



July 25, 2019

<p>SUBJECT</p> <p>STATE AND FEDERAL BUDGET AND LEGISLATIVE UPDATE</p> <p>Priority Area I: Child Health Goal: All children thrive by achieving optimal health prenatal through age 5. Supportive Strategies: Policy and Systems</p> <ul style="list-style-type: none"> • Advocacy and Legislation: Develop and implement a policy platform to advocate for and influence positive change for the health of children prenatal through age 5 using research and best practices. <p>Priority Area II: Child Development Goal: All children birth through age 5 have high-quality, nurturing environments that ensure their learning readiness. Supportive Strategies: Policy and Systems</p> <ul style="list-style-type: none"> • Advocacy and Legislation: Develop and implement a policy platform to advocate for and influence positive change for children birth through age 5. <p>Priority Area III: Family Functioning Goal: All families have the knowledge, skills, and resources to support their children’s optimal development. Supportive Strategies: Policy and Systems</p> <ul style="list-style-type: none"> • Advocacy and Legislation: Develop and implement a policy platform to advocate for and influence positive change for children prenatal through age 5. 	<p><input checked="" type="checkbox"/> Action</p> <p><input type="checkbox"/> Information</p>
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SUMMARY OF THE ISSUE

First 5 California (F5CA) staff will provide an update on the status of the 2019–20 State Legislative Session, including F5CA “Level 1” priority bills and F5CA-sponsored

legislation. Staff also will provide a summary of outcomes from the 2019–20 state budget, and will supply a federal policy update.

RECOMMENDATION

F5CA staff is not requesting action at this time.

BACKGROUND OF KEY ISSUES

2019 California State Legislative Session

Since the April 2019 Commission meeting, the Commission’s Legislative Advisory Committee (LAC) has recommended positions for the following state legislation, consistent with F5CA’s 2019 Children’s Policy Agenda, which is used to analyze all state legislation introduced to date. All F5CA letters of support are located on F5CA’s [webpage](#).

Attachment A is a list of all state legislation, introduced and amended by July 11, 2019, that is consistent with the policy agenda. All legislation and budget positions recommended by the LAC were adopted by the Executive Director, and will be tracked by F5CA staff for public letters and public testimony in legislative hearings consistent with the Commission position.

Resilient Families and Communities

AB 196 (Gonzalez) would ensure workers utilizing the state’s Paid Family Leave program can receive 100 percent wage replacement during the period of their leave.

AB 372 (Voepel) would establish the Infant at Work Pilot Program and authorize a state agency to participate in the pilot program, allowing an employee of the agency who is a new parent or caregiver of an infant to bring their infant to the workplace.

AB 577 (Eggman) would require transition assistance to a Covered California plan for all women disenrolling from Medi-Cal at 60 days post-partum. It also would ensure continuity of care for women with maternal mental health conditions, and extend Medi-Cal eligibility for pregnant women who are otherwise eligible for Medi-Cal but have no other coverage options due to their immigration status.

AB 1593 (Reyes) would expand the California Earned Income Tax Credit to cover taxpayers and qualifying children with a federal individual taxpayer identification number instead of a social security number.

SB 142 (Wiener) would require the California Building Standards Commission to develop and propose for adoption building standards for the installation of lactation space for employees, specify criteria for lactation rooms provided by employers, require employers to develop and implement a lactation accommodation policy, and instruct the Division of Labor Standards Enforcement to create a model lactation accommodation policy.

SB 464 (Mitchell) would enact the California Dignity in Pregnancy and Childbirth Act which requires hospitals and alternative birth centers or primary care clinics that provide perinatal care to implement an implicit bias program for all health care providers involved in perinatal care of patients, the Department of Public Health to track data on maternal death and severe morbidity, and death certificates to indicate whether the decedent was pregnant within specific time periods of the death.

Child Health

AB 526 (Petrie-Norris) would create WIC to Medi-Cal express lane eligibility by requiring the Department of Health Care Services, in collaboration with WIC, local WIC agencies, and other stakeholders, to design, promulgate, and implement policies and procedures for an automated enrollment pathway.

