



CHILD CARE LAW CENTER

CHILDREN NOW



April 18, 2018

The Honorable Richard Pan
Chair, Senate Budget Subcommittee #3
California State Senate

The Honorable Anthony Portantino
Chair, Senate Budget Subcommittee #1
California State Senate

RE: Follow-up on Hearing Discussion on LAO Recommendations on Title 22 Licensing Exemption for School-Based Preschool Classrooms

Dear Senators Pan and Portantino,

We would like to thank the joint committee for their thoughtful comments at the budget hearing on Child Care held on April 5th, 2018. As we stated in a prior letter and in testimony at the hearing, we have concerns about this proposal and the lack of broad agreement on health and safety implications if California moves to exempt preschool programs administered by Local Education Agencies (LEAs). We continue to have the utmost concern about the health and safety protections for very young children in facilities designed largely for school-age kids and the loss of parents' rights and transparency should they lose access to the licensing system. We also have concerns that – given the narrow scope of the LAO recommendations – CDE will be limited to the same scope in developing regulations without direction provided by the legislature.

We were struck by three key issues that emerged during the hearing:

1. The Stakeholder group was constrained to only consider solutions within the specific directions given. Even within these narrow parameters, the majority were not in agreement with the recommendations.
2. There is no clear answer as to the interaction between federal and state funding streams and what licensing requirements may exist from other funding streams.
3. If parent complaints are submitted to local schools rather than an independent agency, the investigation and determination of violations is vested in the entity being investigated.

In response to your inquiries, we have been considering potential options your committee could consider to mitigate our shared concerns and allow a more thorough vetting process prior to implementation to avoid unintended harm to children. We propose the following recommendations:

- Extend the implementation date for these exemptions to 2020 or 2021 to allow for a more thorough review and informed discussion of the developmentally appropriate health and safety needs of three- and four-year-old children.
- Engage with child development experts on the best practices in health and safety regulations for young children and determine the key items which must be preserved to keep even very young children safe.
- Remove programs that serve children younger than four years old from exemption.
- Review the Universal Complaint Procedure and assess its effectiveness in light of the recent [State Auditor's Report](#) of inadequacies in that procedure. Also, determine how complaints will be taken anonymously and what records will be kept of those complaints and resolutions.
- Develop rigorous, specific guidelines for CDE to include in their regulatory package to ensure that if the exemption moves forward, key child safety and parent rights components are included.

We continue to support a comprehensive review of overlapping regulations to provide alignment without jeopardizing the health, safety or important oversight structure built to protect our youngest learners. We appreciate your consideration and look forward to speaking with committee members over the next few weeks regarding these options.

Sincerely,

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CC: Members, Senate Budget Sub #3
Members, Senate Budget Sub #1
Senator Holly Mitchell, Chair, Senate Budget Committee
Senator Toni Atkins, Senate Pro Tem