



CHILD CARE LAW CENTER.

New Laws in Child Care

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Top Child Care Laws in California for 2020

- (1) Immediate & Continuous Stage 1 Child Care
- (2) Early Learning & Care Infrastructure Grant Program
- (3) Increasing Quality, Nurturing Child Care Close to Home
- (4) Child Care Providers' Right to Collectively Bargain



(1) Immediate & Continuous Stage 1 Child Care

Families enrolled in CalWORKs are entitled to affordable child care in order to work, or participate in approved welfare-to-work activities.



Problems with Stage 1

- Less than 30% of CalWORKs eligible families were getting Stage 1 child care
- Stage 1 authorizations were limited to time of specific approved activity



Problems with Stage 1

Families enrolled in CalWORKs reported:

- They weren't told they could get child care
- Delays in getting child care
- Stage 1 child care is short-term, sporadic, and difficult to secure
- Being sanctioned for inability to participate in required activities because of not having child care
- Child care disrupted or lost during the transfer between CalWORKs stages

Immediate & Continuous Stage 1 Child Care

As of October 1, 2019, Stage 1 child care is

- Authorized immediately after CalWORKs cash assistance is approved
- Authorized for more activities
- Full-time, unless parent requests otherwise
- For no less than 12 months or until transfer to Stage 2



CalWORKs Stage 1

expanded program activities

- **Full-time** Stage 1 child care authorized activities:
 - Any welfare-to-work activity
 - orientation
 - appraisal
 - assessment
 - job search
 - job club
 - domestic violence services
 - court appearances
 - housing searches and classes
 - homeless support programs
 - shelter participation requirements
 - eviction proceedings
 - mental health services, including therapy or personal counseling
 - home visiting
 - drug and substance abuse services
 - parenting classes, and
 - medical or education-related appointments for the participant or their dependents

County Worker's Duties

- County worker must make sure the parent has child care before requiring the parent to attend activities or appointments
- If parent cannot participate in a program activity because they can't find suitable child care, then they have “good cause” for not participating



County Worker's Duties

County worker must offer child care

- To families when they enroll in the CalWORKs program, at the time of signing the new or amended Welfare-to-Work Plan
- Whenever a family expresses they need child care
- To volunteers who are exempt from work requirements
- To adults who are sanctioned and intend to participate in a program activity



County Worker Transfer Duties

County worker must

- Seamlessly transfer families from Stage 1 to Stage 2 when the county determines the family is “stable”
- Submit the nine data elements needed to enroll the family in the next stage of child care to the contractor
- Before ending the family’s Stage 1 child care, receive confirmation from the Stage 2 contractor that the family is enrolled in the next stage of child care or that the family no longer qualifies



CalWORKs Diversion Services

Diversion Services: A one-time payment or non-cash assistance that a parent can choose instead of ongoing cash assistance. The county worker must approve that a diversion payment makes sense for a parent who is eligible or appears to be eligible CalWORKs, instead of receiving on-going assistance.

County Worker's Duties

- County Worker must inform the parent about the option of CalWORKs child care as a non-cash CalWORKs **diversion service**
- Parents can get Stage 2 child care for up to two years after they last received cash assistance or a diversion payment.

Immediate & Continuous Stage 1 Child Care

Families receive reliable child care, so parents can work and children can thrive



New law became effective Oct. 1, 2019. CDSS guidance will be issued very soon.