AB 898 (Wicks) would require the California Health and Human Services Agency to convene the Children’s Behavioral Health Action Team to maximize the Medi-Cal program’s investment in the social, emotional, and developmental health and well-being of children in California who receive health care through the Medi-Cal program.

SB 66 (Atkins) would require Medi-Cal reimbursement to Federally Qualified Health Centers and Rural Health Clinics for two visits taking place on the same day at a single location when the patient suffers illness or injury requiring additional diagnosis or treatment after the first visit, or when the patient has a medical visit and another health visit with a mental health or dental provider.

SB 276 (Pan) would strengthen oversight of medical exemptions for immunizations by requiring all medical exemption applications to be submitted to the California Department of Public Health and requiring physicians to use a standardized form when applying for a medical exemption.

Early Learning

AB 6 (Reyes) would establish the Early Childhood Education Branch within the California Department of Education (CDE) for purposes of ensuring a holistic implementation of early childhood education programs and universal preschool.

AB 15 (Nazarian) would establish a Scholarshare 529 college savings account for every child born in California after January 1, 2020, subject to available funding.

AB 48 (O’Donnell) would enact the Kindergarten-Community College Public Education Facilities Bond Acts of 2020 and 2022, which places general obligation bonds for K–12 and California Community College facilities on the 2020 statewide primary and 2022 statewide general elections. With these funds, grants shall be made available for the construction of new preschool classrooms, or the modernization of existing classrooms, for preschool programs at local educational agencies (LEAs).

AB 1684 (Maienschein) would require the CDE to develop a statewide professional learning infrastructure to improve pupil achievement; promote a culture of reading in schools, families, and communities; and support educators in teaching reading and

literacy, with a goal of increasing literacy for California kids. F5CA staff have been working with CDE to add language to the bill that would allow WIC to qualify for funds under the legislation. Until this language is added, F5CA's position is "support if amended."

SB 2 (Glazer) would require the California Postsecondary Education Commission (CPEC) to convene a review committee to advise CPEC regarding the creation of a statewide longitudinal student database, and require CPEC to develop and implement the database on or before July 1, 2022.

Revenue and Governance

SB 436 (Hurtado) would codify the definition of a family resource center (FRC) and include a representative of a FRC among the entities who may be included in multidisciplinary personnel teams aimed at providing services related to child abuse and neglect, and include supporting the coordination and sharing of best practices implemented by FRCs with other agencies among the purposes for which federal funds administered by the Office of Child Abuse Prevention may be used.

SB 468 (Jackson) would establish the California Tax Expenditure Review Board to determine the schedule for comprehensive assessments of major tax expenditures programs to be conducted by the Legislative Analyst's Office.

First 5 California Sponsored Legislation

In addition to the 34 bills that F5CA is actively tracking with support positions, F5CA is sponsoring legislation in partnership with other early childhood and family policy organizations:

AB 125 (McCarty) and SB 174 (Leyva), co-sponsored by the Child Care Resource Center (CCRC) and EveryChild California, would establish a single regionalized state reimbursement rate system—called The Child Care Stabilization Formula—for childcare, preschool, and early learning services. The methodology for this formula is based on the recommendations of the rate reform workgroup convened by F5CA last year.

While F5CA staff were hopeful the policies of AB 125 and SB 174 would be included in the 2019–20 Budget, the Budget Act did not include any rate policy changes. The legislative vehicles continue to move while F5CA staff and early care and education (ECE) advocates discuss with the Administration next steps and paths forward.

AB 324 (Aguilar-Curry), the Dion Aroner Child Care Workforce Act of 2019, co-sponsored by CCRC and the Service Employees International Union (SEIU), would create streamlined standards for professional support stipends provided under the AB 212 program, based on the early care and education field's best practices to support teacher professional development and higher education attainment, and expand these stipends to more providers.

