
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: SB 548
Author: De León
Version: April 14, 2015
Urgency: No
Consultant: Lynn Lorber
Hearing Date: April 22, 2015
Fiscal: Yes

Subject: Child care: family child care providers: bargaining representatives

NOTE: This bill has been referred to the Committees on Education and Labor and Industrial Relations. A "do pass" motion should include referral to the Committee on Labor and Industrial Relations.

SUMMARY

This bill gives family child care providers the right to form, join, and participate in provider organizations, requires, if a family child care provider organization is certified, the State and the certified provider organization to establish a training partnership committee to make and implement recommendations regarding training resources.

BACKGROUND

California's early education and care system includes several types of programs in various settings, including the Alternative Payment Program. This program is essentially a voucher program, where funding for child care follows the child and the family chooses the child care setting in which they want their child to attend. Care may be in a licensed center or family child care home, or be provided by license-exempt providers.

ANALYSIS

This bill gives family child care providers the right to form, join, and participate in provider organizations, and requires, if a family child care provider organization is certified, the State and the certified provider organization to establish a training partnership committee to make and implement recommendations regarding training resources. Specifically, this bill:

1. Defines "family child care providers" as a child care provider that participates in a state-funded child care program and is either of the following:
 - A. A family day care home provider who is licensed.
 - B. An individual who meets both of the following:
 - (1) Provides child care in his or her own home or in the home of the child receiving care.
 - (2) Is exempt from licensing requirements.

Provider organizations

1. Gives family child care providers the right to form, join, and participate in provider organizations of their own choosing for the purpose of being represented.

Training

1. Requires, if a family child care provider organization is certified, the State and the certified provider organization to establish a training partnership consisting of a Joint Committee on Child Care Training, Education, and Quality Improvement. The membership of the Joint Committee (training committee) is to include representatives of the certified provider organization and designees of the Governor.
2. Requires the provider organization to establish a training program that carries out the recommendations of the training committee.
3. Requires the training committee to meet to identify gaps in the training available to family child care providers and barriers that prevent family child care providers from gaining greater skills and accessing postsecondary education, and issue recommendations on an annual basis to improve the quality of care offered by licensed and license-exempt family child care providers.
4. Requires the training committee to play a coordinating role in ensuring that the training offered to providers through the training program:
 - A. Meets the State's needs for the child care workforce.
 - B. Satisfies the health, safety and educational standards prescribed by the State.
 - C. Aligns with the State's quality rating systems.
 - D. Identifies and works to eliminate barriers to providers accessing training.
5. Authorizes the training committee's recommendations to include, but not be limited to:
 - A. Ways to access federal and private funding for training to expand capacity to existing State training resources, such as general education classes and English language learner classes.
 - B. Ways to support providers who seek to obtain training or higher education credentials in child development.
 - C. Ways for the training program to work with existing training providers and educational institutions, including but not limited to resource and referral networks, community colleges, and apprenticeship programs.

- D. Ways for the training program to make training and education available to child care workers and other workers employed by child care centers and schools.
6. States it is the intent of the Legislature to allocate \$1 million in the 2015 Budget to carry out the initial recommendations of the training committee, and that in subsequent years, the recommendations of the training committee be funded by contributions agreed to for that purpose in the memorandum of understanding between the provider organization and the Governor.

Best practices

1. Requires the Governor or designee to conduct a study of best practices for engaging families in their children's early care and education in family child care settings, and of federal and other funding that could support parental engagement efforts without reducing the availability and affordability of child care.
2. Requires the Governor or designee to report to the Legislature and Department of Finance, by January 1, 2017, with the findings and a proposed framework of priorities in which to invest.
3. Requires the Governor or designee, in conducting the study, to consult with stakeholders, including the Department of Social Services, First 5 California, and organizations that represent parents with young children, particularly lower income and non-English speaking families, to consider how best to engage and support those families in a culturally competent manner.

Additional child care slots

1. States it is the intent of the Legislature to create an unspecified number of additional slots in alternative payment programs for children living in extreme poverty, defined as 50% of the federal poverty level, if funding is allocated in the Budget.

