

AMENDED IN ASSEMBLY MARCH 2, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1956

Introduced by Assembly Member Quirk-Silva

January 17, 2020

~~An act to add Sections 8207.5, 37205, and 47612.4 to the Education Code, relating to the school calendar. An act to amend Section 56351.5 of the Education Code, relating to special education.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1956, as amended, Quirk-Silva. ~~School calendar: school start date.~~ *Special education: braille instructional aide: notice of teacher credentialing programs.*

Existing law authorizes a local educational agency to reinforce braille instruction using a braille instructional aide who meets specified criteria under the supervision of a teacher who holds an appropriate credential to teach pupils who are functionally blind or visually impaired. Existing law requires a local educational agency to provide a braille instructional aide with information regarding certain teacher credentialing programs.

Existing law establishes the California Classified School Employee Teacher Credentialing Program as a grant program for purposes of encouraging classified school employees to enroll in teacher training programs and to provide instructional service as teachers in the public schools, as specified.

This bill would require a local educational agency to provide a braille instructional aide with information regarding the California Classified School Employee Teacher Credentialing Program.

Existing law establishes a system of public elementary and secondary schools in this state and authorizes local educational agencies throughout the state to operate schools and provide instruction to pupils in kindergarten and grades 1 to 12, inclusive. The Charter Schools Act of 1992 authorizes the establishment and operation of charter schools and exempts charter schools from the laws governing school districts, except as provided. Existing law specifies that the school year begins on the first day of July and ends on the last day of June.

The Child Care and Development Services Act requires the Superintendent of Public Instruction to administer childcare and development programs that offer a full range of services to eligible children from infancy to 13 years of age. The act also establishes before and after school programs, including the After School Education and Safety Program, the 21st Century Community Learning Centers program, or the 21st Century High School After School Safety and Enrichment for Teens program, which provide for the allocation of grant funding for purposes of local educational agency before and after school programs that meet specified requirements.

This bill would prohibit school districts, county offices of education, and charter schools from beginning instruction in transitional kindergarten, kindergarten, or grades 1 to 12, inclusive, for the fall semester or quarter until after Labor Day. The bill would also prohibit a childcare and development program or a before or after school program from beginning instruction until after Labor Day. The bill would exempt programs offered on a year-round basis and the summer, intersession, or vacation periods of a before or after school program from that prohibition. To the extent the bill imposes new duties on local educational agencies by requiring them to start instruction later in the calendar year, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: *yes-no*.
State-mandated local program: *yes-no*.

The people of the State of California do enact as follows:

1 SECTION 1. Section 56351.5 of the Education Code is amended
2 to read:

3 56351.5. (a) (1) A local educational agency may reinforce
4 braille instruction using a braille instructional aide who meets the
5 criteria set forth in paragraph (2) under the supervision of a teacher
6 who holds an appropriate credential, as determined by the
7 Commission on Teacher Credentialing, to teach pupils who are
8 functionally blind or visually impaired. This instruction shall be
9 in accordance with the individualized education program of the
10 pupil.

11 (2) For purposes of this section, a braille instructional aide shall
12 demonstrate to the supervising teacher that ~~he or she is~~ *the aide is*
13 fluent in reading and writing grade 2 braille and possesses basic
14 knowledge of the rules of braille construction.

15 (b) A local educational agency that employs a braille
16 instructional aide shall provide the aide with information regarding
17 teaching credential programs, including the ~~Wildman-Keeley-Solis~~
18 ~~Exemplary Teacher Training Act of 1997~~ *California Classified*
19 *School Employee Teacher Credentialing Program* (Article 12
20 (commencing with Section ~~44390~~) *44391*) of Chapter 2 of Part
21 ~~25~~) *25 of Division 3*) and the Teacher Education Internship Act of
22 1967 (Article 3 (commencing with Section 44450) of Chapter 3
23 of Part ~~25~~) *25 of Division 3*).

24 SECTION 1. ~~Section 8207.5 is added to the Education Code,~~
25 ~~to read:~~

26 ~~8207.5. (a) Except as provided in subdivision (b), a childcare~~
27 ~~and development program, or a before or after school program,~~
28 ~~offered pursuant to this chapter shall not begin instruction until~~
29 ~~after the first Monday in September, known as "Labor Day."~~

30 ~~(b) This section shall not apply to a childcare and development~~
31 ~~program that is offered on a year-round basis, or to the summer,~~
32 ~~intersession, or vacation periods of a before or after school program~~
33 ~~offered pursuant to this chapter.~~

34 ~~SEC. 2. Section 37205 is added to the Education Code, to read:~~

35 ~~37205. Except for a school district that offers its main~~
36 ~~instructional program on a year-round basis pursuant to this part,~~
37 ~~a school district or county office of education shall not begin~~
38 ~~instruction in transitional kindergarten, kindergarten, or grades 1~~

1 to 12, inclusive, for the fall semester or quarter until after the first
2 Monday in September, known as “Labor Day.”

3 ~~SEC. 3. Section 47612.4 is added to the Education Code, to~~
4 ~~read:~~

5 ~~47612.4. Except for a charter school that offers its main~~
6 ~~instructional program on a year-round basis, a charter school shall~~
7 ~~not begin instruction in transitional kindergarten, kindergarten, or~~
8 ~~grades 1 to 12, inclusive, for the fall semester or quarter until after~~
9 ~~the first Monday in September, known as “Labor Day.”~~

10 ~~SEC. 4. To the extent this bill conflicts with a provision of a~~
11 ~~collective bargaining agreement entered into by a public school~~
12 ~~employer and an exclusive bargaining representative pursuant to~~
13 ~~Chapter 10.7 (commencing with Section 3540) of Division 4 of~~
14 ~~Title 1 of the Government Code, or other employer and employee~~
15 ~~organization, before January 1, 2021, the changes made by this~~
16 ~~bill shall not apply to the local educational agency until expiration~~
17 ~~or renewal of that collective bargaining agreement.~~

18 ~~SEC. 5. If the Commission on State Mandates determines that~~
19 ~~this act contains costs mandated by the state, reimbursement to~~
20 ~~local agencies and school districts for those costs shall be made~~
21 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
22 ~~4 of Title 2 of the Government Code.~~

ASSEMBLY BILL

No. 1914

Introduced by Assembly Member O'Donnell

January 9, 2020

An act to amend Sections 33530 and 60010 of, to add Section 60001.5 to, and to add Chapter 9 (commencing with Section 56870) to Part 30 of Division 4 of Title 2 of, the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1914, as introduced, O'Donnell. Special education: inclusive education.

(1) Existing law requires school districts, county offices of education, and special education local plan areas to identify, locate, and assess individuals with exceptional needs and to provide those pupils with a free appropriate public education in the least restrictive environment, and with special education and related services as reflected in an individualized education program.

This bill would establish the Supporting Inclusive Practices project, to be administered by the State Department of Education through the provision of grant funds, upon appropriation, to department-designated lead local educational agencies, as defined. The bill would require the project to have certain goals, including increasing opportunities for pupils with disabilities to meaningfully participate in general education. The bill would require the department, in awarding grant funds, to prioritize local educational agencies that are identified as not meeting specified standards pursuant to federal and state law. The bill would require a local educational agency that receives a grant to provide the department with specified data. The bill would require, on or before

June 30 of each year until any and all funds appropriated for these purposes have been expended, the project to submit a report to the Superintendent of Public Instruction, as provided. The bill would require the project to, among other requirements, create and disseminate technical assistance that includes developing and disseminating guidance on building state and local capacity to establish and sustain inclusive education practices.

The bill would require, on or before January 1, 2022, the department and the Commission on Teacher Credentialing to develop and disseminate joint guidance clarifying the ways in which inclusive classrooms and placements may be staffed under current law, as provided. The bill would require, on or before January 1, 2022, the department and the commission to submit a report to the appropriate fiscal and policy committees of the Legislature with recommendations for statutory or regulatory changes necessary to eliminate barriers to the staffing of inclusive placements. The bill would require the department, on or before January 1, 2022, to issue guidance clarifying ways in which early education inclusive placements may be expanded and established under current law to increase access and quality across programs, as provided. The bill would require the department, in consultation with the State Department of Social Services, on or before January 1, 2022, to submit a report to the Legislature on any recommendations for statutory or regulatory changes to eliminate barriers to the establishment and expansion of early education inclusive placements, as provided.