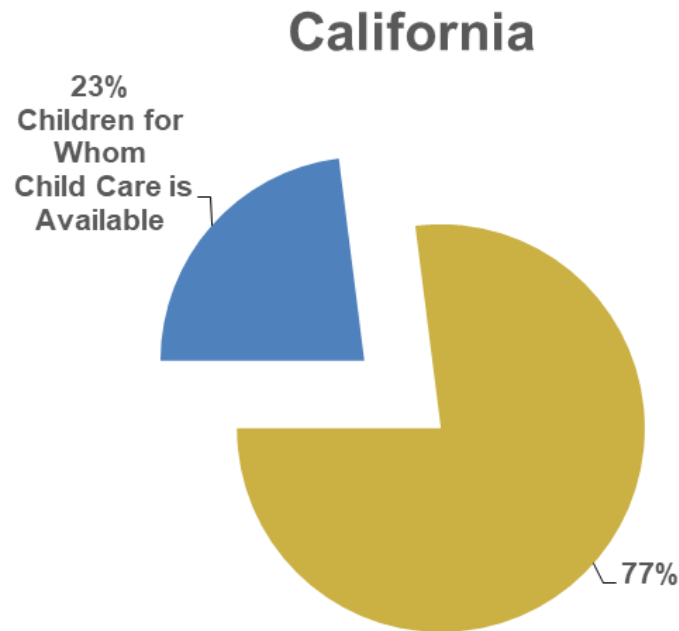
SB 80 (Budget bill that incorporated SB 321)

(2) Early Learning & Care Infrastructure Grant Program



Problem: Statewide child care shortage

California Has Only Enough Licensed Child Care to Meet **23% of the Need**



Early Learning & Care Infrastructure Grant Program

Goal is to increase child care spaces for families with
child care subsidies



Early Learning & Care Infrastructure Grant Program

Grants available to non-LEA

licensed child care centers and family child care providers



Early Learning & Care Infrastructure Grant Program

- Grants can be used for renovation, repair, modernization, retrofitting, and other related costs of existing facilities or to build new ones
- Limited funding can be used to meet health & safety licensing requirements



Early Learning & Care Infrastructure Grant Program

Child care providers

- Must show that they will serve more children with subsidies and continue to serve them
- Will be prioritized based on whether they
 - serve children in high need communities with lack of affordable child care
 - are located in areas impacted by natural disasters, or
 - care for children 0-5 with exceptional needs

Early Learning & Care Infrastructure Grant Program

- \$245 million over next 4 years, until 2023
- Grants will be awarded on a competitive basis
- Grants available only to child care centers in the first year
- CDE will issue guidance on the specific grant criteria soon
- Language found in AB 114

(3) Increasing Quality, Nurturing Child Care Close to Home

Partnering to **increase the availability of family child care**

- Family child care providers
- Child care resource & referral agency staff
- Child Care Law Center and our legal partners, and
- City planners



Who are Family Child Care Providers?

Many are

- Small business owners
- Mothers
- Women of color
- In mid-forties, taking care of children nearly 10 years without a paid assistant
- Immigrants
- Spanish and other language speakers
- Earning a median income of \$28,630/per year in California
- Working 60-80 hours/week

Family Child Care Supports Healthy, Sustainable Communities

For **parents**, family child care is

- Conveniently located
- Has flexible, non-traditional hours of care
- Generally more affordable than center-based care, esp. for infants
- Most preferred type of care by parents for their babies and young children



Family Child Care Supports Healthy, Sustainable Communities

For **children**, family child care providers

- Offer a home-like environment
- Support their social and cognitive development
- Often meet their individual, cultural & linguistic needs