F5CA staff were pleased to see the 2019–20 Budget Act adopt part of the policies of AB 324, designating \$195 million for the new Early Learning and Care Workforce Development Grants Program and developing guidelines for the use of the funds. Since the adoption of the Budget, AB 324 has been scaled back to require CDE to create guidelines for the use of AB 212 funds that align to the standards governing the new Workforce Development Grants. Together, these guidelines will help create a standardized, effective, and measurable funding program, while still allowing for local flexibility.

SB 135 (Jackson), co-sponsored by Legal Aid at Work and the California Employment Lawyers Association, would expand state family leave job protections and create parity between bonding and sick leave eligibility in California. This bill also would expand the definition of family members for the purpose of caregiving to include a grandparent, grandchild, sibling, parent-in-law, child-in-law, or “designated person,” to allow for diverse caregiving needs and multigenerational families.

SB 135 remains alive as a two-year bill on the Senate Floor to allow time for the Governor’s Paid Family Leave Task Force to develop their recommendations on the future and sequencing of California’s family leave policies. The Task Force is slated to release their recommendations in November 2019 which will cover a variety of issues, including job protections.

AB 1256 (Bonta) would authorize a learning readiness tool for California. Beginning in September 2019, the F5CA Commission will convene a series of stakeholder hearings to learn about existing learning readiness measures being used in the state and nationally to inform this two-year legislation.

State Budget Update

On June 27, 2019, Governor Gavin Newsom signed a \$214.8 billion inaugural Budget Act for the 2019–20 year. Deemed the “affordability budget,” the Governor maintained his focus on laying a strong fiscal foundation for California and making progress toward combatting California’s affordability crisis. In addition to significant investments in health care, housing, emergency preparedness, criminal justice, and homelessness, the budget includes a robust Parents Agenda that prioritizes strategic investments in California’s child care and early learning system, paid family leave, home visiting, developmental and trauma screenings, cash assistance to families with children, and child savings accounts.

Here is a summary of the actions taken in the Budget Act that pertain to F5CA’s work:

Total Budget

- The total 2019–2020 Budget is \$214.8 billion.
- The 2019–20 General Fund budget is projected to be \$147.8 billion.
- Rainy Day Fund – total reserves are at \$16.5 billion.

Proposition 98

- Provides K–14 Proposition 98 funding of \$81.05 billion in 2019–20.
- Proposes a required deposit of \$389.3 million in the Public School System Stabilization Account (also referred to as the Proposition 98 Rainy Day Fund).

Early Care and Education

California Cradle-to-Career Data System

Provides \$10 million one-time non-Proposition 98 General Fund available for encumbrance and expenditure through the 2021–22 fiscal year to plan for and develop the California Cradle-to-Career Data System.

- This system will connect student information from early education providers, K–12 schools, higher education institutions, employers, other workforce entities, and health and human services agencies.
- Funding shall be provided to the Governor’s Office of Planning and Research to contract with planning facilitators to lead a workgroup comprised of representatives from education, workforce, health, and other relevant agencies.
 - By July 1, 2020, the workgroup shall report to the Department of Finance (DOF) and the Legislature on the proposed structure of the data system, including governance, architecture, and functionality of the system.
 - By January 1, 2021, the workgroup shall report to the DOF and the Legislature on additional details regarding the data system.
- Provides an additional \$10 million in one-time non-Proposition 98 General Fund for CDE to develop a new early learning data system.

Interagency Cooperation

Allocates \$500,000 in one-time non-Proposition 98 funding to create a workgroup to increase the ability of schools to draw down federal funds for medically related services for students and improve the transition of three-year-olds with disabilities from regional centers to schools.

- Commencing with the 2019–20 fiscal year, CDE shall jointly convene with the State Department of Developmental Services, State Department of Health Care Services (DHCS), and one or more workgroups that include representatives from LEAs, appropriate county agencies, regional centers, and legislative staff to coordinate and

collaborate in providing services and supports for students with disabilities.

Note: On or before October 1, 2020, the workgroups shall provide the chairs of the relevant policy committees and budget subcommittees of the Legislature and the DOF with recommendations regarding the above purposes.