(2) Existing law establishes in state government the Instructional Quality Commission, which is required to be composed of, as part of its membership, 13 public members, as provided. Existing law requires at least 7 of the 13 public members to be persons who have become recognized authorities or experienced practitioners in their field, as provided.

This bill would require at least one of those members to be a recognized authority or experienced practitioner in the principles and strategies of universal design for learning, as defined.

Existing law requires the commission to, among other things, study and evaluate instructional materials submitted for adoption and recommend instructional materials for adoption to the State Board of Equalization.

This bill would require the commission, in establishing evaluation criteria for the adoption of instructional materials, to assess the extent

to which instructional materials submitted for state adoption use as a foundation the principles and strategies of universal design for learning, as defined, throughout the core instructional program designed for all pupils.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) Research has demonstrated that for pupils with disabilities,
4 inclusion results in higher rates of academic performance, higher
5 levels of pupil engagement, more satisfying and diverse friendships,
6 improved communication, less disruptive behaviors, and better
7 outcomes after high school.

8 (2) Research has also demonstrated that for pupils without
9 disabilities, inclusion results in greater gains in mathematics and
10 reading, reduced fear of differences, greater empathy, improved
11 self-concept, increased social cognition, and better ethical
12 principles.

13 (3) Inclusion means that a pupil is receiving education in general
14 education class settings, reflecting age-appropriate groups, in core
15 academic and elective courses, and participating in other school
16 programs as members of the school community. In an inclusive
17 environment, teachers and administrators support universal access
18 to education and have the knowledge, resources, and support to
19 effectively teach all pupils. Teachers are provided access to
20 technical assistance in evidence-based practices, instructional
21 methods and materials, and supports tailored to the pupils' needs.

22 (4) Inclusion is not a place, but rather a systemic approach to
23 uniquely addressing pupil learning and social engagement within
24 the same instructional frameworks designed for the whole school
25 community. Inclusion is supported by research on effective
26 teaching and service delivery and a focus on equity in order to
27 create a school community in which all pupils are valued.

28 (5) In California, 56 percent of all pupils with disabilities were
29 educated in an inclusive setting at least 80 percent of the
30 instructional day in the 2017–18 school year. California ranks 40th
31 out of 47 states on this measure.

1 (6) The State Department of Education’s Supporting Inclusive
 2 Practices project provides individualized, tiered technical assistance
 3 to local educational agencies focused on envisioning, building,
 4 implementing, and scaling up evidence-based practices within
 5 integrated educational systems to increase inclusion of children
 6 and pupils with disabilities in prekindergarten and kindergarten
 7 and grades 1 to 12, inclusive, in general education settings and to
 8 systemically address equity and access for all pupils. This project
 9 has resulted in increased use of inclusive practices by schools and
 10 improved academic performance of pupils with disabilities.

11 (b) Therefore, it is the intent of the Legislature to do both of the
 12 following:

13 (1) Ensure that, in accordance with applicable federal and state
 14 law and regulations, children and young adults with disabilities
 15 are provided a free and appropriate public education in the least
 16 restrictive environment possible in accordance with their needs
 17 and capabilities.

18 (2) Eliminate statutory and regulatory barriers to inclusion in
 19 early education settings and in schools that provide educational
 20 instruction in kindergarten and grades 1 to 12, inclusive, and to
 21 provide the support to local educational agencies to establish,
 22 expand, and sustain inclusive practices.

23 SEC. 2. Section 33530 of the Education Code is amended to
 24 read:

25 33530. (a) There is in the state government the Instructional
 26 Quality Commission consisting of a Member of the Assembly
 27 appointed by the Speaker of the Assembly, a Member of the Senate
 28 appointed by the Senate Committee on Rules, one public member
 29 appointed by the Speaker of the Assembly, one public member
 30 appointed by the Senate Committee on Rules, one public member
 31 appointed by the Governor, and 13 public members appointed by
 32 the state board upon the recommendation of the Superintendent
 33 or the members of the state board.

34 (b) So far as is practical and consistent with the duties assigned
 35 to the commission by the state board, at least seven of the 13 public
 36 members appointed by the state board shall be persons who,
 37 because they have taught, written, or lectured on the subject matter
 38 fields specified in Section 33533, in the course of public or private
 39 employment, have become recognized authorities or experienced
 40 practitioners in those ~~fields~~. *fields, and at least one member shall*

1 *be a recognized authority or experienced practitioner in the*
 2 *principles and strategies of universal design for learning, as*
 3 *defined in subdivision (o) of Section 60010.* The state board shall
 4 make its appointments to ensure that, at any one time, at least seven
 5 of the public members shall be current classroom teachers, or
 6 mentor teachers, or both assigned to teach kindergarten or any of
 7 grades 1 to 12, inclusive.

8 (c) Notwithstanding the requirement that seven of the public
 9 members shall be current classroom teachers or mentor teachers,
 10 current members of the commission who were appointed on or
 11 before December 31, 1989, shall be allowed to complete their
 12 terms.

13 (d) (1) It is the intent of the Legislature to encourage the state
 14 board to consider appointing a pupil to the commission, using the
 15 current appointment process.

16 (2) Notwithstanding Section 1020 of the Government Code, if
 17 the state board elects to appoint a pupil to the commission, the
 18 pupil shall meet both of the following criteria:

19 (A) The pupil has been enrolled in a California high school for
 20 a minimum of two consecutive years.

21 (B) The pupil is in good standing.

22 (e) In making the remaining appointments to the commission,
 23 and in establishing the commission’s advisory task forces or
 24 committees, the state board is encouraged to consider the role of
 25 other representatives of the educational community in the
 26 development of curriculum and instructional materials, including,
 27 but not limited to, administrators, governing school board members,
 28 pupils, and parents who are reflective of the various ethnic groups
 29 and types of school districts in California.

30 SEC. 3. Chapter 9 (commencing with Section 56870) is added
 31 to Part 30 of Division 4 of Title 2 of the Education Code, to read:

32
 33 CHAPTER 9. INCLUSIVE EDUCATION

34
 35 Article 1. Supporting Inclusive Practices Project

36
 37 56870. For purposes of this article, the following definitions
 38 apply:

1 (a) “Local educational agency” means a school district, county
2 office of education, charter school, the California School for the
3 Blind, or the California School for the Deaf.

4 (b) “Project” means the Supporting Inclusive Practices project.
5 56871. The Supporting Inclusive Practices project is hereby
6 established, to be administered by the department through the
7 provision of grant funds, appropriated pursuant to subdivision (b)
8 of Section 56873, to department-designated lead local educational
9 agencies.

10 56872. (a) The project shall have both of the following goals:

11 (1) Improve local educational agency performance indicators
12 as mandated by the federal Individuals with Disabilities Education
13 Act (20 U.S.C. Sec. 1400 et seq.) and the outcomes measured by
14 the California School Dashboard, pursuant to Section 52064.5.

15 (2) Increase opportunities for pupils with disabilities to
16 meaningfully participate in general education.

17 (b) The project goals shall be met by providing tiered technical
18 assistance to local educational agencies focused on envisioning,
19 building, implementing, and scaling up evidence-based practices
20 within integrated educational systems to increase inclusion of
21 children and pupils with disabilities in prekindergarten and
22 kindergarten and grades 1 to 12, inclusive, in general education
23 settings.

24 56873. (a) It is the intent of the Legislature to enact legislation
25 that would appropriate twelve million dollars (\$12,000,000) in
26 one-time state funding over three years to the department to provide
27 funds to the department-designated lead local educational agencies
28 in order to expand the project to serve more local educational
29 agencies and in order to build capacity to serve and assist additional
30 local educational agencies.

31 (b) (1) Upon an appropriation by the Legislature for these
32 purposes, the department shall annually award the amount of two
33 million dollars (\$2,000,000) in grants to local educational agencies
34 and two million dollars (\$2,000,000) to the project to build state
35 and local capacity.