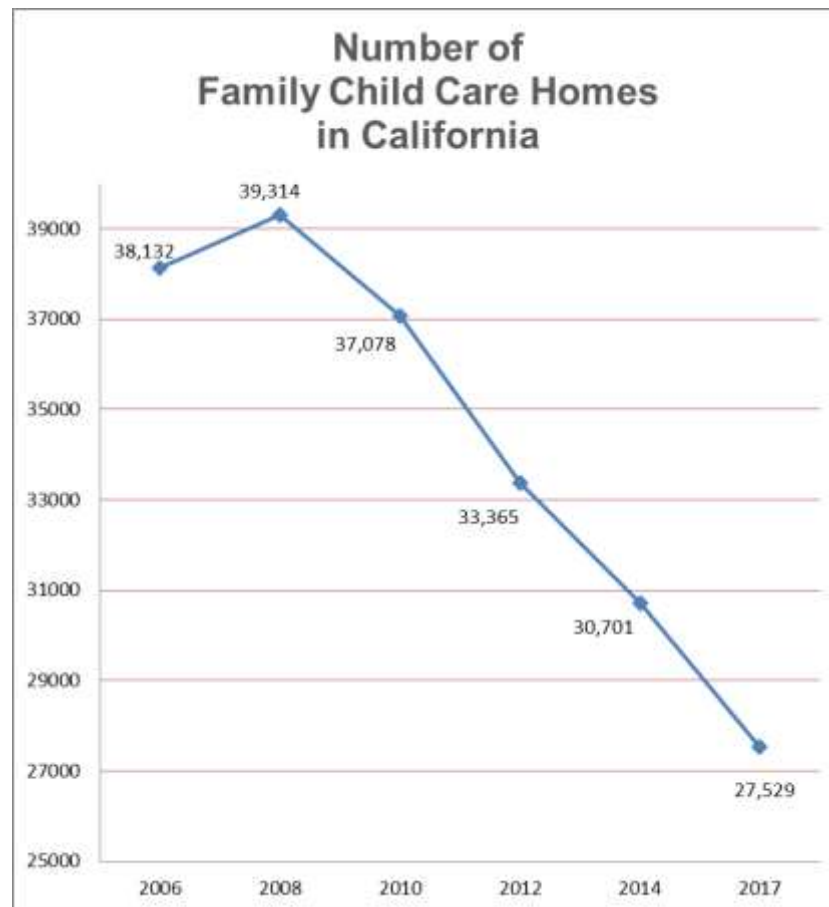
Child Care Is Hard To Find

Family child care is the **most frequently chosen form of child care**, but parents often can't find it or are forced to cobble together unreliable situations



Decline of Family Child Care Homes

California has **lost one-third** of its Family Child Care Homes since 2008



Problems for Family Child Care Homes



Cities and counties requiring:

- Expensive zoning permits & business licenses with overly burdensome application processes
- Unlawful conditions under state law (e.g., architectural drawing to scale, designated hours of operation)
- Providers to buy specific items for fire safety or environmental reasons
- Others you have heard of?

Problems for Family Child Care Homes

Landlords, HOAs and Property Managers unlawfully:

- Evicting
- Refusing to rent or sell, and
- Restricting use of family child care homes



California's Protections for Family Child Care

The California Child Day Care Facilities Act

Cal. Health & Safety Code Sections 1597.30 et seq.

What the state legislature declared about **family child care** nearly 40 years ago:

- Should be located in “normal residential surroundings” that give children a home-like environment which is good for their healthy development
- Shortage in California that is of statewide concern
- Many parents prefer child care in their neighborhood
- Growing need because of more working parents
- Licensing must be affordable, easy to regulate, and not heavily burdensome



California's Protections for Family Child Care

- State supersedes (preempts) local laws and rules that don't agree with the state law
- The California Dep't of Social Services, Community Care Licensing Division and Office of the State Fire Marshal regulates all family child care homes



Keep Kids Close to Home Act: SB 234

SB 234 updates the law to meet the needs of today's families:

- Cities and counties **cannot regulate small or large family child care homes**
 - No zoning permits or business licenses
- Clarifies licensed family child care homes are allowed in apartments and other types of multifamily units
- Updates family child care provider housing protections
- Family child care providers can hold local governments and others accountable if their protections are violated under the law



Keep Kids Close to Home Act: SB 234



SB 234 will increase the availability of warm, enriching home like-settings for children. Goes into effect **January 1, 2020**

(4) Child Care Providers' Right to Collectively Bargain

The “Union Bill” – AB 378



What is Right to Collectively Bargain?