STAFF COMMENTS

1. ***Need for the bill.*** According to the author, specific to the provisions of the bill that are within the jurisdiction of this Committee, "The current subsidized child care system encompasses more than 120 different agencies contracting with the state as middlemen, who in turn administer access to the system for subsidized families and reimburse providers who care for children whose families receive subsidies. Low income children have uneven access to quality child care. Given low reimbursement rates and a fragmented system, there is also extremely high turnover among providers. One of the primary work-related costs that providers struggle to afford is higher education and training to increase their knowledge of child development and stay current on the latest theory and practice of early education and care."

2. **Training programs.** This bill requires the training committee to meet to identify gaps in the training available to family child care providers and barriers that prevent family child care providers from gaining greater skills and accessing postsecondary education. According to the author, existing training opportunities are limited and unavailable or inaccessible to early education and care providers in many areas of the state.
3. **Role for the Governor.** This bill provides the Governor with a significant role in designating representatives for participation on the training committee, and the development of best practices. According to the author, the goal is to engage the Governor and secure his full participation in these endeavors. The author may wish to consider expanding participation on the training committee to include the Department of Social Services, the Department of Education, and parents, and include consultation with the California Department of Education in the study of best practices.
4. **Additional slots.** This bill states legislative intent to create an unspecified number of additional slots in alternative payment programs for children living in extreme poverty, defined as 50% of the federal poverty level, if funding is allocated in the Budget. According to the author, this bill addresses additional slots only for alternative payment programs to focus on the greatest area of need, and provide a balance with recent adjustments that were made for other types of early education and care programs.
5. **Organizing family child care providers.** Considering the jurisdiction of the Senate Education Committee, this Committee may wish to consider the provisions of this bill that are specific to training programs, best practices, and additional early education and care slots. This bill is double-referred to the Senate Labor and Industrial Relations Committee, which may consider the collective bargaining provisions of this bill.
6. **Fiscal impact.** This bill states intent that \$1 million be allocated to implement the initial recommendations of the training committee, and according to the author, the study on best practices for parental engagement will cost approximately \$250,000 to complete. Costs for additional alternative payment programs slots is dependent upon the number of slots that are added.
7. **Related and prior legislation.**

AB 641 (Rendon, 2013) among other things, authorized family child care providers to form, join, participate in, and to seek the certification of, a provider organization to act as their exclusive representative on matters related to child care subsidy programs. AB 641 was held on the Senate Floor.

AB 2573 (Furutani, 2012) authorized family child care providers to form, join and participate in provider organizations for purposes of negotiating with state agencies. AB 2573 was never heard in the Assembly Appropriations Committee.

AB 101 (John Perez, 2011) among other things, authorized family child care providers to choose whether to be represented by a single provider organization. AB 101 was vetoed by the Governor, whose veto message read:

Maintaining the quality and affordability of childcare is a very important goal. So too is making sure that working conditions are decent and fair for those who take care of our children. Balancing these objectives, however, as this bill attempts to do, is not easy or free from dispute.

Today California, like the nation itself, is facing huge budget challenges. Given that reality, I am reluctant to embark on a program of this magnitude and potential cost.

SB 867 (Cedillo, 2008) authorized family child care providers to form, join and participate in provider organizations. SB 867 was vetoed by the Governor, whose veto message read:

Given California's significant budget challenge, I cannot consider bills that would add significant fiscal pressures to the State's structural budget deficit.

AB 1164 (De Leon, 2007) authorized family child care providers to form, join and participate in provider organizations. AB 1164 was vetoed by the Governor, whose veto message read:

While I support efforts to improve the quality of child care services and have provided increased state funding to expand access to subsidized child care, I cannot support this bill as it has the potential to add significant fiscal pressures to the State's structural budget deficit. Family child care homes currently receive prevailing market rates for their services. They are reimbursed for the state-subsidized families they serve at the same rate as that paid by the non-subsidized families they serve.

Changes in the current reimbursement structure, increases in family child care provider reimbursement rates, expanded provider training efforts, or other program enhancements could come at the expense of the number of available child care slots. In light of the current structural budget deficit, it is imperative that we balance our fiscal reality and the need to provide services to working families.

SUPPORT

9 to 5

Children Now

National Council of Jewish Women California

Service Employees International Union

Special Needs Network

OPPOSITION

None on current version of the bill.

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