36 (2) The minimum grant awarded to local educational agencies
37 shall be twenty thousand dollars (\$20,000) in the first year of
38 operation, and shall be awarded no later than September 30 of the
39 fiscal year in which funding is appropriated. In subsequent years,

1 to the extent funding is available, the department shall award these
2 grants no later than September 15 of that fiscal year.

3 (3) In awarding grants, the department shall grant priority to
4 local educational agencies that are identified as not meeting federal
5 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400
6 et seq.) state performance plan indicators and those identified by
7 the California School Dashboard, pursuant to Section 52064.5, as
8 requiring differentiated assistance on the basis of the performance
9 of pupils with disabilities.

10 (4) A local educational agency that receives a grant shall, as a
11 condition of receiving the grant, provide to the department any
12 implementation or outcome data required by the department. Such
13 data may include, but is not limited to, implementation data,
14 performance on state performance plan indicators, indicators used
15 on the California School Dashboard, pursuant to Section 52064.5,
16 and the Desired Results Developmental Profile, as specified in
17 Section 18272 of Title 5 of the California Code of Regulations.

18 (c) On or before June 30 of each year, until funds appropriated
19 for purposes of this section have been fully expended, the project
20 shall submit a report to the Superintendent of Public Instruction.
21 The Superintendent shall provide copies of the report to the
22 appropriate fiscal and policy committees of the Legislature. Each
23 report shall include, but not be limited to, all of the following:

24 (1) A summary of the activities conducted and resources
25 developed.

26 (2) The number of local educational agencies, educators, and
27 pupils served by the activities and resources.

28 (3) A summary of implementation and outcome data, which
29 may include, but is not limited to, performance on state
30 performance plan indicators, indicators used on the California
31 School Dashboard, and the Desired Results Developmental Profile.

32 (4) Recommendations for improving state-level activities or
33 policies.

34 56874. The project shall create and disseminate technical
35 assistance in collaboration with the California Collaborative for
36 Educational Excellence and the statewide system of support,
37 pursuant to Section 52059.5. This assistance shall include all of
38 the following:

39 (a) Developing and disseminating guidance on evidence-based
40 practices that increase the access of pupils with disabilities,

1 including pupils with intellectual and developmental disabilities,
2 to inclusive education.

3 (b) Developing and disseminating guidance on building state
4 and local capacity to establish and sustain inclusive education
5 practices.

6 (c) Developing and disseminating guidance for teachers,
7 paraeducators, early childhood educators, administrators, and
8 related service providers in all educational settings on universal
9 design for learning principles and strategies as a part of core
10 instruction, collaboration between general education and special
11 education teachers to plan and deliver instruction and assessment,
12 and systemic practices such as multitiered systems of support and
13 schoolwide behavioral interventions and supports.

14 (d) Supporting the Commission on Teacher Credentialing on
15 the development and dissemination of guidance for teacher, early
16 childhood educator, and administrator preparation programs
17 emphasizing general and special educator competencies for
18 collaboratively delivering instruction and assessment to all pupils,
19 including pupils with disabilities, pursuant to Section 56878.

20 (e) Establishing exemplary local educational agency
21 demonstration sites that can be used as state models for replication
22 and for training of teachers and administrators.

23 56875. In order to ensure alignment and integration with related
24 state initiatives, the project shall do all of the following:

25 (a) Partner with the California Collaborative for Educational
26 Excellence and the statewide system of support, pursuant to Section
27 52059.5, to support one another and coordinate supports and
28 services for pupils with disabilities, at the state level and regionally.

29 (b) Support special education local plan areas system
30 improvement leads and multitiered systems of support projects,
31 pursuant to Section 57 of Chapter 13 of the Statutes of 2015, in
32 improving special education services and supports for pupils with
33 disabilities, including building capacity and incorporation of best
34 practices and resources for inclusion into the statewide system of
35 support.

36 (c) Collaborate with county offices of education and school
37 districts in other geographic areas in planning inclusive practices,
38 and provide opportunities for local educational agencies to receive
39 regional support to address barriers to inclusive practices.

1 Article 2. Staffing
2

3 56878. (a) On or before January 1, 2022, the department and
4 the Commission on Teacher Credentialing shall develop and
5 disseminate joint guidance clarifying the ways in which inclusive
6 classrooms and placements may be staffed under current law. The
7 joint guidance shall include, but not be limited to, all of the
8 following:

9 (1) Guidance on staffing of inclusive classrooms, including
10 those in which coteaching is used for instruction.

11 (2) Guidance on staffing of case management of pupils with
12 disabilities, including ways of reducing the administrative burden
13 on educational specialists so that they may focus more on
14 instruction of pupils and collaboration with general education
15 teachers.

16 (3) Guidance for teacher, early childhood educator, and
17 administrator preparation programs emphasizing general and
18 special educator competencies for collaboratively delivering
19 instruction and assessment to all pupils, including pupils with
20 disabilities.

21 (4) Guidance on providing related services in the general
22 education setting.

23 (b) (1) On or before January 1, 2022, the department and the
24 Commission on Teacher Credentialing shall submit a report to the
25 appropriate fiscal and policy committees of the Legislature on
26 recommendations for statutory or regulatory changes necessary to
27 eliminate barriers to the staffing of inclusive placements.

28 (2) Pursuant to Section 10231.5 of the Government Code, this
29 subdivision shall become inoperative on January 1, 2026.

30
31 Article 3. Early Education
32

33 56890. (a) On or before January 1, 2022, the department shall
34 issue guidance clarifying the ways in which early education
35 inclusive placements may be established and expanded under
36 current law to increase access and quality across programs. The
37 guidance shall include both of the following:

38 (1) Alignment of requirements for each program.

39 (2) How funding can be maximized across programs.

1 (b) (1) The department, in consultation with the State
2 Department of Social Services, by January 1, 2022, shall submit
3 a report to the Legislature on any recommendations for statutory
4 or regulatory changes, including changes to licensure requirements,
5 to eliminate barriers to the establishment and expansion of early
6 education inclusive placements.

7 (2) Pursuant to Section 10231.5 of the Government Code, this
8 subdivision shall become inoperative on January 1, 2026.

9 (3) A report submitted pursuant to this subdivision shall be
10 submitted in compliance with Section 9795 of the Government
11 Code.

12 SEC. 4. Section 60001.5 is added to the Education Code, to
13 read:

14 60001.5. The commission, in establishing evaluation criteria
15 for the adoption of instructional materials, shall assess the extent
16 to which instructional materials submitted for state adoption use
17 as a foundation the principles and strategies of universal design
18 for learning, as defined in subdivision (o) of Section 60010,
19 throughout the core instructional program designed for all pupils.

20 SEC. 5. Section 60010 of the Education Code is amended to
21 read:

22 60010. For purposes of this part, the following terms have the
23 following meanings unless the context in which they appear clearly
24 requires otherwise:

25 (a) “Basic instructional materials” means instructional materials
26 that are designed for use by pupils as a principal learning resource
27 and that meet in organization and content the basic requirements
28 of the intended course.

29 (b) “Commission” means the Instructional Quality Commission.

30 (c) “Curriculum framework” means an outline of the components
31 of a given course of study designed to provide state direction to
32 school districts in the provision of instructional programs.

33 (d) “District board” means the board of education or governing
34 board of a county, city and county, city, or other district that has
35 the duty to provide for the education of the children in its county,
36 city and county, city, or district.

37 (e) “Elementary school” means all public schools in which
38 instruction is given through grade 8 or in any one or more of those
39 grades.

1 (f) “Governing boards” means the state board and any one or
2 more district boards.

3 (g) “High school” means all public schools other than
4 elementary schools in which instruction is given through grade
5 12, or in any one or more of those grades.

6 (h) “Instructional materials” means all materials that are
7 designed for use by pupils and their teachers as a learning resource
8 and help pupils to acquire facts, skills, or opinions or to develop
9 cognitive processes. Instructional materials may be printed or
10 nonprinted, and may include textbooks, technology-based
11 materials, other educational materials, and tests.