Collective bargaining is where working people, through their unions, negotiate contracts with their employers to determine their terms of employment, such as

- Pay
- Benefits
- Hours
- Time off
- Job health & safety policies
- Ways to balance work & family
- More



Problems for child care providers

- Family child care providers & family, friend and neighbor providers are underpaid by the state
 - Many licensed family child care providers make \$5 - \$7/hour
 - Family, friend and neighbor providers and other licensed-exempt providers earn less. In LA, they are paid \$3.61/hour to care for an infant.
 - 58% rely on a government assistance program to support their own families
- Don't have guaranteed benefits
- Don't have access to affordable trainings they need
- More?

Child Care Providers United



Family child care providers & family, friend, neighbor providers now have the right to negotiate a contract with the state to improve

- Their work conditions,
- Their Care for children, and
- The child care system

The Building a Better Early Care and Education System Act – AB 378

Scope of Child Care Providers United representation:

- Child care subsidy reimbursement rates
- Improved recruitment and retention of qualified providers
- Contributions to a certified provider organization-administered benefit trust fund
- Training partnership
- More

Child Care Providers United Membership

Must be

- Be a licensed family child care provider
- Be a family, friend or neighbor provider

Must also

- Care for children whose families are enrolled in a state-funded child care subsidy program

*Union membership is not required

Gathering and Sharing Providers' Information

Cal. Dep't of Education, Social Services, and other state departments that administer state-funded child care subsidies must collect and share the following information with the union:

- Name
- Home address
- Mailing address
- County
- Work and cellular telephone numbers
- Email address (if known)
- Name of agency administering subsidy to the provider
- Date the provider began subsidy care
- Date the provider ended subsidy care (if applicable)
- Whether licensed or non-licensed
- Unique provider ID number (if applicable)
- State facility license number (if known)

Gathering and Sharing Providers' Information

- Information is only collected from providers who care for children with subsidies
- Information shared with the union can only be used for “organizing, representing, and assisting family childcare providers”
- Providers can make a written request to the state departments to take their names off the contact list for the union


Child Care Providers United Goals

- Professionalize the work through trainings and creating career ladders for providers
- Increase quality of care based on most current research
- Create a pathway out of poverty
- Stabilize and reduce turnover in child care programs
- Win new state and federal funding
- Ensure tax dollars are spent on the families and children who need care and early education the most

AB 378 and Budget Language

- AB 378 - Collective Bargaining Requirements become law on January 1, 2020
- SB 75 – Collection and Sharing of Information





How will you do tell child care
providers and parents about the new
laws?

Other New Child Care Laws



Overall increase in ECE funding

- 14% increase in funding from last year to this year:
 - \$4.6 billion in 2018
 - \$5.3 billion in 2019
 - Total increase: \$673 million
- Most is one-time money

Funding Breakdown

- **17,481** more children to be served in **CalWORKs**
 - 13,757 Stages 2 & 3
 - 3,724 Stage 1
- **12,545** more children to be served in **general CDE child care**
 - 9,459 AP vouchers
 - 3,086 child care center spaces
- **10,000 more children** to be served in full-time preschool, non-LEA providers over next 2 years
 - \$31.4 m in 2019-20
 - \$124.9 m in 2020-21

Adjustment Factor for children with exceptional needs and severe disabilities

- Last year's budget included child care subsidy adjustment factor increase for babies, toddlers, and kids with disabilities
- Adjustment factor of 1.54 extended this year to part-day CA State Preschool programs
- RFP award process Dec. 12, 2019 – Jun. 30, 2023
 - Paperwork has been difficult in past
 - Must include IEP/IFSP + Medical documentation

General Child Care Subsidy Rate Increases

- Rate reform bills, SB 174 & AB 125 were not included in the state budget this year.
- Rate reform will be a top priority for the ECE coalition next year, including
 - Increasing the reimbursement rate for family, friend & neighbor providers
 - Regionalizing the standard reimbursement rate

Workforce Development

- Workforce Professional Development Grants for EC professionals available until 2023
- Aim is to increase qualified workforce
- Priority given to areas with families who qualify for child care subsidies, high cost of living, and other needs to be determined
- Can be used for trainings, transport, and more
- Overlap with AB 324 (Aguiar-Curry), which did not move forward
- We want to ensure available to all providers

AB 114 (TBL)

Annual Inspections

Legislature intends to achieve annual inspections of all child care centers and family child care homes by **July 1, 2021**.

