

AMENDED IN SENATE AUGUST 26, 2021

AMENDED IN SENATE JULY 5, 2021

AMENDED IN SENATE JUNE 21, 2021

AMENDED IN ASSEMBLY APRIL 12, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1363

**Introduced by Assembly Member Luz Rivas
(Coauthors: Assembly Members Chiu, Eduardo Garcia, and
Medina)**

February 19, 2021

An act to amend ~~Sections 8203, 8208, and 8265.5~~ *Section 8203* of, and to add ~~Section 8264.9~~ *8241.5* to, the Education Code, relating to ~~childcare~~: *preschool*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1363, as amended, Luz Rivas. ~~Childcare—Preschool~~: dual language learners.

Existing law, the ~~Child Care and Development Services Act~~, has as one of its purposes the provision of a comprehensive, coordinated, and cost-effective system of childcare and development services for children from infancy to 13 years of age and their parents, including a full range of supervision, health, and support services through full- and part-time programs. *Early Education Act*, has as one of its purposes the provision of an inclusive and cost-effective preschool program that provides high-quality learning experiences, coordinated services, and referrals for families to access health and social-emotional support services through full- and part-time programs. The act requires the

Superintendent of Public Instruction to develop standards for the implementation of ~~quality~~ *high-quality preschool* programs and requires that indicators of quality include, among other things, program activities and services that meet the cultural and linguistic needs of children and families. ~~The act requires the Superintendent to implement a plan establishing assigned reimbursement rates, per unit of average daily enrollment, to be paid by the state to provider agencies for the provision of those services, and provides for an adjustment factor of 1.1 to be applied to units of average daily enrollment if a provider agency serves limited-English-speaking and non-English-speaking children who are 2 years of age through kindergarten age.~~

~~Existing law, commencing July 1, 2021, transfers responsibility for the administration of specified childcare and development services programs from the State Department of Education to the State Department of Social Services. Existing law requires statutory references to the Superintendent, for purposes of the programs transferred to the State Department of Social Services on July 1, 2021, to instead be construed to mean the State Department of Social Services.~~

This bill would require the above-described quality indicator to include program activities and services that meet the need of dual language learners for support in the development of their home language and English. ~~The bill would instead require an adjustment factor of 1.1 to be applied to units of average daily enrollment if a provider agency serves dual language learners who are 2 years of age through kindergarten age. The bill would also require the Superintendent to develop procedures for *state* preschool contractors to identify and report data on dual language learners enrolled in a preschool program, as specified, and would require the reported data to include, among other things, a child's home language and the language composition of the program staff. The bill would define "dual language learners" for these purposes to mean a child who is enrolled in a state-subsidized child development program and is exposed to or learning 2 or more languages at the same time, or who is continuing to develop their home language while learning a second language, such as English.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. (a) The Legislature finds and declares all of the*
2 *following:*

3 *(1) Research shows that fluency in another language opens up*
4 *opportunities for people to succeed economically and academically.*
5 *It introduces people to new cultures and new ways of looking at*
6 *the world. The study of languages boosts pupils' mental flexibility,*
7 *enhancing their ability to learn all subjects. The study of languages*
8 *helps to enrich communities economically, culturally, and socially.*
9 *Graduating multilingual and biliterate students greatly benefits*
10 *the state. California requires people with biliteracy skills and*
11 *cross-cultural competencies to work in and fuel the economy, to*
12 *strengthen our social cohesion, and to enrich the quality of life in*
13 *our communities.*

14 *(2) In 2016, California voters recognized the importance and*
15 *benefits of learning one or more languages, in addition to English,*
16 *when they overwhelmingly passed Proposition 58, the California*
17 *Education for a Global Economy Initiative, giving the state a clear*
18 *directive to promote, provide, and support biliteracy programs*
19 *and opportunities for all pupils. In 2017, the State Board of*
20 *Education adopted the California English Learner Roadmap,*
21 *which declares biliteracy as a state goal and strongly promotes*
22 *multilingual proficiency for all children, beginning in early*
23 *childhood. Taken together, these policies reflect a dramatic shift*
24 *in public sentiment away from a focus on English only and to a*
25 *focus that values bilingualism as an asset and a strength. Brain*
26 *development research reinforces that the early years of life present*
27 *a timely opportunity for developing bilingualism.*