12 (i) “Nonpublic school” means a school that both satisfies the
13 requirements of Section 48222, and is exempt from taxation under
14 Section 214 of the Revenue and Taxation Code.

15 (j) “School official” means a member of a governing board, a
16 city, county, city and county, or district superintendent of schools,
17 and a principal, teacher, or other employee under ~~his or her~~ *their*
18 charge.

19 (k) “State board” means the State Board of Education.

20 (l) “Supplementary instructional materials” means instructional
21 materials designed to serve, but not be limited to, one or more of
22 the following purposes, for a given subject, at a given grade level:

23 (1) To provide more complete coverage of a subject or subjects
24 included in a given course.

25 (2) To provide for meeting the various learning ability levels
26 of pupils in a given age group or grade level.

27 (3) To provide for meeting the diverse educational needs of
28 pupils with a language disability in a given age group or grade
29 level.

30 (4) To provide for meeting the diverse educational needs of
31 pupils reflective of a condition of cultural pluralism.

32 (5) To use current, relevant technology that further engages
33 interactive learning in the classroom and beyond.

34 (m) (1) “Technology-based materials” means basic or
35 supplemental instructional materials that are designed for use by
36 pupils and teachers as learning resources and that require the
37 availability of electronic equipment in order to be used as a learning
38 resource. Technology-based materials include, but are not limited
39 to, software programs, video disks, compact disks, optical disks,
40 video and audiotapes, lesson plans, and databases.

1 (2) Technology-based materials do not include the electronic
2 equipment required to make use of those materials, unless that
3 equipment is to be used by pupils and teachers as a learning
4 resource. However, this shall not be construed to authorize a school
5 district to replace computers or related equipment in an existing
6 computer lab or allow a school district to establish a new computer
7 lab.

8 (3) This subdivision does not relieve a school district of the
9 obligation to provide pupils with sufficient textbooks or
10 instructional materials pursuant to paragraph (1) of subdivision
11 (c) of Section 60119. If a county office of education determines
12 that a school district is out of compliance with paragraph (1) of
13 subdivision (c) of Section 60119, that school district is not
14 authorized to procure electronic equipment pursuant to paragraph
15 (2) of this subdivision.

16 (n) “Test” means a device used to measure the knowledge or
17 achievement of pupils.

18 (o) *“Universal design for learning” means a scientifically valid*
19 *framework for guiding educational practice that does both of the*
20 *following:*

21 (1) *Provides flexibility in the ways information is presented, in*
22 *the ways pupils respond or demonstrate knowledge and skills, and*
23 *in the ways pupils are engaged.*

24 (2) *Reduces barriers in instruction, provides appropriate*
25 *accommodations, supports, and challenges, and maintains high*
26 *achievement expectations for all pupils, including pupils with*
27 *disabilities and pupils with limited English proficiency.*

ASSEMBLY BILL

No. 2500

Introduced by Assembly Members McCarty, Reyes, and Ting
(Principal coauthors: Senators Dodd, Lena Gonzalez, and Rubio)

February 19, 2020

An act to amend Section 48000 of the Education Code, relating to transitional kindergarten.

LEGISLATIVE COUNSEL'S DIGEST

AB 2500, as introduced, McCarty. Transitional kindergarten: average daily attendance.

Existing law authorizes a school district or charter school to maintain a transitional kindergarten program. Existing law requires, in the 2014–15 school year and each school year thereafter, and as a condition of receipt of apportionments for pupils in a transitional kindergarten program, a child who will have their 5th birthday between September 2 and December 2 to be admitted to a transitional kindergarten program maintained by a school district or charter school. Existing law authorizes, for the 2015–16 school year, and each school year thereafter, a school district or charter school to admit a child to a transitional kindergarten program who will have their 5th birthday after December 2 but during that same school year, as provided. Existing law prohibits a pupil admitted to a transitional kindergarten who has their birthday after December 2 from generating average daily attendance or being included in the enrollment or unduplicated pupil count until the pupil has attained their 5th birthday, as provided.

This bill would delete the provision that prohibits a pupil admitted to a transitional kindergarten who has their birthday after December 2

from generating average daily attendance or being included in the enrollment or unduplicated pupil count, as provided.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48000 of the Education Code is amended
2 to read:

3 48000. (a) A child shall be admitted to a kindergarten
4 maintained by the school district at the beginning of a school year,
5 or at a later time in the same year, if the child will have ~~his or her~~
6 *their* fifth birthday on or before one of the following dates:

- 7 (1) December 2 of the 2011–12 school year.
- 8 (2) November 1 of the 2012–13 school year.
- 9 (3) October 1 of the 2013–14 school year.
- 10 (4) September 1 of the 2014–15 school year and each school
11 year thereafter.

12 (b) The governing board of the school district of a school district
13 maintaining one or more kindergartens may, on a case-by-case
14 basis, admit to a kindergarten a child having attained the age of
15 five years at any time during the school year with the approval of
16 the parent or guardian, subject to the following conditions:

- 17 (1) The governing board of the school district determines that
18 the admittance is in the best interests of the child.
- 19 (2) The parent or guardian is given information regarding the
20 advantages and disadvantages and any other explanatory
21 information about the effect of this early admittance.

22 (c) As a condition of receipt of apportionment for pupils in a
23 transitional kindergarten program pursuant to Section 46300, and
24 Chapter 3 (commencing with Section 47610) of Part 26.8, as
25 applicable, a school district or charter school shall ensure the
26 following:

- 27 (1) In the 2012–13 school year, a child who will have ~~his or her~~
28 *their* fifth birthday between November 2 and December 2 shall be
29 admitted to a transitional kindergarten program maintained by the
30 school district or charter school.
- 31 (2) In the 2013–14 school year, a child who will have ~~his or her~~
32 *their* fifth birthday between October 2 and December 2 shall be

1 admitted to a transitional kindergarten program maintained by the
2 school district or charter school.

3 (3) (A) In the 2014–15 school year and each school year
4 thereafter, a child who will have ~~his or her~~ *their* fifth birthday
5 between September 2 and December 2 shall be admitted to a
6 transitional kindergarten program maintained by the school district
7 or charter school.

8 (B) ~~(i)~~ For the 2015–16 school year and each school year
9 thereafter, a school district or charter school may, at any time
10 during a school year, admit a child to a transitional kindergarten
11 program who will have ~~his or her~~ *their* fifth birthday after
12 December 2 but during that same school year, with the approval
13 of the parent or guardian, subject to the following conditions:

14 ~~(I)~~

15 (i) The governing board of the school district or the governing
16 body of the charter school determines that the admittance is in the
17 best interests of the child.

18 ~~(II)~~

19 (ii) The parent or guardian is given information regarding the
20 advantages and disadvantages and any other explanatory
21 information about the effect of this early admittance.

22 ~~(ii) Notwithstanding any other law, a pupil admitted to a
23 transitional kindergarten program pursuant to clause (i) shall not
24 generate average daily attendance for purposes of Section 46300,
25 or be included in the enrollment or unduplicated pupil count
26 pursuant to Section 42238.02, until the pupil has attained his or
27 her fifth birthday, regardless of when the pupil was admitted during
28 the school year.~~

29 (d) For purposes of this section, “transitional kindergarten”
30 means the first year of a two-year kindergarten program that uses
31 a modified kindergarten curriculum that is age and developmentally
32 appropriate.

33 (e) A transitional kindergarten shall not be construed as a new
34 program or higher level of service.

35 (f) It is the intent of the Legislature that transitional kindergarten
36 curriculum be aligned to the California Preschool Learning
37 Foundations developed by the department.

38 (g) As a condition of receipt of apportionment for pupils in a
39 transitional kindergarten program pursuant to Section 46300, a
40 school district or charter school shall ensure that credentialed

1 teachers who are first assigned to a transitional kindergarten
2 classroom after July 1, 2015, have, by August 1, 2020, one of the
3 following:

4 (1) At least 24 units in early childhood education, or childhood
5 development, or both.

6 (2) As determined by the local educational agency employing
7 the teacher, professional experience in a classroom setting with
8 preschool age children that is comparable to the 24 units of
9 education described in paragraph (1).