Emergency Child Care Bridge Program

- Emergency bridge child care providers exempt from Trustline registration fee
- \$10 million ongoing GF to increase access to program
- Sunset is Dec. 31, 2021, but can be extended if sufficient funding

Universal full-day preschool

- Governor aims to create universal preschool, starting with targeted universalism
- Expands eligibility to all children living in area with 80% or more of families who qualify for reduced price lunches
 - Means children living in communities of scarce resources are eligible regardless of family income
- Eliminates work requirements for families with full-day preschool
- Working families prioritized for full-day preschool

Governor's Master Plan for Child Care

- Aim is to “ensure comprehensive, quality, and affordable childcare and universal preschool for children from birth to school age”
- Will address facility capacity, trained workforce, universal access to preschool, revenue options
- Builds on Assembly Blue Ribbon Commission Report Recommendations
- Establishes a 27-member Early Childhood Policy Council
- H&H Services Agency must release plan by Oct. 1 2020.

Creating Early Childhood Policy Council

The ECPC will give recommendations to the legislature and Governor on early learning care policies. Duties include making implementation recommendations on the Assembly Blue Ribbon Commission Report and Master Plan. 27 member advisory group comprised of:

- Parents
- Child care providers
- State agency officials
- Legislators
- Child care stakeholders

Food Program Reimbursement Rate & Meal Requirements

- The reimbursement rate for reduced-price meals in child care centers, family child care homes and schools must be established in each annual state budget.
- Child care on school sites and charter schools must provide each qualifying student with one nutritionally adequate free or reduced-price meal during each program day.
- Allows a child care programs to use funds made available to them through any federal or state program to provide nutritious meals
- Starting July 1, 2020
 - Part-day state preschool programs must provide at least one nutritious meal per day to each enrolled child
 - Full-day state preschool programs must provide at least 2 nutritious meals or 2 snacks and one nutritious meal per program day.

Promoting Healthy Choices and Behaviors in School Programs

Allows ASES and 21st Century Community learning Center to include youth activities that promote healthy choices and behaviors to prevent substance use and improve school retention and performance

Supporting Student Parents

- Encourages community college and CSU child development programs to prioritize children of single parent students & meet specific income requirements
- Must inform pregnant and parenting students of Title 9 protections (protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance).



More Laws Supporting Children and Families

- Paid Family Leave Expansion – SB 83
- Translated Paid Family Leave Applications – AB 406
- Definition of “employee” becomes law – AB 5
- Cal. Earned Income Tax Credit – AB 91
- No Sales Tax for Diapers and Menstrual Products – SB 92
- Trauma & Developmental Screenings
- Home Visiting & Black Infant Program – SB 80
- Condemnation of federal public charge rule – ACR 1
- CalWorks Grant Increase – SB 80
- Developmental Screenings (0-3) data collection – AB 1004
- Campaign funds for child care expenses – AB 220



Questions?

Resources

- California Bills and Laws
- Immediate & Continuous Stage 1 Child Care FAQ
- SB 234 FAQ (translations) and webpage
- Child Care Law Center Budget Round-Up 2019-2020
- California Early Childhood Budget Summary
- The Impact of the Dynamex Decision on Determinations of Employment Status of California Child Care Providers
- Child Care Law Center “Know the Law” Series
- Every Child CA bill summaries

We Can Help You

Child Care Law Center

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