



May 4, 2017

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

To the Honorable Budget Chairpersons,

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

The Administration has asked for feedback on its child care and early learning alignment proposals to ensure they are increasing efficiencies and flexibility for providers, while maintaining important health and safety provisions. We offer this input in response specifically to the proposal to exempt LEAs from Title 22 provisions.

I. The Budget Policy Proposal on Title 22 Must Be Fully Vetted to Ensure Basic Health and Safety Standards For Children are Not Lost.

In this proposal, LEA-administered preschools would not be subject to Title 22 requirements, potentially 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 3-years old attending the California State Preschool Program. Research clearly points to the developmental differences between these age groups and Title 22 provides a foundation of health and safety provisions specific to the needs of children under five. Critical provisions unique to Title 22 include:

- 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;

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

- Sanitary and adequate toilet facilities; and
- Safe play structures.

These health and safety protections are not duplicated under Title 5 or other laws applicable to K-12 school facility construction or operations. We cannot assume that any child care or preschool site providing care to children will voluntarily comply with these basic standards if not mandated to do so.

While we understand the intent of streamlining various requirements to facilitate the expansion of services, the rushed and limited budget process is not an appropriate vehicle for any policy proposal that could directly impact the health and safety of young children. Title 22 was adopted in response to lack of oversight that led to serious harm to children², and allowing exemptions from these regulatory provisions cannot be taken lightly.

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

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, not health and safety requirements. This proposal assumed – incorrectly – that the requirements contained in Title 5 and other provisions governing school-based preschools are duplicative of Title 22.

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 birth through 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.

Concerns about Delays in Inspections Can Be Addressed in Ways that Do Not 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 spaces that meet the needs of working parents, the uptake by school districts will increase too given parent demand for full-day rather than half-day.

² See, "Oliver's Law," AB 633, Chapter 545, Acts of 2006.

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 future fix. We look forward to working within an existing workgroup, such as the AB 104 workgroup, or establishing a new workgroup to achieve the Administration's goal.

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
First 5 California
Los Angeles Universal Preschool
Northern Director's Group
Parent Voices of California
Professional Association of Childhood Educators (PACE)
Service Employees International Union (SEIU)

Cc: Department of Finance