10 (3) A child development teacher permit issued by the
11 Commission on Teacher Credentialing.

12 (h) A school district or charter school may place four-year-old
13 children, as defined in subdivision (aj) of Section 8208, enrolled
14 in a California state preschool program into a transitional
15 kindergarten program classroom. A school district or charter school
16 that commingles children from both programs in the same
17 classroom shall meet all of the requirements of the respective
18 programs in which the children are enrolled, and the school district
19 or charter school shall adhere to all of the following requirements,
20 irrespective of the program in which the child is enrolled:

21 (1) An early childhood environment rating scale, as specified
22 in Section 18281 of Title 5 of the California Code of Regulations,
23 shall be completed for the classroom.

24 (2) All children enrolled for 10 or more hours per week shall
25 be evaluated using the Desired Results Developmental Profile, as
26 specified in Section 18272 of Title 5 of the California Code of
27 Regulations.

28 (3) The classroom shall be taught by a teacher that holds a
29 credential issued by the Commission on Teacher Credentialing in
30 accordance with Section 44065 and subdivision (b) of Section
31 44256 and who meets the requirements set forth in subdivision
32 (g).

33 (4) The classroom shall be in compliance with the adult-child
34 ratio as specified in subdivision (c) of Section 8264.8.

35 (5) Contractors of a school district or charter school
36 commingling children enrolled in the California state preschool
37 program with children enrolled in a transitional kindergarten
38 program classroom shall report the services, revenues, and
39 expenditures for the California state preschool program children
40 in accordance with Section 18068 of Title 5 of the California Code

1 of Regulations. Those contractors are not required to report
2 services, revenues, and expenditures for the children in the
3 transitional kindergarten program.

4 (i) Until July 1, 2019, a transitional kindergarten classroom that
5 has in attendance children enrolled in a California state preschool
6 program shall be licensed pursuant to Chapters 3.4 (commencing
7 with Section 1596.70) and 3.5 (commencing with Section 1596.90)
8 of Division 2 of the Health and Safety Code.

9 (j) A school district or charter school that chooses to place
10 California state preschool program children into a transitional
11 kindergarten program classroom shall not also include children
12 enrolled in transitional kindergarten for a second year or children
13 enrolled in kindergarten in that classroom.

ASSEMBLY BILL

No. 1937

Introduced by Assembly Members Luz Rivas and Chiu
(Principal coauthors: Assembly Members McCarty, Quirk-Silva,
and Ramos)
(Coauthors: Assembly Members Boerner Horvath and Salas)
(Coauthor: Senator Chang)

January 16, 2020

An act to amend Section 48852.5 of, and to add Sections 48851, 48852.6, and 48857 to, the Education Code, relating to homeless children and youths, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1937, as introduced, Luz Rivas. Homeless children and youths: reporting.

(1) Existing federal law, the McKinney-Vento Homeless Assistance Act, provides grants to states to carry out activities relating to the education of homeless children and youths, as defined, including, among others, providing services and activities to improve the identification of homeless children and youths and to enable them to enroll in, attend, and succeed in school. The act requires a state plan submitted for the receipt of the grant to include assurances that local educational agencies will designate an appropriate staff person to act as a local educational agency liaison for homeless children and youths and a description of how the state will ensure that local educational agencies and their liaisons will comply with specified requirements of the act, including the identification of homeless children and youths.

Under existing state law, public schools, including charter schools, and county offices of education are required to immediately enroll a

homeless child or youth seeking enrollment, except as specified. Existing law requires a local educational agency liaison for homeless children and youths to ensure that public notice of the educational rights of homeless children and youths is disseminated in schools within the liaison's local educational agency that provide services pursuant to the act.

This bill would require a local educational agency to ensure that each school within the local educational agency identifies all homeless children and youths enrolled at the school, create a housing questionnaire, as specified, for purposes of identifying homeless children and youths, and annually provide the housing questionnaire to all parents or guardians of pupils of the local educational agency. The bill would also require the local educational agency to annually report to the department the number of homeless children and youths enrolled. The bill would require a local educational agency to ensure that its school personnel who provide services to youth experiencing homelessness receive training about the homeless education program at least annually.

This bill would require a school district or county office of education to post on its internet website a list of the local educational agency liaisons for homeless children and youths in that school district or county, respectively, and the contact information for those liaisons. The bill would require a school to post on its internet website the contact information for the liaison, if available. The bill would also require, if a school has an employee or person under contract whose duties include assisting the liaison in completing the liaison's duties under the federal act, the school to post on its internet website the contact information for that employee or person under contract. The bill would require data collected by the State Department of Education or by a local educational agency under these provisions to only be used for purposes of implementing the McKinney-Vento Homeless Assistance Act and related state agency programs.

By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.

This bill would appropriate the sum of \$1,500,000 from the General Fund to the State Department of Education, to be equally allocated to 3 county offices of education in different regions throughout the state for purposes of establishing technical assistance centers to foster relationships with community partners and other local educational agencies in each region, as provided. The bill would require the department to determine which county offices of education to allocate

those funds to through a competitive process, as provided, and to take into account geographic diversity and concentrations of homeless children and youths.

(2) Existing law requires the department to provide, among other things, informational and training materials to local educational agency liaisons regarding the educational rights of homeless children and youths and the responsibilities of the liaisons.

This bill would require the department to develop, as specified, best practices and a model housing questionnaire that a local educational agency may use to identify and obtain accurate data on all homeless children and youths enrolled in schools of the local educational agency. The bill would require the department to post the best practices and model housing questionnaire on its internet website.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48851 is added to the Education Code,
2 to read:
3 48851. (a) As required pursuant to Section 11432(g)(6)(A)(i)
4 of Title 42 of the United States Code, a local educational agency
5 shall ensure that each school within the local educational agency
6 identifies all homeless children and youths enrolled at the school.
7 (b) (1) A local educational agency shall create, in accordance
8 with the federal McKinney-Vento Homeless Assistance Act (42
9 U.S.C. Sec. 11301 et seq.) and based on best practices developed
10 by the department pursuant to subparagraph (A) of paragraph (1)
11 of subdivision (f) of Section 48852.5, a housing questionnaire for
12 purposes of identifying homeless children and youths, as that term
13 is defined in Section 11434a(2) of Title 42 of the United States
14 Code. The local educational agency shall include, in the housing
15 questionnaire, an explanation of the rights and protections a pupil

1 has as a homeless child or youth. The housing questionnaire shall
2 be available in paper form.

3 (2) A local educational agency shall annually provide the
4 housing questionnaire described in paragraph (1) to all parents or
5 guardians of pupils of the local educational agency.

6 (3) If the primary language of a pupil's parent or guardian is
7 not English, either of the following shall occur:

8 (A) The housing questionnaire shall be made available in the
9 primary language of the pupil's parent or guardian pursuant to
10 Section 48985.

11 (B) An appropriate translation of the housing questionnaire shall
12 be provided upon request of a pupil's parent or guardian.

13 (c) A local educational agency shall annually report to the
14 department the number of homeless children and youths enrolled.

15 (d) A local educational agency shall ensure that its school
16 personnel who provide services to youth experiencing
17 homelessness receive training about the homeless education
18 program at least annually.

19 SEC. 2. Section 48852.5 of the Education Code is amended to
20 read:

21 48852.5. (a) Pursuant to the federal McKinney-Vento
22 Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.), a local
23 educational agency liaison for homeless children and youths
24 designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of
25 the United States Code, shall ensure that public notice of the
26 educational rights of homeless children and youths is disseminated
27 in schools within the liaison's local educational agency that provide
28 services pursuant to the federal McKinney-Vento Homeless
29 Assistance Act (42 U.S.C. Sec. 11301 et seq.).

30 (b) The department shall provide informational materials to
31 local educational agency liaisons for homeless children and youths
32 regarding the educational rights of homeless children and youths
33 under state and federal law, updates and changes to state and
34 federal law regarding the rights of homeless students, the
35 responsibilities of local educational agency liaisons relating to
36 homeless children and youths, and the resources available to
37 schools to assist homeless children and youths.