28 *(3) California is home to the nation's largest multilingual*
29 *population. Approximately 60 percent of the state's children from*
30 *birth through five years of age are dual language learners, and*
31 *nearly 20 percent of schoolage children are English learners. Dual*
32 *language and English learner children enter the education system*
33 *with valuable linguistic and cultural assets that contribute to the*
34 *state's rich diversity and competitiveness in a global economy.*
35 *Research proves that when children and students are given the*
36 *support they need to develop their home language and English*
37 *language skills, over time they will outperform their monolingual*
38 *peers because such support prevents language loss, promotes*

1 *positive identity development, and strengthens family relations,*
2 *all of which are critical to academic and life success.*

3 *(4) COVID-19 has significantly and disproportionately disrupted*
4 *access for dual language learners to quality early learning and*
5 *care. In these critical developmental years, dual language learners*
6 *need responsive support in order to retain and build their rich*
7 *linguistic base. Research by the American Institutes for Research*
8 *shows that 81 percent of dual language learners lost access to*
9 *their childcare or preschool programs as a result of COVID-19.*

10 *(5) On December 1, 2020, Governor Gavin Newsom unveiled*
11 *the state’s Master Plan for Early Learning and Care, which*
12 *identified supporting dual language learners as a critical lever in*
13 *achieving a more equitable system for all children. A major*
14 *challenge in addressing the needs of dual language learners and*
15 *their families is the lack of a systematic approach to identification*
16 *of a child’s home language. The Master Plan calls on the state to*
17 *advance legislation to improve the way state-subsidized early*
18 *learning and care providers identify and support their dual*
19 *language learners by identifying who they are and their diverse*
20 *languages, assessing and supporting the capacity of providers,*
21 *teachers, and staff to support their linguistic needs, and then to*
22 *monitor the developmental progress of dual language learners*
23 *along their language development journey.*

24 *(b) It is therefore the intent of the Legislature to enact legislation*
25 *to achieve the goals for dual language learners established in the*
26 *Master Plan for Early Learning and Care to collect data that will*
27 *ensure their equitable access to high-quality early learning*
28 *programs and inform future policies about how the state system*
29 *and local programs can be improved to support their optimal*
30 *bilingual and overall development.*

31 *(c) It is further the intent of the Legislature that the purpose of*
32 *the identification of dual language learners is to better understand*
33 *the child’s language background in order to support and strengthen*
34 *their dual language development and competencies, as well as to*
35 *inform program curriculum, strategies used in the learning setting,*
36 *professional development, and other supports for dual language*
37 *learner children.*

38 *SEC. 2. Section 8203 of the Education Code is amended to*
39 *read:*

1 8203. The Superintendent of ~~Public Instruction~~ shall develop
2 standards for the implementation of high-quality preschool
3 programs. Indicators of quality shall include, but not be limited
4 to:

5 (a) A physical environment that is safe and appropriate for
6 preschool children and that meets applicable licensing standards.

7 (b) Program activities and services that are age appropriate for
8 preschool children and meet the developmental needs of each child.

9 (c) Program activities and services that meet the cultural and
10 linguistic needs of children and ~~families~~: *families, including, but*
11 *not limited to, program activities and services that meet the need*
12 *of dual language learners for support in the development of their*
13 *home language and English.*

14 (d) Family engagement including, but not limited to,
15 opportunities to participate on parent advisory committees and
16 parent education.

17 (e) Community engagement, coordination, and local partnerships
18 that support successful transitions from preschool to the early
19 elementary grades.

20 (f) Efficient and effective local program administration.

21 (g) Staff that possesses the appropriate and required
22 ~~qualifications or experience, or both~~: *qualifications, experience,*
23 *or training, or a combination thereof.* The appropriate staff
24 qualifications shall reflect the diverse linguistic and cultural
25 makeup of the children and families in the preschool program. The
26 use of intergenerational staff shall be encouraged.

27 (h) The promotion of inclusive experiences through program
28 activities and support for parents to access services that meet the
29 needs of children with exceptional needs and their families.

30 (i) Support services for children, families, and early learning
31 staff and administrators.

32 (j) Program activities that support equity by eliminating implicit
33 bias, exclusionary discipline practices, and discrimination through
34 staff development and training.

35 (k) Provision for nutritional needs of children, including
36 nutrition education at preschool and, when appropriate, shared
37 resource for families.

38 (l) Social services that include, but are not limited to,
39 identification of child and family needs and referral to appropriate
40 agencies.

1 (m) Health services that include referral of children to
2 appropriate agencies for services.

