

California Child Care Resource & Referral
NETWORK



CHILDREN NOW



California Child Development
Administrators Association



Northern Director's Group



CHILD CARE LAW CENTER.



May 4, 2017

California Department of Finance, Education Systems Unit, 915 L Street, Sacramento, CA 95814
Assembly Member Kevin McCarty, Capitol Office, Room 2136, Sacramento, CA 94249
Assembly Member Dr. Joaquin Arambula, Capitol Office, Room 5155, Sacramento, CA 94249
Senator Richard Pan, Capitol Office, Room 5114, Sacramento, CA 95814
Senator Anthony J. Portantino, Capitol Office, Room 3086, Sacramento, CA 95814
Senator Holly J. Mitchell, Capitol Office, Room 5080, Sacramento, CA 95814
Assembly Member Phillip Y. Ting, Capitol Office, Room 6026, Sacramento, CA 94249

Re: Early Education Proposals contained in the Proposed 2017-18 Budget

Dear Department of Finance and Legislators,

The above-listed early care and education organizations join the Legislative Analyst's Office (LAO)¹ to adamantly oppose the Governor's Budget Proposal's policy recommendation to repeal basic health and safety protections (Title 22 regulatory requirements) from preschools administered by Local Education Agencies (LEA's).

The Administration has asked for feedback on its child care and early learning proposals to strengthen them and ensure they are increasing efficiencies and flexibility for providers, while maintaining important health and safety provisions. We offer this input in response.

I. The Budget Policy Proposals on Title 22 Jeopardize Basic Health and Safety Standards For Children, and Have not been Adequately Vetted.

Title 22 regulatory protections were adopted after decades of lack of oversight resulting in the serious injuries and deaths of children. See, "Oliver's Law," AB 633, Chapter 545, Acts of 2006. The primary argument in favor of this blind repeal of Title 22 protections is that schools will do the right thing. In 2000, the American Civil Liberties Union was forced to file the Williams Lawsuit in order to address egregious health, safety, and educational adequacy concerns in low-income California schools, including classroom and bathroom facilities. We cannot assume that any child care site providing care to children will voluntarily comply with these basic standards if not mandated to do so.

In this proposal, LEA-administered preschools would not be subject to Title 22 requirements, jeopardizing basic health and safety standards currently required in California for programs serving 3 and 4-year olds. This proposal shifts the Transitional Kindergarten standards which were designed to serve younger 5-year old children, to children as young as

¹ Legislative Analyst's Office, The 2017-18 Budget, [Analysis of Child Care and Preschool Proposals.](#)

three years old attending the California State Preschool Program. The developmental differences between these age groups are ignored in this proposal and raises serious concerns as to how it would provide adequate health and safety protections to these young children. *Title 22 protections do not duplicate health and safety protections afforded under Title 5 or other laws applicable to K-12 school facility construction or operations.* To name just a few critical protections unique to Title 22:

- Initial licensing and inspection of health and safety of physical surroundings, with an emphasis on potential hazards to very young children;
- Regular, unannounced inspections focused on health and safety.
- Parent (Consumer) access to review the history of a facility prior to and throughout their child’s enrollment in a program through the transparency website;
- Confidential, on-line complaint process, which triggers an inspection within ten (10) days;
- Sanitary and adequate toilet facilities;
- Safe play structures.

The rushed and limited budget process is not an appropriate vehicle for considering this far-reaching policy proposal, which has direct impacts on the health and safety of young children, and could cause significant potential harm to our systems, children and families.

II. In Order to Protect Young Children, the Same Minimum Standards Should Apply to all Preschools, Regardless of Where They are Housed.

A. Minimum Standards Should Bridge, Not Further Divide, Our Preschool Programs

Standards for training and credentialing, staff ratios, monitoring, and other health and safety and quality guarantees should encompass all programs for children from birth to age five creating consistent access for families throughout California to quality early learning options. Minimum standards should not depend on whether the program currently sits within or outside of an LEA-administered program, on or off school grounds, or within or outside of the Proposition 98 guarantee.

Monitoring and compliance occur in all early childhood programs, including state preschool programs, through the California Department of Social Services, Community Care Licensing Division’s Child Care Licensing Program (“Licensing”). EESD reviews these programs for compliance with Title 5 Education requirements only. This proposal assumed – incorrectly - that the requirements contained in Title 5 and other provisions governing school-based preschools are duplicative of Title 22 and adequately protect preschool-age children.

III. Title 22 Regulations Contain Important Inspection and Oversight Components that Protect the Health and Safety of our Youngest Learners.

Title 22 regulations contain key protections for children, and for their parents regarding complaint procedures, and the frequency of inspections and availability of those reports. Much like protections afforded to other vulnerable populations, the monitoring and oversight for children ages 0-5 are both automatic, and triggered by a complaint, and the results must be made publicly available. There is a significant difference between a 5 year old’s ability to report a problem to a parent or teacher, and that of a 3 year old. A summary of key child health and safety risks from abolishing Title 22 protections is attached at the end of this letter.

A. Concerns about Delays in Inspections Are Overstated, and Can be Addressed in Ways that Don’t Compromise Key Oversight Components of Licensing.

One of the key complaints is that local school districts have to wait months – often six months – to obtain their initial inspection from Licensing. It has been stated that school districts are unable to spend the preschool funds allocated to

them because of these delays. Data from Licensing reveals that this is not the case, and that initial inspections are completed much sooner. Nonetheless, we support working to expedite that process in order to ensure that preschools are able to open their doors promptly. As we provide more full-day, year-round preschool that meets the needs of working parents, the uptake will increase.

We support a comprehensive review of where overlapping regulations could be aligned without jeopardizing health, safety or the important oversight structure we have built to protect our youngest learners. If, through this rushed process, we lose a single protection that we then realize we need to restore, there may be state mandate costs associated with any fix. We look forward to working within an existing workgroup, such as the AB 104 workgroup, or establishing a new workgroup toward the Budget Proposal's goal rather than specific proposal.

Sincerely,

California Alternative Payment Program Association (CAPPA)
California Child Care Coordinators Association (CCCCA)
California Child Care Resource and Referral Network
California Child Development Administrators Association (CCDAA)
California Collation for Equity in Early Care and Education
Californian's for Quality Early Learning (CQEL)
Child Care Alliance of Los Angeles (CCALA)
Child Care Law Center
Child Care Providers United (AFSCME Local 3930)
Children Now
Northern Director's Group
Parent Voices California
Professional Association of Childhood Educators (PACE)
Service Employees International Union (SEIU)