



April 6, 2021

The Honorable Gavin Newsom
Governor, State of California
State Capitol, First Floor

The Honorable Toni G. Atkins
President pro Tempore, State Senate
State Capitol, Room 205

The Honorable Anthony Rendon
Speaker, State Assembly
State Capitol, Room 219

Re: Letter of Opposition - AB 22

Dear Governor Newsom and Legislative Leaders,

Each child and family has unique strengths and needs. This is why California has long embraced “parent choice” — which aims to ensure families have as many affordable child care options as possible to fit their particular preference. While we appreciate the bill’s intent to ensure all four-year-olds have access to a no-cost high quality early learning experience, AB 22 unfortunately does not take into account the need for free child care in a variety of enriching child care settings.

We are thrilled that California will soon receive nearly \$4 billion in federal relief funds to help build the availability and affordability of child care. Before the Covid-19 pandemic, licensed child care was available for only 24.5% of children with working parents in California.¹ With 327,744 spaces temporarily or permanently lost since the beginning of the pandemic,² the scarcity of child care is now much direr. The federal funds will bring greatly-needed relief to help some child care providers reopen and remain open, and give a limited number of parents more affordable child care options. However, this federal money greatly falls short of rebuilding child care programs that were already fragile before the pandemic.

¹ KidsData, *Availability of Child Care For Working Families*, <https://www.kidsdata.org/topic#cat=18,19> (citing 2019 data from the California Child Care Resource and Referral Network) (last visited Apr. 6, 2021)

² Assmb. Budget Subcomm. No. 2 on Educ. Fin., *March 10, 2021 Agenda*, <https://abgt.assembly.ca.gov/sites/abgt.assembly.ca.gov/files/FINAL%20%20March%2010%20Agenda.pdf> (last visited Apr. 6, 2021)

Accordingly, we must oppose AB 22 as currently drafted for the following reasons:

1. Transitional Kindergarten Does Not Meet The Developmental Needs of All Four Year Olds

We appreciate that some parents prefer Transitional Kindergarten for their four-year-olds. Meanwhile, many parents prefer having their children cared for in a setting with multiple early age groups, sometimes with their younger or older siblings. Moreover, a great number of four-year-olds are thriving in their current family child care home, preschool or child care center setting. A school campus environment does not fit the developmental needs of many four-year-olds.

Children have also had to carry a lot in their young lives in the past year. They are enduring the stress of online learning, being isolated, and trauma from witnessing loved ones get sick and die. More than ever, they need to be cared for in a stable, loving environment with as few disruptions as possible. Children should not be forced to shuttle between various early care settings, sometimes all the way across town, because the only free option for their parents is TK. Families should have the opportunity to choose a child care program where their child feels most comfortable and their child's needs are met.

2. Transitional Kindergarten Does Not Meet The Needs Of Working Parents Who Need Affordable Child Care Most

The pandemic has hit people with the fewest resources and families of color the hardest. The majority of front-line essential workers earn low wages, less than \$14.68 per hour. They include workers in “food production and preparation, retail operations, home care, the movement and distribution of goods, and janitorial services;” most of these jobs require people to work early mornings, evenings, and weekends.³ The majority of these workers are Latinx, Black, Asian and other non-White race/ethnic groups.⁴ In order for parents, especially essential workers we all depend on, to keep working or return to work, our state needs to allocate significant state funds to ensure no- or low-cost child care options are offered in a variety of settings, during parents' working hours, and that support the best interest of children's healthy development. Adding more state funding to a part-time, part-year program such as TK, especially at a time when so many parents need flexible full-time, year-round care more than ever is nonsensical.

When parents are offered a free TK option, many must make the hard decision about whether to keep their child in a setting from where they are thriving or uproot their child to a school setting they may not be ready for. The typical 3-hour per day TK program, Monday through Friday, forces parents to figure out how they can cobble together various forms of child care to make this free option work for them.

A parent's ability to work and provide for their family is also critical to a child's healthy development. Trying to figure out how to make a part-time TK schedule accommodate their work schedule or not

³ Sarah Thomason and Annette Berhardt, *Front-line Essential Jobs in California: A Profile of Job and Worker Characteristics*, U.C. Berkeley Labor Center (May 14, 2020), <https://laborcenter.berkeley.edu/front-line-essential-jobs-in-california-a-profile-of-job-and-worker-characteristics/> (last visited Apr. 6, 2021).

⁴ *Id.*

being able to work at all because of lack of affordable child care options are major stressors on a parent. Children internalize this stress, which often directly impacts their well-being and academic success.

