



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

AB-393 Childcare: dual language learners. (2023-2024)

SHARE THIS:  

Date Published: 10/10/2023 09:00 PM

Assembly Bill No. 393

CHAPTER 435

An act to amend Section 8241.5 of the Education Code, and to add Section 10209.6 to the Welfare and Institutions Code, relating to childcare.

[Approved by Governor October 08, 2023. Filed with Secretary of State October 08, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 393, Luz Rivas. Childcare: dual language learners.

Existing law, the Early Education Act, requires the Superintendent of Public Instruction to provide an inclusive and cost-effective preschool program. Existing law requires the Superintendent to develop procedures for state preschool contractors to identify and report data on dual language learners enrolled in a preschool program. Existing law requires these procedures, at minimum, to include a distribution and collection of a family language instrument, as specified, and a family language and interest interview. Existing law requires the reported data to include, among other things, a child's home language and the language composition of the program staff.

Existing law, the Child Care and Development Services Act, administered by the State Department of Social Services, establishes a system of childcare and development services for children up to 13 years of age, which includes various programs and services, including, among others, general childcare and development programs and migrant childcare and development programs.

This bill would similarly require the Director of Social Services to develop procedures for general or migrant childcare and development contractors to identify and report data on dual language learners enrolled in a general childcare and development program or migrant childcare and development program, as specified, and requires the director to develop informal directives and adopt regulations to implement these provisions. The bill would require the Superintendent and the director to coordinate efforts to implement these provisions.

The bill would prohibit the use of these provisions to compel a parent or guardian to participate in the data collection procedures described above. The bill would further clarify that a family's decision to decline to complete the family language instrument or family language and interest interview shall not affect the contract of a state preschool contractor or general or migrant childcare and development contractor. The bill would also specify that these provisions shall not affect the eligibility of a child to enroll in a state preschool program or a general or migrant childcare and development program.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 8241.5 of the Education Code is amended to read:

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

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

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

(1) (A) The distribution and collection of a completed family language instrument developed by the Superintendent from a parent or guardian of each child enrolled in a preschool program no later than upon enrollment. The family language instrument shall, at a minimum, be able to identify which languages the child is exposed to in the child's home and community environment, which languages the child understands, and which languages the child is able to speak.

(B) Notwithstanding subparagraph (A), a state preschool contractor serving a schoolage child enrolled in a K–12 education program who has been designated by the child's school district, county office of education, or charter school as an English learner through the state assessment for English language proficiency may use that designation as an English learner to identify the child as a dual language learner.

(C) Notwithstanding subparagraph (A), a state preschool contractor may use the previous designation of child as a dual language learner by a general childcare and development program or migrant childcare program to identify the child as a dual language learner.

(2) Criteria for state preschool contractors to use to accurately identify dual language learners enrolled in their preschool programs based on the information collected from the family language instrument and criteria for the family language and interest interview.

(d) For any child enrolled in a preschool program who has been identified as a dual language learner pursuant to subdivision (c), a family language and interest interview shall be conducted by the child's teacher or other designated staff that shall include, at a minimum, an inquiry and a discussion about the strengths and interests of the child, the language background of the child, and the needs of parents, guardians, or family members of the child to support the language and development of the child. The Superintendent shall develop the family language and interest interview to be used by teachers and designated staff for purposes of this subdivision.

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

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

(2) A child's race or ethnicity.

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

(4) The language composition of the program staff.

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

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

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

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

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

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

(k) In order to minimize the administrative work required of contractors, teachers, staff, and families involved in the state preschool program, a general childcare and development program, or a migrant childcare and development program, as specified in this section and Section 10209.6 of the Welfare and Institutions Code, the Superintendent and the Director of Social Services shall coordinate efforts to implement this section.

(l) (1) Nothing in this section shall be construed to compel a parent or guardian of a child enrolled in a state preschool program to complete the family language instrument described in subparagraph (A) of paragraph (1) of subdivision (c) or to participate in the family language and interest interview described in subdivision (d).

(2) A contract for a state preschool program shall not be affected by a parent or guardian of a child enrolled in a state preschool program who declines to complete the family language instrument described in subparagraph (A) of paragraph (1) of subdivision (c) or the family language and interest interview described in subdivision (d).

(3) Nothing in this section shall be construed to affect the eligibility of a child to enroll in a state preschool program under Section 8208.

SEC. 2. Section 10209.6 is added to the Welfare and Institutions Code, to read:

10209.6. (a) It is the intent of the Legislature for general or migrant childcare and development contractors, teachers, and staff to better understand the language and developmental needs of dual language learners enrolled in publicly funded general childcare and development programs or migrant childcare and development programs by identifying them as a dual language learner through a family language instrument and support their needs through a family language and interest interview. The identification of dual language learners will help improve program quality and inform the allocation and use of state and program resources to better support them and their linguistic and developmental needs for success in school and in life.