Special Education Early Intervention Preschool Grant

Creates a grant provided to LEAs based on the number of three and four-year-olds with exceptional needs, specifically students with Individualized Education Plans (IEPs).

- Requires ongoing funding to be contingent upon the passage of legislation in the 2020–21 budget to reform the special education system to improve outcomes for students.

Full-Day Kindergarten Facilities Grant Program

Provides \$300 million one-time General Fund to eligible school districts to construct new or retrofit existing facilities for full-day kindergarten programs or to fund other activities that reduce barriers to providing full-day kindergarten.

- Makes changes to the existing program so funding is better targeted at expanding access to full-day kindergarten programs:
 - Prioritize schools converting part-day to full-day kindergarten programs.
 - To provide a greater fiscal incentive and support for districts to participate in the program, it also increases the state share of the facility grant from 50 percent to 75 percent for schools converting from part-day to full-day kindergarten.
 - Allow for any remaining grant funding to be used for other one-time costs to implement the full-day kindergarten program.
 - Specifies that participation in the Full-Day Kindergarten Facilities Grant program does not impact a district's eligibility in the School Facility Program.

Note: The program will continue to prioritize available grants toward school districts with high rates of students receiving free and reduced-price meals and enable eligible school districts to qualify for financial hardship funding similar to the traditional K–12 facilities program

Universal Preschool

As a first step toward universal preschool, the Budget increases access to the existing State Preschool program for all low-income four-year-olds:

- To provide full-day, full-year access to State Preschool to all eligible low-income four-year-olds, the Budget provides \$124.9 million non-Proposition 98 General Fund and additional investments in the two succeeding fiscal years to fund a total of 10,000 slots.
 - Given limited capacity at LEAs, the additional slots will be provided by not-for-profit providers.
 - To align the release of the proposed slots with the application process required to identify providers and to enter into contracts, the Budget moves the release date for the first 10,000 slots to April 1, 2020.
- To ensure that otherwise eligible four-year-old children can access a full-day, full-year State Preschool program, the Budget eliminates the existing requirement that families with four-year-olds provide proof of parent employment or enrollment in higher education to access the full-day program.
- To allow non-LEA providers to draw down full-day, full-year reimbursement from a single funding source, and to provide them with flexibility to make better use of their contract funding, the Budget shifts \$297.1 million Proposition 98 General Fund for part-day State Preschool programs at non-local educational agencies to non-Proposition 98 General Fund.

Child Care

Child Care Spaces:

- Provides \$93.3 million [\$80.5 million ongoing Proposition 64 and \$12.8 million ongoing Federal Child Care and Development Block Grant (CCDBG)] for the Alternative Payment (AP) Program. This is equivalent to approximately 9,459 AP slots.
- Provides \$50 million one-time General Fund for General Child Care with a shift to Proposition 64 funds in out-years. This is equivalent to approximately 3,086 General Child Care spaces.

- Provides an estimated 8,627 slot caseload increase to CalWORKS child care programs, due in part to a significant policy change in the Budget Act to expand 12 month eligibility to Stage 1 families, aligned to SB 321 (Mitchell).

To increase the quality and availability of child care, the Budget provides the following:

- Early Learning and Care Infrastructure Grant Program – \$142.7 million one-time General Fund to be expended over five years to expand subsidized child care facilities in the state.
- Early Learning and Care Workforce Development Grant – \$195 million one-time General Fund over five years to make a significant investment in the education of the child care workforce to improve the quality of care and move child care professionals along the early education/child care professional continuum.
 - Adopt trailer bill language to expand trainings, ensure stipends and professional development align with Quality Counts California.
- The Budget also provides \$239 million in one-time funds to the California State University that can be used for child care infrastructure for students on college campuses.
- \$80.5 million Proposition 64 to subsidize child care for school-age children from income-eligible families. These funds are continuously appropriated.

Master Plan for Early Learning and Care

Provides \$5 million General Fund for the Secretary of Health and Human Services Agency, in concurrence with the executive director of the State Board of Education, to contract with a research and analysis entity to create a Master Plan to ensure comprehensive and affordable child care and universal preschool.