38 (c) The department shall provide training materials to local
39 educational agency liaisons for homeless children and youths to
40 assist liaisons with providing professional development and other

1 support to school personnel providing services pursuant to the
2 federal McKinney-Vento Homeless Assistance Act. These materials
3 are intended to support liaisons in meeting the requirements of the
4 federal Every Student Succeeds Act, as specified in Section
5 ~~11432(g)(6)(A)(ix)~~ 11432(g)(6)(A) of Title 42 of the United States
6 Code.

7 (d) The department may use and adapt informational and training
8 materials from state or national sources when applicable and
9 appropriate.

10 (e) The department shall adopt policies and practices to ensure
11 that local educational agency liaisons for homeless children and
12 youths participate in professional development and other technical
13 assistance programs that are deemed appropriate by the
14 Superintendent in accordance with the federal Every Student
15 Succeeds Act, as specified in Section 11432(g)(1)(J)(iv) of Title
16 42 of the United States Code.

17 (f) (1) *The department shall develop both of the following:*

18 (A) *Best practices that a local educational agency may use to*
19 *identify and obtain accurate data on all homeless children and*
20 *youths enrolled in schools of the local educational agency. The*
21 *department shall develop these best practices in accordance with*
22 *the federal McKinney-Vento Homeless Assistance Act (42 U.S.C.*
23 *Sec. 11301 et seq.) and in a manner informed by relevant guidance*
24 *from experts on the identification of homeless children and youths,*
25 *including, but not limited to, the United States Department of*
26 *Education and technical assistance centers sponsored by the Office*
27 *of Safe and Healthy Students of the United States Department of*
28 *Education.*

29 (B) *A model housing questionnaire, based on best practices*
30 *developed pursuant to subparagraph (A), that a local educational*
31 *agency may use to identify and obtain accurate data on all*
32 *homeless children and youths enrolled at schools of the local*
33 *educational agency.*

34 (2) *The department shall post the best practices and model*
35 *housing questionnaire developed pursuant to paragraph (1) on its*
36 *internet website.*

37 (f)

38 (g) *Data collected by the department or by a local educational*
39 *agency pursuant to this chapter shall only be used for purposes*
40 *of implementing the federal McKinney-Vento Homeless Assistance*

1 Act (42 U.S.C. Sec. 11301 et seq.) and related state agency
2 programs.

3 (h) For purposes of this section, “homeless children and youths”
4 is defined in Section 11434a(2) of Title 42 of the United States
5 Code.

6 SEC. 3. Section 48852.6 is added to the Education Code, to
7 read:

8 48852.6. (a) For purposes of this section, “liaison” means a
9 local educational agency liaison for homeless children and youths
10 designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of
11 the United States Code.

12 (b) A school district or county office of education shall post on
13 its internet website a list of the liaisons in that school district or
14 county, respectively, and the contact information for those liaisons.

15 (c) If available, a school shall post on its internet website the
16 contact information for the liaison. In addition, if a school has an
17 employee or person under contract whose duties include assisting
18 the liaison in completing the liaison’s duties under Section
19 11432(g)(6) of Title 42 of the United States Code, the school shall
20 post on its internet website the name and contact information for
21 that employee or person under contract.

22 SEC. 4. Section 48857 is added to the Education Code, to read:

23 48857. (a) Upon appropriation by the Legislature, the
24 department shall allocate five hundred thousand dollars (\$500,000)
25 each to three county offices of education in different regions
26 throughout the state for purposes of establishing technical
27 assistance centers to foster relationships between community
28 partners and local educational agencies in each region. The
29 department shall determine which county offices of education will
30 be designated technical assistance centers through a competitive
31 process that provides each county office of education with the
32 opportunity to apply to become a technical assistance center. In
33 making this determination, the department shall take into account
34 geographic diversity and concentrations of homeless children and
35 youths.

36 (b) The responsibilities of a technical assistance center
37 established pursuant to subdivision (a) shall include, but are not
38 limited to, all of the following:

1 (1) Creating, and facilitating the implementation of, training
2 materials that outline the needs and challenges of, and barriers
3 facing, homeless children and youths and their families.

4 (2) Developing and disseminating best practices for small,
5 midsize, and large counties to support the educational progress
6 and academic outcomes of homeless children and youths.

7 (3) Assisting counties and local educational agencies in the
8 process of ensuring accuracy in the identification of homeless
9 children and youths in local pupil information systems and using
10 this data to report educational outcomes for homeless children and
11 youths who receive support services.

12 (c) Technical assistance provided by a technical assistance center
13 pursuant to this section shall be provided consistent with the
14 statewide system of support established pursuant to Section
15 52059.5.

16 SEC. 5. If the Commission on State Mandates determines that
17 this act contains costs mandated by the state, reimbursement to
18 local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.

21 SEC. 6. The sum of one million five hundred thousand dollars
22 (\$1,500,000) is hereby appropriated from the General Fund, and
23 not from a federal source, to the State Department of Education
24 to be used to provide grants under Section 48857 of the Education
25 Code.

ASSEMBLY BILL

No. 2581

**Introduced by Assembly Member Reyes
(Coauthor: Assembly Member Mullin)**

February 20, 2020

An act to add Article 15 (commencing with Section 12839) to Chapter 1 of Part 2.5 of Division 3 of Title 2 of the Government Code, relating to childhood development.

LEGISLATIVE COUNSEL'S DIGEST

AB 2581, as introduced, Reyes. Department of Early Childhood Development.

Existing law provides for various entities, programs, and services relating to early childhood care and learning, including the provision of childcare for recipients of the CalWORKs program and the Early Childhood Policy Council, among others under the State Department of Education and the Emergency Child Care Bridge for Foster Children under the State Department of Social Services. Existing law establishes the California Health and Human Services Agency, which includes the State Department of Social Services, among other state departments, and is charged with the administration of health, social, and other human services.

This bill would establish the Department of Early Child Development within the California Health and Human Services Agency, and would require the new department to consolidate leadership on programs and issues relating to the administration of early learning and care and to centralize and build a coherent and whole person early learning and care system to improve service delivery for children, families, and providers by maximizing federal, state, and local resources. The bill

would transfer the duties, powers, functions, jurisdiction, and responsibilities of specified programs and entities relating to early childhood care and learning from various departments, including the State Department of Education and the State Department of Social Services, to the Department of Early Child Development.

The bill would require the Department of Early Child Development to establish an interagency workgroup that includes the Director of Early Childhood Development, the Deputy Superintendent of Public Instruction, and representatives from the State Department of Public Health, the State Department of Health Care Services, the State Department of Developmental Services, and the State Department of Social Services to, among other things, establish a memorandum of understanding between the departments that outlines the joint authority for the promulgation of regulations for the coordination of services relating to early childhood care and learning. The bill would state related findings, declarations, and intents of the Legislature.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 15 (commencing with Section 12839) is
2 added to Chapter 1 of Part 2.5 of Division 3 of Title 2 of the
3 Government Code, to read:

4
5 Article 15. Department of Early Childhood Development

6
7 12839. The Legislature finds and declares all of the following:

8 (a) The lack of a coordinated state early childhood system makes
9 it difficult for children, families, early childhood-serving state
10 agencies, and the early childhood workforce to navigate and access
11 programs and services.

12 (b) Currently, the state’s mixed delivery system providing early
13 learning and care services is fragmented within different systems
14 of implementation across multiple departments with varying goals,
15 administrative and cultural frameworks, oversight, standards, and
16 reporting requirements.

17 (c) The 2019 final report of the Assembly Blue Ribbon
18 Commission on Early Childhood Education and the Preschool
19 Development Grant Strategic Plan detail the complexities and

1 problems in how the state administers and funds early learning
2 and care through this mixed delivery system model.

3 (d) The 2019 final report of the Assembly Blue Ribbon
4 Commission on Early Childhood Education indicates the need to,
5 and directs the legislature to, establish a streamlined and centralized
6 governance system for all early learning and care programs to
7 better and more adequately serve children, families, and providers
8 within the system.

9 (e) The California Health and Human Services Agency currently
10 oversees more than a dozen departments that are responsible for
11 the support, care, and education of young children and families,
12 including a variety of programs. These programs and services,
13 when coordinated, support children and families holistically.

