
SENATE COMMITTEE ON HUMAN SERVICES

Senator Hurtado, Chair

2021 - 2022 Regular

Bill No: AB 2131

Author: Mullin

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Urgency: No

Consultant: Elizabeth Schmitt

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Fiscal: Yes

Subject: Child daycare facilities.

SUMMARY

This bill removes the authorization for the California Department of Social Services (CDSS) to adopt emergency regulations in order to implement the creation of a single child care center license serving infant, toddler, preschool, and school age children, and instead authorizes CDSS to, in consultation with the State Department of Education (CDE), implement the creation of the single child care center license through all-county letters or similar written instructions until regulations are adopted.

ABSTRACT

Existing Law:

- 1) Establishes the California Child Day Care Facilities Act, which provides for the licensure and regulation of child day care centers and family day care homes by CDSS. (*HSC 1596.70 et seq.*)
- 2) Defines a “child day care facility” to mean a facility that provides nonmedical care to children under 18 years of age including day care centers, employer-sponsored child care centers, and family day care homes. (*HSC 1596.750*)
- 3) Defines a “day care center” to include any child day care facility other than a family day care home, including infant centers, preschools, extended day care facilities, school-age child care centers, and child care centers licensed to serve infant, toddler, preschool, and school-age children. (*HSC 1596.76*)
- 4) Defines “school-age child care center” to mean a day care center or part of a day care center that provides nonmedical care and supervision, personal services, or assistance essential for sustaining the activities of daily living or for the protection of school-age children or nonminor students, or both, in a group setting for less than 24 hours per day. (*HSC 1596.7915*)

- 5) Requires that any person, firm, partnership, association, or corporation operating a child day care facility in California shall have a valid license. (*HSC 1596.80*)
- 6) Requires CDSS to charge an original application fee for the issuance of a license to operate a child day care facility and, thereafter, an annual fee, based on facility type and capacity. (*HSC 1596.803*)
- 7) Requires CDSS to develop guidelines and procedures to permit licensed child day care centers serving preschool-age children and licensed child day care centers serving infants to create a special toddler program component for children between the ages of 18 months and three years and requires this optional toddler program to meet certain requirements, as specified. Further requires the toddler program to be considered an extension of the infant center or preschool license. (*HSC 1596.955, 1596.956*)
- 8) Defines “preschool age children” to mean children who are enrolled in a licensed child day care center and who are not enrolled in either an infant care center or school-age child day care center. (*HSC 1597.059*)
- 9) Defines “combination center” to mean any combination of a child care center, infant care center, school-age child care center, and child care center for mildly ill children that is owned and operated by one licensee at a common address. (*22 California Code of Regulations (CCR) 101152 (c)(10)*)
- 10) Defines “school-age child” to mean any child who has either entered the first grade or higher or who is in a child care program that provides care and supervision exclusively to children enrolled in kindergarten and above. (*22 CCR 101152 (s)(1)*)
- 11) Defines “infant” to mean a child under two years of age and defines “infant care center” to mean any child care center, or part thereof, where less than 24-hour per day nonmedical care and supervision are provided to infants in a group setting. (*22 CCR 101152 (i)(1-2)*)
- 12) Permits a child whose developmental needs require continuation in an infant care center to remain in an infant care center up to a maximum age of three years. (*22 CCR 101361*)
- 13) Expresses the intent of the Legislature to create a child care license that has individual program components that serve infant, toddler, preschool, and school-age children, and that CDSS consider flexibility for child care providers, maximizing administrative efficiency, while supporting a continuum of services in a manner consistent with all respective health and safety requirements. (*HSC 1596.951(a)*)
- 14) Requires CDSS, in consultation with stakeholders, to adopt regulations on or before January 1, 2021, to create a child care center license to serve infant, toddler, preschool, and school-age children with all respective health and safety requirements. Requires all day care centers to be licensed accordingly by January 1, 2024. (*HSC 1596.951(b)*)
- 15) Allows CDSS to adopt emergency regulations in order to implement the single child care center license serving infants, toddlers, preschool, and school-age children. (*HSC 1596.951*)

This Bill:

- 1) Removes the authorization for CDSS to adopt emergency regulations in order to implement the creation of a single child care center license serving infant, toddler, preschool, and school age children. Replaces this with an authorization for CDSS to, in consultation with CDE for preschool age children, implement the creation of the license through all-county letters or similar written instructions until regulations are adopted.
- 2) Requires CDSS, in the development of a single child care center license serving infant, toddler, preschool, and school-age children, to consult with CDE in considering best practices for continuity of care of the preschool age children and parents being served.
- 3) Creates a sunset date of January 1, 2024 for provisions directing CDSS to develop guidelines and procedures to permit licensed daycare centers serving preschool age children to create a special optional program component for children between 18 months to three years of age.
- 4) Creates a sunset date of January 1, 2024 for provisions directing CDSS to develop guidelines and procedures to authorize licensed child daycare centers serving infants to create a special optional program component for children between 18 months to three years of age.
- 5) Makes other technical and clarifying changes.

FISCAL IMPACT

According to an analysis prepared by the Assembly Committee on Appropriations, CDSS estimates ongoing General Fund costs of \$150,000 to \$200,000 annually for one staff position to develop written instructions and revise regulations for the single childcare license, coordinate with stakeholders, assist with implementation, analyze program implementation results, and prepare recommendations for improvements.

BACKGROUND AND DISCUSSION**Purpose of the Bill:**

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.

Licensed Childcare Centers

The licensure, maintenance, and operation of child day care centers and family day care homes in the state are governed by the California Child Day Care Facilities Act. This law and the corresponding regulations establish, among other things, general health and safety requirements, staff-to-child ratios, and provider training requirements for licensed child care. CDSS's Child Care Licensing Program, within the Community Care Licensing Division (CCLD), is charged with ensuring licensed child care facilities meet health and safety standards through monitoring facilities, providing technical assistance, and establishing partnerships with providers, parents, and the child care community.

In California, separate licenses are required for serving infant, preschool, and school-age children. Infant care centers serve children who are less than two years old. Preschool childcare centers serve children from the age of two to when they start school, and school-age child care centers serve children who have entered the first grade or are in a child care program exclusively for children in kindergarten and above. Infant care centers and school-age centers may also offer a toddler component, as an extension of their existing licenses. The toddler component permits care of children 18 months to three years old. The process for obtaining approval of a toddler component is slightly streamlined from the licensing process, but it does require a site inspection.

Owner/operators of centers serving all three populations (infant, preschool and school-age) must obtain three licenses and undergo separate licensure, inspection, and compliance processes for each license they hold. Such centers may be designated a "combination center," and they must be owned and operated by one licensee and operating at a common address. They may additionally obtain a toddler component, as described.

In June 2021, there were 41,079 licensed childcare facilities in California. From the start of the COVID-19 pandemic in March 2020 through the end of October 2020, CDSS estimates approximately 2,030 family child care homes and 390 child care centers closed permanently. Data across the entirety of the pandemic, between March 2020 and December 2021, suggests a 0.7 percent decrease in the number of licensed child care providers. However, reporting and anecdotal evidence suggest periodic temporary closures during various points of the pandemic had a much greater impact on overall statewide capacity and made it difficult for families to obtain child care while parents work, attend school, and perform other necessary activities.

Recognizing these challenges, the 2020-21 and 2021-22 budgets made numerous investments, utilizing state and federal dollars, to: provide temporary emergency vouchers; provide cleaning supplies and personal protective equipment; provide temporary supplemental rates to providers; offer one-time funding for infrastructure grants for the building of new facilities or renovation, repair, or expansion of existing facilities; suspend family fee contributions for subsidized child care; and provide reimbursement flexibility for providers accepting vouchers. The chart below provides additional data on permanent closures, temporary closures, and new licensures over the course of the pandemic.

CCL Child Care Licenses and Closures				
<i>As of December 2021</i>				
	Small Family Homes	Large Family Homes	Child Care Centers	Total
Open and Operating^a				
Facilities	12,808	11,753	11,548	36,109
Slots	101,998	163,642	626,261	891,901
Temporarily Closed				
Facilities	797	637	3,125	4,559
Slots	6,326	8,854	165,913	181,093
Permanently Closed Since March 2020				
Facilities	3,827	1,611	1,185	6,623
Slots	30,432	22,368	56,690	109,490
New Licenses Since March 2020				
Facilities	4,230	1,103	1,172	6,505
Slots	33,760	15,432	53,072	102,264
a) Represents a snapshot of open and operating facilities as of 12/31/2021 and excludes licenses that are inactive or temporarily closed.				
Data Source: CCL.				
CCL = Community Care Licensing.				