3. AB 22 Unjustly Usurps Additional Ongoing, Guaranteed Funding from the General Fund

Proposition 98 (“Prop 98”), passed by voter initiative in 1988, establishes a minimum funding guarantee for programs that support California’s public education system. The Legislature added Child Care and Development Services Act (“CCDSA”) programs into the Prop 98 minimum funding guarantee in 1989, because it acknowledged both academic and social benefits of child care and that child care is an integral aspect of public schools and necessary to its purpose.⁵

In 2011, in the midst of a catastrophic recession, the Legislature enacted trailer bill language to implement a broad range of education budget reductions.⁶ The trailer bill created Education Code section 41202.5, which excludes CCDSA programs from Prop 98’s minimum funding guarantee, with the exception of part-day preschool and the After School Education and Safety program.

Each year since 2011, child care advocates must fight hard to adequately fund the child care programs cut from Prop. 98. Lawmakers are forced to make difficult decisions on how to balance the many needs and requests —both child care and non-child care related — for how general child care dollars must be spent.

At a time when families and child care providers, particularly people of color, are in crisis and need child care more than ever, the Governor’s January 2021 budget proposal allocates no ongoing General Fund money outside of Prop 64 funding for the general child care programs; the very programs that offer the flexible, non-traditional hours families so desperately need. Meanwhile, **AB 22 guarantees ongoing General Fund money on top of the already guaranteed General Fund Prop. 98 money that the TK program currently receives. Moreover, this bill adds an additional adjustment for grades 1-3 based on TK pupil enrollment.** No general child care program has such significant guaranteed state funding streams. Not only is this provision unfair, it unjustly impacts the many families with limited resources who are already struggling to find affordable child care.

Makinya Ward, who has served Bay Area families for over a decade as a child care center owner and many more as a teacher asserts:

I’ve dedicated my life to supporting families and partnering with parents. I’ve certainly been challenged during the pandemic and when I was going to shut down like many schools did, a parent said, if you close I don’t know what I’ll do. She’s a nurse. That gave me the will to figure things out and clean and distance to support her and our community at large. Now, after I’ve risked everything, down to my health, AB 22 may destroy my dream of teaching young children and my livelihood.

⁵ *California Teachers Association v. Hayes*, 5 Cal.App.4th 1513, 1520 n. 3 (1992) (discussing at length the legislative history of California Education Code section 8203.5); *see also* Chapter 1394, Statutes of 1989, §1.

⁶ Chapter 43, Statutes of 2011 (AB 114).

Should the preschool age children be taken from my program I, along with many other providers, will not be able to keep our doors open and our joy of preparing three- and four-year-olds for their school careers will be taken away. I've been on the front lines along with many private centers and this feels like we're being discarded. Like what we do in our communities means nothing. We are people, we are women, and even more specifically, many providers are women of color. This can ultimately wipe out the fragile care system. It may appear as a no brainer, but CA would be trading one problem for another. A mixed delivery system is the only way to go on this – not to destroy community based child care.

Recommendation: A Successful TK Proposal Must Be Accompanied By A Plan To Adequately Fund Other Early Child Care Programs

Our communities are struggling to recover from the pandemic. Essential workers, including teachers and school staff, are demanding child care for their young children as a condition to return to work. We are all well aware that nurturing care for babies and toddlers is critical for the positive brain development that gets them ready for school. The injustice is that thousands of families languish on child care waiting lists and only “1 in 9 children eligible for subsidized child care and development programs in California were enrolled in a program that could accommodate families for more than a couple hours per day and throughout the entire year.”⁷

Existing early care programs, particularly those serving infants and toddlers, are severely underfunded. Child care subsidy reimbursement rates are dismally low, especially with regard to pay for infants and toddlers because of higher staff ratios and extra costs such as diapering, materials, and need for constant supervision. Many child care settings recoup their costs by also caring for older children. By making TK the only no-cost child care option for parents, programs offering care to mixed age groups, including four- and five-year-olds, will become even more deficiently funded.

In order to build an equitable child care system, the state must start with allocating significantly more guaranteed, ongoing funding for the most underfunded child care programs — family child care homes, child care centers, and family, friend and neighbor care. This is how we will create a more seamless support system for children from the beginning of life to preschool and beyond.

Sincerely,



Laurie Furstenfeld
Co-Director of Legal & Legislative Advocacy

⁷ Kristin Schumacher, *Millions of Children Are Eligible for Subsidized Child Care, but Only a Fraction Received Services in 2017*, CA Budget & Policy Center (Jan. 2019), <https://calbudgetcenter.org/resources/millions-of-children-are-eligible-for-subsidized-child-care-but-only-a-fraction-received-services-in-2017/> (last visited April 6, 2021).