14 (f) The California Health and Human Services Agency
15 additionally serves as the lead agency for the development of the
16 Master Plan for Early Learning and Care and the establishment
17 and administration of the Early Childhood Policy Council after
18 the 2019 Budget Act.

19 (g) Many children and families are serviced by multiple state
20 agencies, with coordination of care being incredibly difficult,
21 particularly for our most vulnerable populations. This creates gaps
22 in imperative services for children and families, and often
23 negatively impacts providers and their ability to provide
24 high-quality care and services.

25 (h) It is the intent of the Legislature to establish the Department
26 of Early Childhood Development within the California Health and
27 Human Services Agency in order to improve service delivery for
28 young children, families, and providers, while reducing
29 administrative duplication, creating greater efficiencies, and
30 expanding access to children and families.

31 (i) It is the intent of the Legislature to ensure streamline
32 monitoring processes and data system operations among the
33 Department of Early Childhood Development, the State Department
34 of Education, and all other relevant departments within the
35 California Health and Human Services Agency by doing all of the
36 following:

37 (1) Improving existing early childhood development
38 management data systems and developing new data systems, as
39 necessary, to support data needs in the Department of Early

1 Childhood Development with strong connections and alignment
2 with the California Department of Education.

3 (2) Collecting data on all early childhood development
4 programs, including, but not limited to, the California State
5 Preschool Program and transitional kindergarten.

6 (3) Expediting the inclusion of child care and development
7 programs in the California Health and Human Services Agency's
8 larger data integration efforts, developing aligned outcomes and
9 measures across programs, and leveraging data to improve program
10 quality and child outcomes.

11 (j) It is the intent of the Legislature to strengthen early childhood
12 systems integration in order to improve access to quality early
13 learning and care programs and services for California's young
14 children and families through the Department of Early Childhood
15 Development by doing all of the following:

16 (1) Operating under a framework that aims to serve the whole
17 child and whole family to promote equity within the system and
18 for California's children and families.

19 (2) Ensuring connections and alignment between the Department
20 of Early Childhood Development programs and services and the
21 State Department of Education programs and services, including
22 the California State Preschool Program and transitional
23 kindergarten.

24 (3) Simplifying the administration of the state's child care and
25 development programs.

26 (4) Facilitating improved interagency collaboration with health
27 and social services programs to more fully support the whole child
28 and whole families' needs, while supporting improved eligibility
29 processes across the agencies.

30 (5) Strengthening a comprehensive strategy on prevention and
31 early intervention services.

32 (6) Prioritizing access to affordable, high-quality child
33 development programs, thereby improving parental choice and
34 promoting equity for the children who are eligible for those
35 programs.

36 (k) It is the intent of the Legislature to ensure that, during the
37 transition and consolidation of programs to the Department of
38 Early Childhood Development, there is no disruption of services
39 or contracts to children, families, and providers by allowing for a
40 memoranda of understanding or other forms of interagency

1 agreements among the California Health and Human Services
2 Agency, the State Department of Education, the State Department
3 of Social Services, and any other state agency, department, or
4 office necessary for the initiation or continuation of services to
5 support continuous operations, provide child care services,
6 effectuate California law, and enhance the system of early learning
7 and care administration to increase program coronation and
8 improve service delivery.

9 12840. (a) There is hereby established, within the California
10 Health and Human Services Agency, the Department of Early
11 Child Development. The department shall consolidate leadership
12 on programs and issues relating to the administration of early
13 learning and care.

14 (b) The department shall be under the control of an executive
15 officer known as the Director of Early Child Development.

16 (c) (1) The department shall centralize and build a coherent
17 and whole person early learning and care system to improve service
18 delivery for children, families, and providers by maximizing
19 federal, state, and local resources.

20 (2) To ensure whole person care, the department shall ensure
21 coordination of services, as outlined by the Assembly Blue Ribbon
22 Commission Report on Early Childhood Education Final Report,
23 that does all of the following:

24 (A) Results in increased access to early learning and care
25 services with prioritization for low-income children and families.

26 (B) Prioritizes the coordination of services that best result in
27 increased access to health assessments and follow-up diagnostic
28 treatment services for low-income children and families.

29 (C) Is family centered and has community- and evidence-based
30 systems of coordinated care for children.

31 (d) The duties, powers, functions, jurisdiction, and
32 responsibilities transferred to the department shall include all of
33 the following programs and entities:

34 (1) The Master Plan on Early Learning and Care (Section 8207
35 of the Education Code).

36 (2) The Early Childhood Policy Council (Section 8286 of the
37 Education Code).

38 (3) Childcare for recipients of the CalWORKs program (Article
39 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of
40 Division 1 of Title 1 of the Education Code).

- 1 (4) Emergency Child Care Bridge for Foster Children (Section
- 2 11461.6 of the Welfare and Institutions Code).
- 3 (5) Alternative payment programs (Article 3 (commencing with
- 4 Section 8220) of Chapter 2 of Part 6 of Division 1 of Title 1 of the
- 5 Education Code).
- 6 (6) Migrant alternative payment programs (Article 3
- 7 (commencing with Section 8220) of Chapter 2 of Part 6 of Division
- 8 1 of Title 1 of the Education Code).
- 9 (7) General childcare and development (Article 8 (commencing
- 10 with Section 8240) of Chapter 2 of Part 6 of Division 1 of Title 1
- 11 of the Education Code).
- 12 (8) Migrant childcare and development programs (Article 6
- 13 (commencing with Section 8230) of Chapter 2 of Part 6 of Division
- 14 1 of Title 1 of the Education Code).
- 15 (9) California State Program for Severely Handicapped Program
- 16 (Article 9 (commencing with Section 8250) of Chapter 2 of Part
- 17 6 of Division 1 of Title 1 of the Education Code).
- 18 (10) California Head Start State Collaboration Office.
- 19 (11) Early Head Start-Child Care Partnership Grant from the
- 20 United States Department of Health and Human Services.
- 21 (12) Child care and development fund quality improvement
- 22 projects.
- 23 (13) Integrated Early Childhood Data System.
- 24 12841. (a) The department shall establish an interagency
- 25 workgroup that shall include the Director of Early Childhood
- 26 Development, the Deputy Superintendent of Public Instruction,
- 27 and representatives from the State Department of Public Health,
- 28 the State Department of Health Care Services, the State Department
- 29 of Developmental Services, and the State Department of Social
- 30 Services.
- 31 (b) The interagency workgroup shall do all of the following:
- 32 (1) Establish a memorandum of understanding between the
- 33 departments that are represented in the workgroup, as specified in
- 34 subdivision (a), that outlines the joint authority for the
- 35 promulgation of regulations for the coordination of services.
- 36 (2) Identify administrative needs for implementation by each
- 37 respective entity represented in the workgroup to improve the
- 38 overall coordination of services provided to children and families
- 39 in early learning and care programs.

1 (3) Coordinate with the Early Childhood Policy Council
2 established pursuant to Section 8286 and with the executive
3 director of the Early Childhood Policy Council.

4 (4) Annually submit a report on its work to the Governor, the
5 Superintendent of Public Instruction, and relevant budget and
6 policy committees of the Legislature.

7 (5) Build on the work of the 2019 final report of the Assembly
8 Blue Ribbon Commission on Early Childhood Education Final
9 Report, the strategic plan for the Preschool Development Grant,
10 and the state's master plan for early learning and care developed
11 pursuant to Section 8207.

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February 24, 2020

The Honorable Roy Blunt
Chair
Subcommittee on Labor, Health and
Human Services, and Education
Senate Committee on
Appropriations
Washington, DC 20515

The Honorable Patty Murray
Ranking Member
Subcommittee on Labor, Health and
Human Services, and Education
Senate Committee on
Appropriations
Washington, DC 20515

Dear Chair Blunt and Ranking Member Murray,

We deeply appreciate the increased investments in child care and early learning programs provided in the FY 2020 omnibus appropriations bill, which will help more children and families access these crucial supports. Yet, even with these increases, significant gaps remain – too many families will continue to struggle to find and afford the child care they need in order to work, go to school, or re-train for a new career. Children will not have access to the high-quality early learning settings they need to succeed, and educators will not receive wages they need to provide quality care and support their own families. This year, Congress has another opportunity to close these gaps by increasing federal funding for child care and early learning programs in the FY 2021 Labor, Health and Human Services, and Education appropriations bill and by providing the robust allocation for this bill needed to make these funding levels possible.