- Funding appropriated in the Budget Act for these purposes would be used for studies on the following:
 - A fiscal framework to expand early learning and care in the state.
 - Early learning and care facility needs statewide.
 - Needs for services by families eligible for subsidies, including those not currently receiving services.

- A quality improvement plan to support all types of providers.
- Steps necessary to provide universal pre-kindergarten for all three and four-year-old children.

Note: This work shall be compiled in a report, or series of reports, released on a continuing basis and shall be completed on or before October 1, 2020, and provided to the Governor, the chairpersons of the relevant legislative policy and budget committees, the Secretary of California Health and Human Services Agency, the executive director of the state board, the Superintendent, and the Director of Finance.

Early Childhood Policy Council

Establishes a Council to advise the Governor, the Legislature, and the Superintendent of Public Instruction on statewide early learning and care policy, building on the work of the state's Master Plan for Early Learning and Care and the 2019 California Blue Ribbon Commission on Early Childhood Education Final Report.

- The Council shall include 27 appointed members, as specified.
- The Council shall consult with a parent advisory committee and a workforce advisory committee.
- The CDE shall provide staffing to the Council and up to \$300,000 of funds provided for the Council may be used for this purpose.

The Budget also includes:

Quality Counts California

\$2.2 million ongoing federal funds to improve child care quality through Quality Counts California.

Childcare Providers Collective Bargaining

Provides \$10 million in one-time General Fund for CDE, Department of Social Services (DSS), Department of Human Resources, and the Public Employment Relations Board for costs associated with implementing child care organizing.

- Requires each department to submit expenditure plans and allocates the funds contingent on DOF approval and notification of the Joint Legislative Budget Committee. Requires CDE and DSS to collect contact information for child care providers to make available to provider organizations for organizing purposes.

Reimbursement Rate Adjustment Factor for Children with Exceptional Needs

Applies Reimbursement Rate Adjustment Factor for Children with Exceptional Needs to Part-Day State Preschool Programs. Rate adjustment factors are intended to account for the higher costs of serving children in specific categories. This specific rate adjustment factor previously applied only to full-day state preschool programs.

Child Welfare

Increase CalWORKS Grants to 50 percent of the Federal Poverty Level

The Budget increases CalWORKS grant levels by 13.1 percent, effective October 1, 2019, which will bring monthly grant payments to 50 percent of the projected 2019 federal poverty level. For a three-person assistance unit, the maximum monthly grant level will be \$888, an increase of \$103. The Budget includes \$347.6 million General Fund in 2019–20 (\$455.4 million General Fund annually thereafter) to fund this grant increase.

Note: The Budget maintains prior grant increases that were partially funded by the Child Poverty Subaccount within 1991 Realignment. Based on current projections, this structure will allow for modest grant increases in 2020–21 and 2021–22.

Cal Grant Access Awards for Student Parents

The Budget provides \$125 million General Fund to increase or provide new access awards for students with dependent children attending the University of California, the California State University, or the California Community Colleges.

- New or renewal Cal Grant A students will receive an access award of up to \$6,000.
- New or renewal Cal Grant B students will see their access award increase from \$1,648 to \$6,000.
- Cal Grant C students will see their book and supply award increase from \$1,094 to \$4,000.

These access awards and increased award levels will better enable students with dependent children to meet their families' basic needs and increase their likelihood of degree completion.

Emergency Child Care Bridge Program

Provide \$10 million ongoing General Fund until December 31, 2021.

Adverse Childhood Experiences (ACEs) Screenings

The Budget provides \$40.8 million (\$27.2 million federal funds and \$13.6 million Proposition 56 funds) to DHCS for ACEs screenings for children and adults in the Medi-Cal program.

- Beginning no sooner than January 1, 2020, this proposal provides ACEs screenings to children and adults under age 65 at least once every three years, and supports increased referrals to appropriate services depending upon screening results.
- DHCS will work with stakeholders to develop a screening tool for children and will utilize an existing assessment for adults.

