



December 5, 2017

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Dear Ms. Early,

Thank you for the opportunity to provide comments for the Legislative Analyst Office (LAO) Preschool Facilities Workgroup's consideration. Our organizations play a significant role in promoting state and local efforts to improve quality early learning, and we appreciate the difficult work that this workgroup is commencing.

California has a long-standing early childhood education (ECE) facilities shortage, which inhibits access to the 0-5 system. This access and facility crisis expanded when state budget cuts caused many child care providers to significantly reduce their programs, go out of business, or shift to a different age group for their services. Recently, many Local Educational Agencies (LEAs) expanding State Preschool programs through new state funding and expanding local Transitional Kindergarten options are also facing facility challenges.

As such, a comprehensive review of ECE facilities regulations may improve the supply of preschool facilities for both LEAs and private providers. Hence, we believe it is necessary to conduct a comprehensive review of Titles 5, 22, and 24 regulations for the entire system. After the review, necessary regulations to protect the health, safety, and development of young children should be retained but can be modified and streamlined under the California Department of Education's (CDE) Title 5 California State Preschool Program (CSPP) for programs housed in LEA campuses. We have several recommendations for the workgroup's consideration in deciding what state-level oversight should remain for CSPP programs housed by LEAs in Field Act compliant Kindergarten facilities.

Scope of Recommendations:

It is important to note that the recommendations in this letter should only be considered for **four-year-old children**. There are significant developmental differences between three and four-year-old children, and we do not believe it is developmentally appropriate or safe to remove three-year-olds from the protections in Title 22 health and safety standards.

We fundamentally believe that the workgroup needs to balance health and safety requirements with the developmental appropriateness of LEA facilities. Because of compliance to Field Act requirements, K-12 facilities are some of the safest structures in California, but a safe structure is not always developmentally appropriate for young children. We encourage the workgroup to take a balanced approach when considering these two important priorities.

Recommendations:

Our recommendations to preserve health, safety, and child development policy include, but are not limited to:

- Before any regulatory oversight shifts to the CDE for health and safety items previously overseen by the Department of Social Services (DSS), concrete implementation plans must be in place to ensure parents have access to all LEA programs complaints in the DSS Consumer Complaints Database. No regulatory shift should impact transparency and information access for parents regarding the safety of their children or bifurcate the current complaint system. CDE could be authorized to report CDE inspection findings to the Consumer Complaints database. We believe it is important to retain state-level protections and oversight over four-year-old children utilizing our existing system.
- Classrooms must have safety covers for all exposed electrical outlets. Incidents of children in LEA preschools getting shocked or electrocuted from uncovered electrical outlets happen too frequently. Providing safety covers is a simple and inexpensive fix to prevent electrical injuries.
- Children must be able to easily access drinking water. We recommend retaining the Title 22 definition of drinking water that does not require a drinking fountain.
- Children must have access to outdoor shade structures. At this age, children still do not have the ability to regulate their body temperature, so outdoor shade is particularly important during hot California summers. We note that the Division of the State Architect has an expedited approval process for pre-manufactured structures, including shade structures, that would reasonably minimize the effect of maintaining this important health requirement for our young learners. Specifically, DSA's PR 07-01 is designed to reduce time and costs to districts by allowing DSA to review and approve pre-manufactured structures through its Over-the-Counter process rather than through its lengthier bin process. We would strongly encourage districts that are interested in utilizing this new flexibility to leverage this existing DSA approval process.
- According to Title 5 regulations, children in a Kindergarten complex built after 1993 must have access to a bathroom within the classroom or complex, so a child is never without adult supervision. Given the significant price of modifying plumbing to pre-1993 facilities, state regulations should allow for reasonable accommodations in older facilities. We request for regulations to formalize the guiding principle that no four-year-old should leave the kindergarten complex or supervision of an adult to access toilet facilities.

At a minimum, we believe that the workgroup must address the issues outlined above. However, this is not an exhaustive list and there are several other issues that can, and should be, identified based on your regulatory review.

We believe these changes are feasible for four-year-old children only. Attached you will find research from various studies that determine the developmental capabilities of three and four-year-old children. While a one-year difference may not be as significant in older children, it's important to remember that children under five are developing and growing rapidly. California touts the importance of developmental appropriateness across a variety of educational services and curricula. We believe facilities and safety regulations should not be treated any differently.

Sincerely,

First 5 California, First 5 Association, First 5 Los Angeles, and Early Edge California