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## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

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**Bill No:** SB 614 **Hearing Date:** April 10, 2019  
**Author:** Rubio  
**Version:** April 1, 2019  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Olgalilia Ramirez

**Subject:** Early childhood education: county offices of education: grant program.

**NOTE:** This bill has been referred to the Committees on Education and *Human Services*. A "do pass" motion should include referral to the Committee on *Human Services*.

### SUMMARY

This bill establishes in statute the Inclusive Early Childhood Education Grant Program for the purpose of increasing access to inclusive early childhood education programs including children with exceptional needs.

### BACKGROUND

Existing law:

- 1) Establishes the Child Care and Development Services Act to provide childcare and development services as part of a coordinated, comprehensive, and cost-effective system-serving children from birth to 13 years old and their parents including a full range of supervision, health, and support services through full- and part-time programs. (Education Code § 8200 *et seq.*)
- 2) Defines "child care and development services" to mean services designed to meet a wide variety of children's and families' needs while parents and guardians are working, in training, seeking employment, incapacitated, or in need of respite. (EC § 8208 (j))
- 3) Defines "Children with exceptional needs" as it relates to infants or toddlers to mean, infants and toddlers under three years old who have been determined to be eligible for early intervention services. These children include an infant or toddler with a developmental delay or established risk condition, or who is at high risk of having a substantial developmental disability. These children have active individualized family service plans, receive early intervention services, and require the special attention of adults in a childcare setting. (EC § 8208 (L)(1))
- 4) States the intent of the Legislature that all families have access to child care and development services, through resource and referral where appropriate, and regardless of demographic background or special needs, and that families are provided the opportunity to attain financial stability through employment, while maximizing growth and development of their children, and enhancing their

parenting skills through participation in child care and development programs. (EC § 8202)

- 5) Requires the Superintendent of Public Instruction to administer general childcare and development programs to include, among other things as specified, age- and developmentally-appropriate activities, supervision, parenting education and involvement, and nutrition. Further allows such programs to be designed to meet child-related needs identified by parents or guardians, as specified. (EC § 8240 and 8241)
- 6) Establishes under federal law the Individuals with Disabilities Education Act (IDEA) to ensure the provision of free appropriate public education to children with disabilities that is tailored to meet their needs. (20 U.S.C. §1400 *et seq.*)
- 7) Requires through state and federal law that children with exceptional needs between the ages of three and five be provided with a free and appropriate education. (EC § 56026)

## ANALYSIS

This bill establishes in statute the Inclusive Early Childhood Education Grant Program for the purpose of increasing access to inclusive early childhood education programs. Specifically, it:

- 1) Requires the State Department of Education's Special Education Division and Early Learning and Care Division, in consultation and coordination with the State Department of Developmental Services, administer the program including developing criteria for proposals, selecting grantees, and collecting data. Specifies that the criteria for proposals include, but is not limited to, reporting on referral pathways and transitions.
- 2) Requires that at a minimum, an applicant be a county office of education and include all of the following information in its grant application:
  - a) A proposal to increase access to subsidized inclusive early childhood education programs for children up to five years of age, including children with exceptional needs, in low-income and high –need communities as defined. This bill requires that the proposal quantify the number of additional subsidized children proposed to be served, including those with exceptional needs.
  - b) A proposal that demonstrates coordination with local partners, which may include, but are not limited to, other county agencies, school districts, regional centers, and resource and referral agencies.
  - c) Demonstration of coordination and the leveraging of other state funds directed toward supporting children with exceptional needs.
- 3) Requires grants to be awarded on a competitive basis and that priority be given to applicants that meet any of the following criteria:

- a) Applicants with a demonstrated need for expanded access to inclusive early childhood education.
  - b) Applicants in low-income communities and applicants that represent a consortium of local partners, including local special education partners and those with expertise in inclusive early childhood education environments.
  - c) Applicants who demonstrate the ability to serve children with a broad range of disabilities.
  - d) Applicants who serve, or plan to serve, children with exceptional needs in proportion to their presence in the general population.
- 4) Provides that grants be used only for outreach coordinators, placement navigators, coordination and provision of resources, adaptive equipment, professional development, assessment or evaluation of tools and licenses, training for parents and specialists, including coaches and behavioral or mental health consultants.
  - 5) Requires that a grant recipient commit to providing program data and participating in overall program evaluation to ensure expanded access to inclusive environments, as specified by the department, as a condition of the receipt of grant funding.
  - 6) Requires that the department create an evaluation plan for county offices of education that receive grants that addresses; 1) improved access, participation, and supports for inclusive early childhood education programs; 2) and program and child outcomes.
  - 7) Makes related findings and declarations.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Well-established research shows early childhood education programs can improve a child’s developmental progress and educational outcomes. Inclusive ECE programs are especially important for those with exceptional needs, as participation in intensive and timely services help these children achieve their brightest futures. Inclusive ECE programs also create a sense of belonging, promote positive social relationships and grow important skills in participating children.