Trauma Screening Provider Training

Recognizing the need to train providers who will be administering screenings for trauma for children and adults, the Budget provides \$50 million (\$25 million federal funds and \$25 million Proposition 56 funds) for this purpose.

Developmental Screenings

Provides \$53.9 million (\$30.8 million federal funds and \$23.1 million Proposition 56 funds) for DHCS to increase developmental screenings for children. Developmental screenings assess a child's educational, social, and emotional development and are recommended for children at nine months, 18 months, and 30 months of age.

Value-Based Payment Program

Provides \$250 million one-time Proposition 56 funding for the Value-Based Payments over the next several years. The Value-Based Payment program offers financial incentives to health care providers that improve their performance on predetermined measures or meet specified targets that focus on quality and efficiency of care.

- Of the amount allocated in this item, \$70 million shall be used for behavioral health integration.
- The funds appropriated for these purposes are available for expenditure until June 30, 2022.

Home Visiting

- **CalWORKs Home Visiting Program**

The Budget provides \$89.6 million in a mix of federal funds and General Fund to provide home visiting services to eligible CalWORKs families in 2019–20 to serve approximately 18,500 cases.

- Services will be provided to pregnant women and families with a child under the age of two for up to 24 months.
- The services are intended to help young families reach self-sufficiency by improving family engagement practices, supporting healthy development of young children living in poverty, and preparing parents for employment.
- Participating counties will leverage existing, evidence-based program models currently being implemented across the state. Approximately 15,000 cases will be served on an annual basis beginning in 2020–21.
- Recognizes the permanent nature of the Home Visiting program.

- **California Home Visiting Program**

The Budget provides \$23 million ongoing General Fund and \$22.9 million in DHCS reimbursements for Medi-Cal eligible activities to expand the California Home Visiting Program.

- This funding is for the expansion of home visiting services with a focus on low-income, young mothers and the use of a wider range of home visiting models based on varying family needs.

- **Black Infant Health Program**

Provides \$7.5 million ongoing General Fund and an additional \$12 million in DHCS reimbursements for Medi-Cal eligible activities in the Black Infant Health and the California Prenatal Equity Initiative. This funding is to improve African-American infant and maternal health through case management services, including home visiting.

Paid Family Leave

- Extends the maximum duration of a Paid Family Leave benefit claim from 6 weeks to 8 weeks for all bonding and care-giving claims, beginning July 1, 2020, and sets a policy goal of 90 percent wage replacement.
- Reduces the reserve requirement for the fund that supports the Paid Family Leave program from 45 percent to 30 percent beginning July 1, 2019. This change will enable the state to make a down payment in expanding Paid Family Leave in the upcoming budget year while maintaining an adequate reserve.
- Over the course of the year, the Administration will convene a task force to develop recommendations by November 2019 that consider different options to phase-in and expand Paid Family Leave to allow a newborn or newly adopted child to be cared for by a parent or a close relative for up to six months by 2021–22.

Child Savings Account Program

- Establishes the grant program under the administration of the California Student Aid Commission to support local governments and nonprofit organizations that sponsor or collaborate on one or more comprehensive city-wide or regional child savings account programs.
- This grant program aims to support and encourage families to build assets for their children’s post-secondary education.
 - These pilot programs will support development or strengthening of cost-effective models that can be replicated or expanded to increase access to Child Savings Accounts among incoming kindergartners.
 - The accounts are designated for a specific child to build assets over time through contributions from governments, society, family, friends, or the child. The accounts are generally opened with an initial contribution, or seed money, from a sponsoring organization such as a government agency, nonprofit, or philanthropic foundation.
 - Eligible uses of the accounts are for tuition (normally for post-secondary education such as college, vocational, or technical schools), room and board, books, supplies and equipment, and mandatory fees.

