

AMENDED IN SENATE APRIL 27, 2004

AMENDED IN SENATE APRIL 12, 2004

SENATE BILL

No. 1897

Introduced by Senator Burton

March 3, 2004

An act to add Sections 8203.1, 8203.2, and 8203.6 to the Education Code, relating to child care.

LEGISLATIVE COUNSEL'S DIGEST

SB 1897, as amended, Burton. Child care reform.

Existing law authorizes the Superintendent of Public Instruction to develop standards for the implementation of quality child care programs and to contract for the provision of child care and development services.

This bill would declare the intent of the Legislature to reform the reimbursement system for child care based on specified criteria, and to establish quality provider pools to employ family child care providers.

The bill would require the Child Development Division of the State Department of Education, on or before July 1, 2006, to provide to the Superintendent of Public Instruction a baseline assessment of the supply and demand for subsidized and unsubsidized child care. The bill would require the superintendent to make recommendations to the Legislature on or before March 1, 2007, based on that assessment. The bill would require the assessment and recommendations to be updated every 2 years.

The bill would require all employers of the center or family provider child care employees who operate programs that are licensed or funded by the state to provide to the department, on or before July 1, 2007,

specified information regarding those employees. By imposing additional duties on a local agency, this bill would impose a state-mandated local program.

The bill would require the Child Development Division to convene a task force, consisting of specified members, to develop and submit to the Legislature a Child Care and Development Workforce Development Plan. The bill would require the plan to include, among other things, detailed expectations and a career ladder for staff of child care and development providers. The bill would require the task force to submit the report to the Legislature on or before January 1, 2006.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) It is the intent of the Legislature to attain all
- 2 of the following goals:
- 3 (1) Improve the overall provision of child care, so that the
- 4 system is administered efficiently and maximum resources are
- 5 spent on care for children and families.
- 6 (2) Ensure that families eligible for subsidized child care under
- 7 the CalWORKs program and other child development programs,
- 8 and working families outside the subsidized child care system,
- 9 retain access to child care, and that access to high quality child care
- 10 is incrementally increased.
- 11 (3) Affirm and strengthen parental choice of child care and the
- 12 infrastructure to support those choices.
- 13 (4) Guarantee due process protections for families and child
- 14 care providers.



1 (5) Consider the impact of any reforms on both unsubsidized
2 and subsidized child care.

3 (6) Ensure that public reimbursements for child care are linked
4 to quality criteria.

5 (7) Ensure that child care providers have access to employment
6 supports that provide for the improvement of quality standards in
7 child care.

8 (b) To attain the goals expressed in subdivision (a), it is the
9 intent of the Legislature to do all of the following:

10 (1) Require the State Department of Education to reform the
11 reimbursement system for child care by establishing a unified rate
12 system for child care centers and family day care providers that
13 care for children of parents who receive public subsidies. The new
14 rate structure would be consistent with the following principles:

15 (A) The basic rate would be linked to fees charged in the private
16 child care market and adjusted annually to reflect changes in the
17 private child care market.

18 (B) The need for special rates for certain children, based on the
19 age of the child, the time in care, and demonstrated special needs
20 of the child.

21 (C) Incentives would be provided for providers that meet
22 measurable standards to improve child care and maintain high
23 quality.

24 (2) Establish regional quality provider pools that would
25 employ family child care providers who meet minimum quality
26 and health and safety standards and who voluntarily choose to join
27 the pool. Each quality provider pool would be authorized to
28 operate a substitute provider pool for family child care providers.
29 Each quality provider pool would be authorized to join together in
30 a consortium, along with child care centers, regarding the more
31 efficient and cost-effective administration and purchasing of
32 benefits for ~~child care workers~~ *family child care providers and*
33 *child care employees.*

34 SEC. 2. Section 8203.1 is added to the Education Code, to
35 read:

36 8203.1. (a) (1) On or before July 1, 2006, the Child
37 Development Division of the State Department of Education, with
38 recommendations from the University of California and the Child
39 Care Resource and Referral Network, shall provide to the
40 Superintendent of Public Instruction a baseline assessment of the



1 supply and demand for subsidized and unsubsidized child care.
2 The assessment shall include, but not be limited to, all of the
3 following information:

4 (A) The types of child care available from different types of
5 providers.

6 (B) The cost and quality of child care available.

7 (C) The needs of low-income, working families eligible for
8 child care subsidies who remain on ~~waiting~~ *eligibility* lists.

9 (D) The needs of working families not eligible for child care
10 subsidies.

