

# SB 722: Early Learning and Childcare Incidental Medical Services

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Senator Rosilicie Ochoa Bogh

## IN BRIEF

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SB 722 would require the Department of Social Services (DSS) to create an Incidental Medical Service Plan (IMSP) template so children with disabilities can attend an early learning and childcare (ELC) program in a timely manner.

## ISSUE

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Families of children with disabilities have greater difficulty finding childcare. They are three times more likely to experience job disruptions because they are often unable to secure childcare for their child.<sup>1</sup> Disproportionate access to ELC programs limits early learning and social emotional growth opportunities for children with disabilities and contributes to the academic achievement gap in K-12 between students with and without disabilities. The latest student assessment from the California Department of Education (CDE) revealed students with disabilities performed 97.3 and 130.8 points below the state standard in English language arts and math, respectively.<sup>2</sup>

When families can secure ELC for a child with a disability, they must often resort to segregated ELC providers that only serve children with disabilities. Although access to any early learning is better than none, significant research demonstrates that inclusive early learning opportunities reduce the prevalence and severity of disabilities and increase the likelihood that a child with a disability will graduate with their peers.<sup>3</sup> At just 37%, California's preschool inclusion rate is one of the lowest in the nation.<sup>4</sup>

## EXISTING LAW

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ELC providers must be licensed with the DSS Community Care Licensing Division (CCLD) to lawfully operate in California. To meet licensing requirements, most providers must adhere to Title 22 regulations governing facilities, operations, and staffing.

Among these regulations is the requirement that all ELC providers have a Plan of Operation approved by CCLD which includes information about staffing and administration, admissions and rate setting policies, building floorplans, schedules, menus, and transportation.

Before admitting a child with a disability who requires medication administration or adaptive equipment, an ELC provider must amend their Plan of Operation to add an Incidental Medical Services Plan (IMSP) and the Plan must be approved by CCLD.<sup>5</sup> An IMSP is required for children with disabilities who have even minor medical needs, including diabetes, asthma, and allergies.<sup>6</sup>

CCLD does not have a template for creating an IMSP, nor is there state guidance or regulation outlining what information must be included in an IMSP. As a result, it generally takes months of back-and-forth conversations between an ELC provider and CCLD to obtain approval of an IMSP.

## SOLUTION

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SB 722 will eliminate barriers to childcare for children with disabilities by requiring DSS to do the following no later than January 2025:

- Create Incidental Medical Services Plan and Plan of Operation templates; and
- Allow children with disabilities to enroll and attend an ELC provider upon creation of an Incidental Medical Services Plan that meets basic requirements so providers will no longer be required to wait for approval of the IMSP before a child with disabilities can attend their program.

The bill would also limit the liability of childcare providers when they complete and comply with Incidental Medical Services Plans.

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<sup>1</sup> [Childcare Crisis, Center for American Progress](#)

<sup>2</sup> [California School Dashboard, CDE](#)

<sup>3</sup> [Report of CA's Statewide Task Force on Special Education](#)

<sup>4</sup> [Start with Equity: California, Children's Equity Project](#)

<sup>5</sup> [Cal. Code Regs. Tit. 22, § 101173](#)

<sup>6</sup> [Provider Information Notice \(PIN\) 22-02-CCP, DSS](#)

## FOR MORE INFORMATION

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