

2021 Child Care Legislative Roundup

The 2021 legislative cycle saw bold proposals to reform child care fee structures for families and expand transitional kindergarten.

Enacted bills that impact children, parents, child care professionals and families

Preschool Activities to Meet Children’s Cultural and Linguistic Needs

AB 1363 (Luz-Rivas) requires quality indicators for preschool program activities and services that meet the cultural and linguistic needs of children – including dual language learners – and families, to support their home language and English. The Superintendent must develop procedures to identify and report data on dual language learners in preschool, including data on home languages and the language composition of the program staff. This bill is effective January 1, 2022.

Migrant Child Care Program Funding

SB 393 (Hurtado) aligns the funding stream for the Migrant Childcare Alternative (AP) program with other voucher-based programs. The shift in funding structures will allow more families, particularly families of migrant workers, to access public funds earmarked for essential workers. This bill is effective January 1, 2022.

Subsidy Pilot Program Extension

AB 1294 (Quirk) authorizes Santa Clara County to permanently continue its individualized county child care subsidy program until July 1, 2023. This program seeks to make child care more accessible for families with the fewest resources who live in the high-cost Santa Clara County. The bill also requires the California Department of Education and California Department of Social Services to review and report on existing child care subsidy pilot programs in the counties of Alameda, Contra Costa, Fresno, Marin, Monterey, San Benito, San Diego, Santa Cruz, Solano, and Sonoma to the State Legislature.

Self-employment is an allowable activity in CalWORKs

AB 461 (Villapudua) allows individuals participating in CalWORKs to be self-employed, even if they do not earn minimum wage at the beginning of the first 24-months of receiving CalWORKs benefits. It voids the state regulations that limit employment to jobs where the participant must make at least minimum wage per hour, which includes “self-employment.” This bill supports disproportionately impacted individuals, particularly women and people living in rural and under-resourced communities, who have fewer traditional employment options and are

unjustly punished for being self-employed and not earning a high enough income to qualify for CalWORKs assistance. This bill is effective January 1, 2022. The California Department of Social Services must implement and interpret AB 461 through an all-county letter or similar guidance that will have the same effect as regulations by October 1, 2022.

OSHA guidelines for domestic workers

SB 321 (Durazo) convenes an advisory committee in order to create for the first time the occupational health and safety guidelines specific to the domestic work industry. The advisory committee will be comprised of domestic workers, employers, and occupational health experts. Compliance with these guidelines will be voluntary for employees and employers. This bill becomes effective January 1, 2022 and requires the Division of Occupational Safety and Health to post the advisory committee report and submit a copy to the Legislature by January 1, 2023.

Bills that did not pass in 2021, but are eligible to move forward in 2022 (two-year bills)

Extend suspension of family fees and implement equitable fee schedule

AB 92 (Gómez Reyes) waives family fees for all families with child care subsidies through October 2023; convenes a workgroup of parents, child care providers, state agency staff and other stakeholders to create an equitable sliding scale for family fees; ensures that revised family fees do not exceed 1% of a family's monthly income; ensures no family earning below 75% of the state median income pay family fees; ensures child care providers do not absorb the cost of any reduction of family fees and the number of child care spaces is not reduced. This bill immediately puts money back into the pockets of families and child care providers, especially from communities of color, hit hardest by the pandemic.

Transitional Kindergarten Planning Workgroups and Impact Evaluation

AB 22 (McCarty) adds requirements to the transitional kindergarten program expansion that was passed through trailer budget bill AB 130 by requiring comprehensive and inclusive planning workgroups and an impact report of the transitional kindergarten expansion.

Expanding Employee Leave to Include Designated Individuals

AB 1041 (Wicks) permits an employee to take leave to care for a designated person. A designated person would be a person identified when the employee requests family care and medical leave. This would expand the population of people for whom an employee can request leave, creating equitable access to job protected family caregiving and sick leave to California's working families.

Prohibits Employment Discrimination Based on Family Responsibilities

AB 1119 (Wicks) prohibits discrimination and retaliation against employees based on their family responsibilities. It also ensures that workers who need to care for a minor child or care recipient whose school or place of care is closed are entitled to reasonable accommodations. This bill intends to promote equity in the workplace by prohibiting employers from treating workers adversely based on assumptions and stereotypes associated with their family responsibilities.