Single Infant to School-age Child care License

AB 605 (*Mullin, Chapter 574, Statutes 2018*) directed CDSS, in consultation with stakeholders, to adopt regulations on or before January 1, 2021 to combine the infant, preschool, and school-age licenses and to create a new single infant to school-age license option. AB 605 required those regulations to include components for serving infant, toddler, preschool, and school-age children; health and safety standards for children in care; and the enhanced ability to transition children from one age group to the next. The creation of the single child care license built upon the existing toddler option, under which infant and preschool providers are authorized to serve toddlers 18 months to three years of age as an extension of their infant or school-age licenses. At the time AB 605 was being considered by the Legislature, CDSS indicated that they would eventually phase out the current license categories and transition holders of those licenses into the new integrated license. This bill achieves that phase-out by repealing the provisions authorizing the optional toddler program for infant and preschool providers on January 1, 2024.

This new single child care license is designed to provide continuity of care, meaning that children and caregivers remain together for more than one year, often for the first three years of children's lives. Continuity of care for young children in day care centers and similar settings can reduce stress by allowing for the ongoing relationship between parents, children, and their care providers. According to a report published by Harvard University's Center on the Developing Child titled "Three Principles to Improve Outcomes for Children and Families," "relationships also help build resilience across childhood and into adulthood. The single most

common factor for children and teens who develop the capacity to overcome serious hardship is having at least one stable and committed relationship with a supportive parent, caregiver, or other adult.”¹

AB 605 permitted CDSS to implement the creation of the single infant to school-age childcare license through emergency regulations. This bill removes that authorization to develop emergency regulations and instead allows CDSS to implement and administer the single childcare license through all-county letters or similar written instructions until regulations are adopted. Additionally, AB 605 required CDSS to consider best practices for continuity of care of the children and parents being served in the development and adoption of the single child care license. This bill adds a requirement for CDSS to consult with CDE regarding preschool children in the consideration of best practices for continuity of care and in the implementation of the single child care license.

Related/Prior Legislation:

AB 605 (Mullin Chapter 574, Statutes of 2018) required CDSS, in consultation with stakeholders, to adopt regulations by January 1, 2021, to create a child care center license to serve infant, toddler, preschool, and school-age children and required, by January 1, 2024, all daycare centers to be licensed as child care centers.

AB 1897 (Mullin, 2016) would have created an optional birth-to-entering-first-grade day care center license option. It did not pass out of Assembly Appropriations Committee.

AB 762 (Mullin, Chapter 373, Statutes of 2015) increased the upper age limit for optional toddler programs authorized by CDSS from 30 months to three years of age.

COMMENTS

This bill furthers the implementation of the single childcare license designed to serve infants through school-age children, which will provide greater continuity of care for children in child care centers and their parents.

The committee proposes the following amendments to clarify provisions requiring CDSS to consult with CDE regarding preschool children as it relates to continuity of care and the implementation of the single child care license.

Proposed committee amendments:

Amendment One

During the development and adoption of the regulations required by subdivision (b), the department shall ~~in consultation with the State Department of Education, for preschool age children,~~ consider best practices for continuity of care of the children and parents being served.

¹ <https://developingchild.harvard.edu/resources/three-early-childhood-development-principles-improve-child-family-outcomes/>

In considering best practices for continuity of care for preschool age children, the department shall consult with the State Department of Education.

Amendment Two

Notwithstanding the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, to implement this section. Code), the department may, ~~in consultation with the State Department of Education, for preschool age children,~~ implement and administer this section through all-county letters or similar written instructions until regulations are adopted. **In developing the all-county letters or similar written instructions, the department shall consult with the State Department of Education regarding implementation and administration for preschool age children.**

PRIOR VOTES

Assembly Floor:	75 - 0
Assembly Appropriations Committee:	16 - 0
Assembly Human Services Committee:	8 - 0

POSITIONS

Support:

None received

Oppose:

None received

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