Earned Income Tax Credit (EITC)

- Makes changes to significantly expand the EITC by:
 - Raising the annual income recomputation floor from 3.1 percent to 3.5 percent.
 - Revising the calculation factors to increase the credit amount for certain taxpayers.
 - Raising the maximum income to \$30,000.
 - Providing a refundable young child tax credit not to exceed \$1,000 per each qualified taxpayer per taxable year.

Diaper Tax Exemption

Exempts children's diapers from sales taxation beginning January 1, 2020, with a December 31, 2021 sunset.

Federal Policy Update

Fiscal Year (FY) 2020 Appropriations and Budget

On June 19, 2019, the U.S. House of Representatives passed the FY 2020 Labor-Health and Human Services- Education (Labor-HHS-ED) Appropriations bill. Below are FY 2020 funding levels included in the House appropriations bill.

- Administration for Children and Families (ACF)

The bill provides \$27.9 billion in discretionary funding for ACF, \$4.7 billion above the 2019 enacted level and \$9.6 billion above the President's budget request.
- Early childhood programs receive an increase of \$4 billion.
 - \$7.7 billion for CCDBG, an increase of \$2.4 billion.
 - \$11.6 billion for Head Start, an increase of \$1.5 billion.
 - \$350 million for Preschool Development Grants, an increase of \$100 million.

It is unclear when the Senate will take up the Labor-HHS-ED bill. Regardless of when they take it up, the House budget figures are likely to be the high water mark for these programs.

2020 Census

The 2020 census is of critical importance to early childhood advocates. Census data is used to distribute billions of dollars in funding for nutrition programs, Head Start, maternal and child health services block grants, and more. The 2010 census did not include close to 1 million young children — costing over a billion dollars each year in federal funding for these and other vital social programs.

On July 3, 2019, the Justice Department said the government is looking for a way to add a citizenship question to the 2020 Census. This announcement comes just one day after the Commerce Department announced it would print the 2020 census forms without the citizenship question and Justice Department lawyers suggested they were giving up the legal battle.

While the legal path for the Administration to succeed in adding the citizenship question is narrow, expect more messaging intended to further create confusion and fear in an effort to depress participation of communities of color, and especially immigrants, in the 2020 census.

Horrific Conditions in Migrant Detention Facilities

The horrific conditions of migrant detention facilities were further exposed during the past several weeks. These conditions have a profound impact California's children and families.

Two reports by the Department of Homeland Security's Office of the Inspector General were released. The [first report](#) detailed violations of food safety standards and a lack of access to medicine in four Immigration and Customs Enforcement (ICE) detention facilities across the country, including in Adelanto, CA. The [second report](#) was released on overcrowding at facilities in the Rio Grande Valley, Texas.

These reports emerged at the same time several congressional site visits to detention facilities in Texas and Florida brought additional information about overcrowded and unsanitary conditions to light.

Federal Legislation

- Child Care for Working Families Act (H.R.1364 and S.568)

The Child Care for Working Families Act would increase funding for child care centers, limit child care payments to 7 percent of a family's annual income, guarantee child care assistance to families earning up to 150 percent of the median

income in their state, and ensure child care providers earn a living wage. This bill presents a north star for ECE advocates, providing bold and insightful legislation to rally around.

Introduced in February 2019, the legislation currently has 148 cosponsors in the U.S. House of Representatives and 34 cosponsors in the U.S. Senate. Both California Senators are cosponsors and 26 members of the California delegation signed on to the House version of the bill.

- Paid Family Leave

Paid Family Leave is experiencing bipartisan support in Washington. While both parties have a drastically different vision of what providing paid family leave looks like, the discussion provides an opportunity for advocates to shape the conversation. It does not seem likely that the legislation below will move in the 116th Congress.

- The Family Act (H.R.1185 and S.463)

The Family Act would provide Americans up to 12 weeks of paid leave at 66 percent of their monthly wages. The proposal builds on an existing law, the Family and Medical Leave Act of 1993, which offers only unpaid leave. This law would institute a kind of family leave insurance, structured much like unemployment insurance. The funds would come from employee and employer payroll contributions of two-tenths of 1 percent, or approximately \$2.00 per week for a typical worker.