In an effort to increase inclusive ECE access, California this year will disburse funds through a one-time grant program. Local education agencies (LEA) can use this money for infrastructure costs, including training, equipment and renovation of facilities.

Despite its investments in ECE, California still faces a severe shortage of state-subsidized childcare. Recent data shows that 1.2 million children are eligible for subsidized care but do not receive it due to the lack of access in the state

(California Budget & Policy Center; 2016). The shortage is most acute for our youngest children, ages zero to three, with less than 14 percent of infants and toddlers who qualify for subsidized childcare actually receiving services.”

- 2) ***Serving children with unique needs.*** Children with disabilities may be served through the state’s subsidized childcare or State Preschool programs. According to the Legislative Analysts’ Office, in 2017-18, California provided early intervention services to 47,500 infants and toddlers with special needs this number is expected to increase in the coming year. From birth through age two, children with exceptional needs generally receive support through regional developmental centers or sometimes through local educational agencies (LEA). This support may be a full-day program or a targeted intervention that a child would be provided on a regular basis with families potentially also utilizing mainstream options for childcare. When children with disabilities turn three years of age, they are able to participate in programs provided by their LEA either through special day programs, generally for more intensive support, or with targeted support such as speech therapy. Providers who serve children with special needs do so at a higher reimbursement rate. A recent report by the Legislative Analysts’ Office, *Evaluating California’s System for Serving Infants and Toddlers With Special Needs*, identified several weaknesses with the state’s early intervention system, including: persistent service delays, poorly coordinated transitions between regional center early intervention and school-based special education services, and large differences between the amount of funding and parental choice offered to families served by schools and regional centers
- 3) ***Related budget activity.*** The 2018 Budget Act included funding to provide competitive grants to expand inclusive settings and increase access for subsidized education and care of zero to-five-year-olds with exceptional needs. Specifically, the Act included \$167.2 million in one-time proposition 98 funding for the Inclusive Early Education Expansion program. Under this program, grants may be provided to LEAs with priority given to applicants that have a need for expanded access to inclusive early care, serve low-income communities, can leverage local partnerships, serve a broad range of disabilities, and those who plan to, or already do, serve children with disabilities in proportion to the rate of identification similar to LEAs in their area. Unlike the program proposed in this bill, funds from the expansion program may be used for one-time infrastructure costs and grantees must provide a local match.

Secondly, the AB 1808 (Committee on Budget, 2018) trailer bill language, established the Inclusive Early Care Pilot program (renamed Inclusive Early Learning and Care Coordination Program) under which county offices of education may apply for grants to increase access to early care and education programs for children with exceptional needs, including severe disabilities, from ages zero to five. Similar to this bill, grantees may use funds for a variety of purposes to build local and regional capacity, including, outreach coordinators, placement navigators, adaptive equipment, professional learning and assessment and evaluation tools. The 2018 Budget Act provided \$10 million in one-time federal funding for this program. *This bill seeks to codify and provide on-going funding for a nearly identical program.*

4) ***Is this bill premature?*** Under the Inclusive Early Care Pilot program, the Superintendent of Public Instruction must collect data and report outcomes due by October 1<sup>st</sup>, to the budget committees of each house of the Legislature, the Legislative Analyst's Office and the Department of Finance. This bill would essentially duplicate, fund and make permanent a pilot program prior to the completion of the report on outcomes. *Is it prudent to make such changes prior to receipt of statutorily mandated reporting?* Arguably, the report could help inform future legislation to improve program effectiveness and implementation.

5) ***Related legislation.***

SB 217 (Portantino and Roth, 2019) would create the Early Intervention Grant Program to increase inclusive access to early education programs for children with exceptional needs and expands eligibility for transitional kindergarten to include children with exceptional needs turning five years old at any time during the school year. SB 217 is set to be heard in this committee on April 10, 2019.

#### **SUPPORT**

None received

#### **OPPOSITION**

None received

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