(b) The Director of Social Services shall develop procedures for general or migrant childcare and development contractors to identify and report data on dual language learners enrolled in a general childcare and development program administered pursuant to Chapter 7 (commencing with Section 10240) or a migrant childcare and development program administered pursuant to Chapter 6 (commencing with Section 10235). To the maximum extent practicable, the procedures developed by the director shall align to the procedures required for state preschool contractors, as specified in Section 8241.5 of the Education Code.

(c) The procedures developed by the director pursuant to this section to identify dual language learners shall, at a minimum, include both of the following:

(1) (A) The distribution and collection of a completed family language instrument developed by the director from a parent or guardian of each child enrolled in a general childcare and development program or migrant childcare and development program no later than upon enrollment. The family language instrument shall, at a minimum, be able to identify which languages the child is exposed to in the child's home and community environment, and which languages the child demonstrates an understanding of or is able to speak.

(B) Notwithstanding subparagraph (A), a general or migrant childcare and development contractor serving a schoolage child enrolled in a K–12 education program who has been designated by the child's school district, county office of education, or charter school as an English learner through the state assessment for English language proficiency may use that designation as an English learner to identify the child as a dual language learner.

(2) Criteria for general or migrant childcare and development contractors to use to accurately identify dual language learners enrolled in their programs based on the information collected from the family language instrument and criteria for the family language and interest interview.

(d) For any child enrolled in a general childcare and development program or migrant childcare and development program who has been identified as a dual language learner pursuant to subdivision (c), a family language and interest interview shall be conducted by the child's teacher or other designated staff that shall include, at a minimum, an inquiry and a discussion about the strengths and interests of the child, the language background of the child, and the needs of parents, guardians, or family members of the child to support the language and development of the child. The director shall develop the family language and interest interview to be used by teachers and designated staff for purposes of this subdivision. To the maximum extent

practicable, the family language and interest interview developed by the director shall align to the interview required for state preschool program contractors, as specified in Section 8241.5 of the Education Code.

(e) The reported data about dual language learners in a general childcare and development program or migrant childcare and development program shall be submitted at a timeframe determined by the director in line with the reporting requirements specified in Section 10267.5, and shall include, at a minimum, all of the following:

(1) A child's home language, the language the child is most exposed to, and the family's preferred language in which to receive verbal and written communication.

(2) A child's race or ethnicity.

(3) Language characteristics of the general childcare and development program or migrant childcare and development program, including, but not limited to, whether the program uses the home language for instruction, such as a dual language immersion program, or another program that supports the development of home languages.

(4) The language composition of the program staff.

(f) To the maximum extent possible, the director shall use existing enrollment and reporting procedures for general or migrant childcare and development contractors to meet the requirements of this section.

(g) (1) To ensure dual language learners and their linguistic and developmental needs are accurately identified in order to be effectively supported by general or migrant childcare and development contractors, the director shall develop clear implementation procedures and related guidance for those contractors that, to the maximum extent practicable, shall align to the procedures and guidance developed by the Superintendent for state preschool program contractors pursuant to Section 8241.5 of the Education Code.

(2) The director shall adopt regulations to implement this section. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, on or before August 16, 2024, the director shall develop informal directives to implement this section until the time regulations are adopted.

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

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

(j) The procedures to identify and report dual language learners pursuant to this section shall be the sole responsibility of the general or migrant childcare and development contractor. Family childcare providers shall not be responsible nor liable for the accuracy of data. The identification and reporting of dual language learners by general or migrant childcare and development contractors shall not impact the status of a provider within a family childcare home education network. Family childcare providers shall not be responsible for conducting family language and interest interviews. General or migrant childcare and development contractors shall provide the designated staff to conduct family language and interest interviews for families enrolled in family childcare homes.

(k) In order to minimize the administrative work required of contractors, teachers, staff, and families involved in a general childcare and development program, a migrant childcare and development program, or the state preschool program, as specified in this section and Section 8241.5 of the Education Code, the director and Superintendent of Public Instruction shall coordinate efforts to implement this section.

(l) (1) Nothing in this section shall be construed to compel a parent or guardian of a child enrolled in a general childcare and development program or migrant childcare and development program to complete the family language instrument described in subparagraph (A) of paragraph (1) of subdivision (c) or the family language and interest interview described in subdivision (d).

(2) A contract for a state preschool program shall not be affected by a parent or guardian of a child enrolled in a general childcare and development program or migrant childcare and development program who declines to complete the family language instrument described in subparagraph (A) of paragraph (1) of subdivision (c) or the family language and interest interview described in subdivision (d).

(3) Nothing in this section shall be construed to affect the eligibility of a child to enroll in a general childcare and development program or migrant childcare and development program under Section 10271.