The benefits in the proposal would apply to every American who works full-time – and potentially even those who are part-time, temporary, or self-employed. Among other things, the Family Act considers “family leave” to include birth or adoption, and serious health conditions including those affecting a child, parent, spouse, or domestic partner.

The Family Act is a Democratic proposal with 190 sponsors in the House and 34 sponsors in the Senate. All cosponsors are Democrats or Independents.

- The Cradle Act

The Cradle Act would allow workers to access some of their Social Security retirement income in advance to make up a portion of the wages they would lose when taking parental leave. Workers would still bear the cost of taking time off by delaying their retirement by twice as many months as they took off for parental leave. Under this proposed legislation, someone who takes the maximum three months off, for example, would need to delay their Social Security retirement by

six months. Under this bill, workers pay for their own leave; neither employers nor the federal government contributes.

Though the bill summary and roll out took place in March, 2019, the bill has not yet been introduced.

- The Federal Employee Paid Leave Act (H.R. 1534)

The Federal Employee Paid Leave Act — spearheaded by Rep. Carolyn B. Maloney, House Majority Leader Steny Hoyer, Reps. Jennifer Wexton, and Don Beyer — would allow federal employees (both men and women) to take paid leave following the birth, adoption or fostering of a child, or to take care of a spouse or parent suffering from a serious health condition. Currently, federal employees are not offered federal paid family leave.

The House bill has 39 cosponsors, 37 Democrats and two Republicans (Reps. Brian Fitzpatrick and Peter King). The Senate version of the bill has not yet been introduced.

Consumer Inflation Measure Produced by Federal Statistical Agencies

In July 2019, F5CA submitted comments to the Office of Information and Regulatory Affairs at the U.S. Office of Management and Budget, opposing the potential selection and utilization of various consumer price indexes for estimating the Official Poverty Measure. This new measure would lower the nation's poverty line and reduce both the number of low-income Californians who are eligible for certain supportive services as well as the levels of assistance many children and families can receive.

The income-level at which the federal government defines poverty provides the basis for eligibility for many public assistance programs. F5CA is deeply concerned with the impact a lower poverty line would have on access to public benefit programs, including Head Start, Medicaid, the Children's Health Insurance Program (CHIP), and Supplemental Nutrition Assistance Program (SNAP), among others. Reducing or eliminating access to these and other supports will have an adverse impact on the healthy and optimal development of children, as well as the stability and wellbeing of families.

F5CA's comments can be found in full [here](#).

Housing and Community Development Act of 1980: Verification of Eligible Status

In July 2019, F5CA submitted comments to the U.S. Department of Housing and Urban Development, opposing the proposed rule change that would prohibit "mixed status" immigrant families from living in public and other subsidized housing.

This rule would impact nine million U.S. citizens currently receiving assistance who have already attested, under penalty of perjury, that they are citizens. Currently, only family members who are applying for housing assistance need to verify their immigration status. The proposed rule would require all household members under the age of 62 to submit verification of their immigration status through the Department of Homeland Security's Systemic Alien Verification for Entitlements (SAVE) system, a burdensome process. Under the proposed regulation, a family's leaseholder must have eligible immigration status even if they are the sole provider of their U.S. citizen children. As a result, if implemented, the proposed rule would result in families being forced to decide between breaking up their families and forgoing their assistance, putting children at risk of becoming homeless and jeopardizing their well-being and optimal development. If finalized, this proposed rule would contribute directly to family instability and further increase the prevalence of homelessness, as well as associated trauma.

In California, as many as 937,000 individuals could lose their housing assistance if they are unable to produce documents verifying their citizenship under the new rule. Over 90 percent of Californians directly affected by the rule are U.S. citizens. Children and families of color would be most impacted and likely face significant obstacles in accessing this documentation within the required timeframe.

F5CA's comments can be found in full [here](#).

SUMMARY OF PREVIOUS COMMISSION DISCUSSION AND ACTION

The Legislative Update is a standing item for Commission discussion.

ATTACHMENTS

A. Priority Level 1 Bills of Interest