

## CONCURRENCE IN SENATE AMENDMENTS

AB 2131 (Mullin)

As Amended August 11, 2022

Majority vote

**SUMMARY**

Authorizes the California Department of Social Services (CDSS), in consultation with the State Department of Education, as specified, to implement the single childcare center license by an all-county letter or similar written instruction that shall have the same force and effect of regulations until regulations are adopted. Further, on January 1, 2024, repeals provisions referring to an optional toddler program for children between 18 and 36 months of age

**Senate Amendments**

- 1) Delete the provision that CDSS consult with the California Department of Education (CDE) when considering best practices for continuity of care of the children and parents being served. Instead, specifies that in considering best practices for continuity of care for preschool age children, CDSS shall consult with CDE.
- 2) Delete the provision that CDSS consult with CDE when developing all-county letters. Instead specifies that in developing an all-county letter or similar written instruction regarding implementation and administration of these provisions for preschool age children, CDSS shall consult with CDE.

**COMMENTS**

*Licensed childcare:* The licensure, maintenance, and operation of child daycare centers and family daycare homes in the state are governed by the California Child Daycare Facilities Act. This law and the attendant regulations found in Title 22 of the California Code of Regulations establish, among other things, general health and safety requirements, staff-to-child ratios, and provider training requirements.

CDSS's Community Care Licensing Division (CCLD) has the responsibility of licensing and monitoring the state's 12,768 daycare centers, with a capacity to serve 663,454 children. There are an additional 2,201 licensed school-age daycare facilities with a capacity to serve 139,610 children. CCLD is required to conduct unannounced site visits of all licensed child daycare facilities and homes. CCLD conducts random inspections of 30% of facilities annually, and each facility must be visited at least once every three years; some exceptions triggering more frequent inspections exist.

State law and regulations dictate that infant care centers serve children under two years old, preschool childcare centers serve children between the ages of two years old and when they start school, and school-age childcare centers serve children who have entered the first grade or are in a childcare program exclusively for children in kindergarten and above. A "combination center" is any combination of an infant center, preschool childcare center, school-age childcare center and childcare center for mildly ill children that is owned and operated by one licensee at a common address. In California, separate licenses are required for serving infant, preschool, and school age children. Thus, owner/operators of combination centers serving more than one population must get multiple licenses and undergo separate inspection and compliance processes for each license.

*Toddler program:* In 1988, the Senate Select Committee on Children and Youth and the Senate Select Committee on Infant and Child Care and Development convened a task force to examine what at the time were the two basic licensing categories for childcare centers: an infant category for children up to two years of age, and a second category for children between the ages of two and 12. This task force recommended the establishment of a third optional category for toddlers between the ages of 18 and 30 months. SB 629 (Morgan), Chapter 1079, Statutes of 1989, established this optional license category for daycare programs and AB 762 (Mullin), Chapter 373, Statutes of 2015, increased the upper age limit to 36 months. As it currently exists, the optional toddler program is available to both centers that serve preschool-age children and centers that serve infants. These centers can create a special program component for children between the ages of 18 and 36 months. The toddler program has its own staffing ratio and maximum group size requirements, but is considered an extension of the infant or preschool license and does not require a separate license.

*Single childcare center license:* AB 605 (Mullin), Chapter 574, Statutes of 2018, required CDSS to promulgate regulations to create a new infant to schoolage childcare center license with all respective health and safety requirements for the age groups served. This single childcare center license allows licensed providers to obtain one license and select which age group or groups they wish to serve. A single license promotes greater continuity of care for children and parents being served in childcare centers. The single license supports an ongoing relationship between parents, children and their care providers without having to transition children to a new group or new caregiver based solely on the child's birthdate. All daycare centers are required to be licensed as childcare centers by January 1, 2024

### **According to the Author**

"Child care has always been an integral part of California's economy and further streamlining that system for parents and providers is a win for the state. The approaching implementation of AB 605, (Mullin, 2018) modernizes the child care licensing system in California by creating a single license and negates the need for language regarding the "toddler option" in statute. [This bill] resolves this issue while providing the California Department of Social Services the flexibility to fully implement the single-license program through an all-county letter."

### **Arguments in Support**

Head Start California, a co-sponsor of this bill states, "The flexibility provided by a single license will be welcomed by early learning and care providers, who indicate that being able to serve varying ages of children is critical to permitting their businesses to remain open and successful. With the expansion of Transitional Kindergarten, the need for increased flexibility for providers to shift to serving younger children is particularly needed. This bill will also give the Department of Social Services the authority to implement the new license for all providers via All County Letter while regulations are being developed, allowing the new licenses to be more promptly implemented."

### **Arguments in Opposition**

None on file

## **FISCAL COMMENTS**

According to the Senate Appropriations Committee on August 11, 2022, this bill will incur likely General Fund costs of \$162,000 in 2022-23 and \$149,000 in 2023-24 for CDSS staffing to develop and revise regulations.

**VOTES:****ASM HUMAN SERVICES: 8-0-0**

**YES:** Calderon, Davies, Arambula, Mia Bonta, Bryan, Stone, Villapudua, Waldron

**ASM EDUCATION: 7-0-0**

**YES:** O'Donnell, Megan Dahle, Bennett, Chen, Lee, McCarty, Quirk-Silva

**ASM APPROPRIATIONS: 16-0-0**

**YES:** Holden, Bigelow, Bryan, Calderon, Carrillo, Megan Dahle, Davies, Mike Fong, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Wilson

**ASSEMBLY FLOOR: 75-0-3**

**YES:** Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Bigelow, Bloom, Boerner Horvath, Mia Bonta, Bryan, Calderon, Carrillo, Cervantes, Chen, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Mike Fong, Fong, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gray, Grayson, Haney, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wilson, Wood, Rendon

**ABS, ABST OR NV:** Berman, Choi, O'Donnell

**SENATE FLOOR: 40-0-0**

**YES:** Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

**UPDATED**

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