3 *SEC. 3. Section 8241.5 is added to the Education Code, to*
4 *read:*

5 *8241.5. (a) It is the intent of the Legislature for the state*
6 *preschool contractors, teachers, and staff to better understand the*
7 *language and developmental needs of dual language learners*
8 *enrolled in publicly funded preschool programs by identifying*
9 *them through a family language instrument and a family language*
10 *and interest interview. The identification of dual language learners*
11 *will help improve program quality and inform the allocation and*
12 *use of state and program resources to better support them and*
13 *their linguistic and developmental needs for success in school and*
14 *in life.*

15 *(b) The Superintendent shall develop procedures for state*
16 *preschool contractors to identify and report data on dual language*
17 *learners enrolled in a preschool program administered pursuant*
18 *to Article 2 (commencing with Section 8207).*

19 *(c) The procedures developed by the Superintendent pursuant*
20 *to this section to identify dual language learners shall, at a*
21 *minimum, include all of the following:*

22 *(1) The distribution and collection of a completed family*
23 *language instrument developed by the Superintendent from a parent*
24 *or guardian of each child enrolled in a preschool program upon*
25 *enrollment. The family language instrument shall, at a minimum,*
26 *be able to identify which languages the child is exposed to in the*
27 *child's home and community environment, which languages the*
28 *child understands, and which languages the child is able to speak.*

29 *(2) A family language and interest interview conducted by the*
30 *child's teacher or other designated staff that shall include, at a*
31 *minimum, an inquiry and a discussion about the strengths and*
32 *interests of the child, the language background of the child, and*
33 *the needs of parents, guardians, or family members of the child to*
34 *support the language and development of the child.*

35 *(3) Criteria for state preschool contractors to use to accurately*
36 *identify dual language learners enrolled in their preschool*
37 *programs based on the information collected from the family*
38 *language instrument and family language and interest interview.*

39 *(d) Notwithstanding subdivision (c), a state preschool contractor*
40 *serving a schoolage child enrolled in a K–12 education program*

1 *who has been designated by the child's school district, county*
2 *office of education, or charter school as an English learner through*
3 *the state assessment for English language proficiency shall use*
4 *that designation as an English learner to identify the child as a*
5 *dual language learner.*

6 *(e) The reported data about dual language learners and a*
7 *preschool program shall include, at a minimum, all of the*
8 *following:*

9 *(1) A child's home language, the language the child uses most,*
10 *and the family's preferred language in which to receive verbal*
11 *and written communication.*

12 *(2) A child's race or ethnicity.*

13 *(3) Language characteristics of the preschool program,*
14 *including, but not limited to, whether the program uses the home*
15 *language for instruction, such as a dual language immersion*
16 *program, or another program that supports the development of*
17 *home languages.*

18 *(4) The language composition of the program staff.*

19 *(f) To the maximum extent possible, the Superintendent shall*
20 *use existing enrollment and reporting procedures for state*
21 *preschool contractors to meet the requirements of this section.*

22 *(g) (1) To ensure dual language learners and their linguistic*
23 *and developmental needs are accurately identified in order to be*
24 *effectively supported by state preschool contractors, the*
25 *Superintendent shall develop clear implementation procedures*
26 *and related guidance for state preschool contractors.*

27 *(2) The Superintendent shall adopt regulations to implement*
28 *this section. Notwithstanding Chapter 3.5 (commencing with*
29 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
30 *Code, on or before March 15, 2022, the Superintendent shall*
31 *develop informal directives and bulletins to implement this section*
32 *until the time regulations are adopted.*

33 *(h) It is the intent of the Legislature to connect information*
34 *about dual language learners in the California Cradle-to-Career*
35 *Data System.*

36 *(i) The procedures developed by the Superintendent to identify*
37 *dual language learners pursuant to subdivisions (b) and (c) shall*
38 *not be connected to or associated with the designation of an*
39 *English learner in the K-12 public school system.*

1 (j) *The procedures to identify and report dual language learners*
2 *pursuant to this section shall be the sole responsibility of the state*
3 *preschool contractor. Family childcare providers shall not be*
4 *responsible nor liable for the accuracy of data. The identification*
5 *and reporting of dual language learners by state preschool*
6 *contractors shall not impact the status of a provider within a family*
7 *childcare home education network.*

8

9

10

11

12

13

**All matter omitted in this version of the bill
appears in the bill as amended in the
Senate, July 5, 2021. (JR11)**