns with the Cradle-to-Career Data System.
- 9) Requires, no later than January 1, 2024, a stakeholder group convened by CDSS to make recommendations to the Legislature and CDSS regarding the type and extent of training on implicit bias and racism that should be provided to holders of the child development permit. Further, requires the stakeholder group to provide a cost estimate for this training, and identify existing local institutions, including resource and referral programs, local childcare planning councils, and county offices of education, that could be used to provide training. Further, requires the stakeholder group to provide recommendations on how to prioritize funding for training based on the Dashboard data.
- 10) Provides that funding for the training be contingent upon the enactment of an appropriation for its purposes in the Budget Act or another statute.

11) Makes technical changes.

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. (EDC 8235(a))
- 5) 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) Alternative Payment Programs (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)
- 6) 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))

- 7) 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. (Health and Safety Code Section [HSC] 1596.70 et seq.)
- 8) 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)
- 9) 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)
- 10) Requires child care resource and referral programs to maintain ongoing documentation of requests for service tabulated through the internal referral process, including the number of calls and contacts to the child care information and referral program or component, ages of children served, time category of childcare request for each child, and reason that childcare is needed. (EDC 8212 (a)(3)(A))
- 11) Authorizes any person to request an inspection of any child day care facility in accordance with the California Child Day Care Facilities Act by transmitting to CDSS notice of an alleged violation of applicable requirements prescribed by the statutes or regulations of this state. A complaint may be made either orally or in writing. Further, specifies the processes for CDSS to review and determine if an allegation is substantiated. (HSC 1596.853)

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." The 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 California State Preschool Program (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.

Need for this bill: In order to address inequities in the early learning and care programs, the programs need to be assessed to determine the scope of the inequities. This bill creates a Dashboard to collect data for publicly reporting specified race, suspension, and expulsion data regarding early learning and care programs.

According to the author, "Quality data on early learning and care (ELC) programs in California are often scattered, difficult to aggregate, and effectively inaccessible to policymakers. From the little data that are available, we know that that Black and Latino children face disproportionate exclusion from high-quality ELC programs. This troubling fact indicates that there are equity gaps in our state's ELC programs, but we cannot begin to address those disparities if we do not have comprehensive and accessible data.

"[This bill] will establish a statewide data dashboard that centralizes data on access to, exclusion from, and locations of ELC programs. Doing so will provide policymakers with the tools to pinpoint and address the root causes that promulgate the racial gaps in our state's ELC programs. All children, regardless of racial or ethnic background, should have equal access to high-quality early learning and care."

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

PRIOR AND RELATED LEGISLATION:

AB 1361 (B. Rubio) of 2021, prohibits a childcare facility from expelling or suspending a child unless specified expulsion and suspension guidelines were followed. AB 1361 is pending in the Assembly Human Services Committee.

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 the 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

Advancement Project (Co-Sponsor)
Santa Clara County Office of Education (Co-Sponsor)
Alliance for Children's Rights
Black Men for Educational Equity
Child Care Alliance of Los Angeles
Child Care Resource Center
Children Now
Every Child California
Head Start California
San Mateo County Child Care Partnership Council

Opposition

None on file

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