Specifically, for the FY 2021 appropriations bill, the national Child Care and Early Learning Coalition requests that Congress provide:

- An additional \$5 billion for the Child Care and Development Block Grant (a total of \$10.826 billion);
- An additional \$1.3 billion for Head Start (total of \$11.869 billion), including \$235.9 million for a cost-of-living adjustment to support the Head Start and Early Head Start workforce, \$520.5 million for quality improvement to address the impacts of trauma and adverse childhood experiences (ACES), and \$500 million to expand Early Head Start, including for Early Head Start-Child Care Partnerships;
- An additional \$787.3 million for early childhood services provided through the Individuals with Disabilities Education Act (IDEA), including an additional \$497.8 million for Part C (a total of \$974.8 million) and an additional \$289.5 million for Part B, Section 619 programs (a total of \$683.5 million); and
- An additional \$125 million for the Preschool Development Grants Birth through Five (PDG B-5) program (a total of \$400 million).

Together, these programs help parents work, boost the well-being of children, and make our economy stronger.

To ensure that all families get the help they need, all children have an equal opportunity to succeed, and educators are paid what they deserve, we must invest federal dollars to expand access to high-

quality, affordable child care and early learning. We acknowledge that the budget caps established for FY 2021 place limits on overall discretionary funding and strain your ability to expand funding to all program areas. However, we urge you to consider the massive need for additional funding in child care and early learning. Due to decades of underfunding relative to need, child care and early learning programs can only serve a fraction of children and families who are eligible and significant additional investments are needed to ensure that all families can find and afford high-quality child care, and that all educators are justly compensated for their work. For example, nearly five out of every six children eligible for child care assistance under federal rules do not receive it, and half of eligible children cannot participate in Head Start, with only eight percent of eligible infants and toddlers able to access Early Head Start. In the past two decades, inadequate funding has eroded IDEA's critical early intervention and preschool support services and twenty-six states recently had their continuation applications for PDG B-5 funding denied due to lack of funding.

Congress has demonstrated its willingness and ability to support children, families and educators in recent appropriations bills, and this year offers another opportunity to maintain and grow this commitment. The increase requested for the Child Care and Development Block Grant (CCDBG) would allow for as many as 646,000 additional children to receive child care assistance, and would create greater momentum to fill gaps in affordability, quality, and supports for the child care workforce. Compared to FY 2018 (the most recent year for which data is available), this would be an increase of 49% in the number of children served by the program. Further investments will also help to compensate for years of stagnant funding. Stagnation of funding over many years has resulted in many families who are still unable to access help paying for care due to state income limits that remain low or waiting lists that remain long, and many child care providers – particularly those in low-income neighborhoods – still struggling to stay in business due to payment rates that remain low. Increased funding would allow states to continue to make progress in addressing these key components of access and quality.

The requested funding for Head Start and Early Head Start would improve quality of care to meet the needs of families, ensure that Head Start employees are paid justly, and expand critical, high-quality services that demonstrate proven success in disrupting generational poverty. The requested funding will allow the program to provide a cost-of-living adjustment in line with inflation for the workforce, expand access to Early Head Start for infants and toddlers, and build on the quality improvement investments made in FY 2020. Quality improvement funding allows each grantee to tailor support to meet the unique needs of children and families in their community, including the ability to extend the duration of services and to address the impacts of trauma and ACES.

The requested increase for IDEA would expand high-quality early intervention and preschool special education services to ensure that children succeed in their early learning settings, creating better outcomes for children, families and communities. The requested funding for the PDG B-5 program would expand and restore popular and needed state investments in growing their early learning systems.

High-quality, affordable child care and early learning is an essential national need. The FY 2021 appropriations bills should provide significant funding increases for these programs to reflect the critical role they play in the success of our children, families, and the economy. In addition, investments are needed to ensure children and families have access to other basic supports that are also essential to helping them thrive. We urge you to consider this picture of funding for children and families as you decide allocations for the FY 2021 appropriations bills and determine specific program funding levels.

Sincerely,

African American Health Alliance
Afterschool Alliance
All Our Kin
American Academy of Pediatrics
American Federation of State, County and Municipal Employees (AFSCME)
American Psychological Association
Americans for Democratic Action (ADA)
Campaign for American's Future
Caring Across Generations
Casa de Esperanza: National Latin@ Network for Health Families and Communities
Center for Community Chance Action
Center for Law and Social Policy (CLASP)
Child 360
Child Care Aware of America
Child Care Services Association
Child Welfare League of America
Children's Defense Fund
Children's HealthWatch
Coalition of Labor Union Women
Coalition on Human Needs
Council for Exceptional Children
Dominican Sisters Ministry of Peace
Early Care and Education Consortium
Educare Learning Network
First Five Years Fund
First Focus Campaign for Children
Friends Committee on National Legislation
Global Justice Institute, Metropolitan Community Churches
Health Over Profit for Everyone
IDEA Infant and Toddler Coordinators Association (ITCA)
Jumpstart
Lutheran Services in America
Main Street Alliance

Moms Rising
National Advocacy Center of the Sisters of the Good Shepherd
National Association for the Education of Young Children
National Association of State Directors of Special Education (NASDSE)
National Black Child Development Institute, Inc.
National Center for Families Learning
National Coalition for the Homeless
National Head Start Association
National Indian Child Care Association
National Organization for Women
National WIC Association
National Women's Law Center
NETWORK Lobby for Catholic Social Justice
Network of Jewish Human Services Agencies
Ounce of Prevention Fund
Parents as Teachers
Partnership for America's Children
Restaurant Opportunities Center (ROC) United
Save the Children Action Network
Service Employees International Union
Sisters of Mercy of the Americas Justice Team
Teaching Strategies
United Parent Leaders Action Network (UPLAN)
United Way Worldwide
Voices for Progress
ZERO TO THREE

**Alameda County ECE Planning Council
Proposed Federal Budget Priorities Draft 2/23/20**

ACECEPC Platform	Proposed Federal Budget Position for FY 20-21 Appropriations Bill
OVERALL	<p>The proposed Trump FY 2021 budget would slash billions of dollars in spending on education, health, nutrition, housing, and other basic needs that support economic stability and good health and wellbeing for children and families. These massive cuts are proposed alongside a plan to extend Trump’s 2017 tax cuts</p> <p>We oppose cancelling a bipartisan budget deal agreed to by Congress and the president in July with proposed cuts to funding levels for critical human needs programs of \$51 billion with cuts growing dramatically deeper in future years</p> <p>Further we call on Congress and the President to remove automatic spending caps for critical programs for children and families including early care and education</p> <p>While the need is far from being met, thank Congress for critical role in passing in December 2019 current budget year increase of \$550 million for CCDBG, \$550 million for Head Start, \$25 million increase for PDG</p>
Access	
Protect and increase Access for all children	<p>Request an additional \$5 billion for the Child Care and Development Block Grant (a total of \$10.826 billion);</p> <p>Request an additional \$1.256 billion for Head Start (total of \$11.869 billion),</p> <p>Request an additional \$787.300 million for early childhood services provided through the Individuals with Disabilities Education Act (IDEA)</p>
Quality	<p>The budget should address the critical need to improve the quality of child care including those changes required by the 2014 Reauthorization Act</p> <p>The budget’s dangerous supply proposal would create a race to the bottom— with states receiving temporary funding in exchange for permanent rollbacks of basic health and safety protections for children</p>
Workforce	The budget should address the critical need to increase compensation for the child care workforce.
Supportive Services	
OTHER ISSUES	<p>Request an additional \$125 million for the Preschool Development Grants Birth through Five</p> <p>Oppose funding more immigration agents—even as the administration’s policies are <u>terrorizing children</u> in immigrant families and devastating communities—and spending billions of dollars on a divisive border wall</p>