11 (E) The availability of high-quality child care for those facing
12 barriers, including, but not limited to, infants, toddlers, children
13 with disabilities, families who require nontraditional hours of
14 care, and families who require culturally and linguistically
15 appropriate child care.

16 (F) Data on the diverse access challenges in rural and urban
17 communities.

18 (2) The assessment shall be based on extant data and utilize
19 information gathered by existing child care providers. The
20 assessment shall identify gaps in information currently collected
21 that is necessary for the assessment.

22 (3) The assessment shall be updated every two years. The
23 initial baseline assessment shall include recommendations on the
24 most effective way to gather ongoing information to update the
25 assessment to ensure that the assessments are provided efficiently
26 and consistently.

27 (4) The recommendations shall identify the manner in which
28 information required by Section 8203.2 shall be obtained.

29 (b) (1) The Superintendent of Public Instruction shall provide
30 to the Legislature, on or before March 1, 2007, and every two years
31 thereafter, an assessment of the supply and demand for child care
32 and recommendations based upon the assessment required
33 pursuant to subdivision (a). The recommendations shall include
34 multiyear options to incrementally do all of the following:

35 (A) Address the needs of families receiving child care
36 subsidies.

37 (B) Address the needs of low-income, working families
38 eligible for child care subsidies that remain on waiting lists.

39 (C) Address the needs of working families not eligible for child
40 care subsidies.



1 (D) Increase access to high-quality care for families facing
2 child care barriers.

3 (2) The recommendations shall be developed in consultation
4 with an advisory group that shall assist the Superintendent of
5 Public Instruction in developing the recommendations. The
6 advisory group shall include members representing all of the
7 following:

8 (A) The State Department of Social Services.

9 (B) Parents of children receiving subsidized and unsubsidized
10 child care.

11 (C) Various types of child care providers.

12 (D) Experts in early child care and education, including, but not
13 limited to, administrators, teachers, and academics with expertise
14 in early childhood development and research.

15 SEC. 3. Section 8203.2 is added to the Education Code, to
16 read:

17 8203.2. (a) On or before July 1, 2007, all employers of center
18 or family provider child care employees who operate programs
19 that are licensed by the state or receive funding from the state, shall
20 supply the Child Development Division of the State Department
21 of Education with all of the following information:

22 (1) Sufficient information for the division to track and report
23 on the tenure and retention of each child care worker employed by
24 the provider.

25 (2) The qualifications of each child care worker employed by
26 the provider, including, but not limited to, cultural and linguistic
27 characteristics of the employee.

28 (b) The information provided pursuant to this section shall be
29 used to inform the assessments required by Section 8203.1 and
30 shall be made available to the public.

31 SEC. 4. Section 8203.6 is added to the Education Code, to
32 read:

33 8203.6. (a) (1) The Child Development Division of the State
34 Department of Education shall convene a task force consisting of
35 representatives from all of the following entities:

36 (A) The California Children and Families Commission.

37 (B) The office of the Chancellor of the California Community
38 Colleges.

39 (C) The University of California.

40 (D) The California State University.



1 (E) The Commission on Teacher Credentialing.
2 (F) The Child Development Division of the State Department
3 of Education.

4 ~~(G) The Network of Child Care Resource and Referral~~
5 ~~Agencies.~~

6 *(G) The California Child Care Resource and Referral Network.*

7 (2) In addition to the members appointed pursuant to
8 subdivision (a), nine members shall be appointed to the task force
9 as follows:

10 (A) The Speaker of the Assembly shall appoint the following
11 representatives to the task force:

- 12 (i) A parent of a child in a subsidized child care center.
- 13 (ii) A representative of community-based programs that
14 provide child care and development training.
- 15 (iii) A representative of private colleges providing child care
16 and development training.

17 (B) The President pro Tempore of the Senate shall appoint the
18 following representatives to the task force:

- 19 (i) A parent of a child in a nonsubsidized child care program.
- 20 (ii) A representative of an employee organization that
21 represents child care workers and operates staff training programs.
- 22 (iii) A provider of family child care services.

23 (C) The Governor shall appoint the following representatives
24 to the task force:

- 25 (i) An early child care and education expert.
- 26 (ii) A representative of child care center administrators.
- 27 (iii) A parent of a child in a family child care setting.
- 28 (b) The task force shall operate in a manner that encourages
29 input and participation from the public.

30 (c) The task force shall conduct at least one public hearing prior
31 to submitting the report required pursuant to subdivision (d).

32 (d) (1) The task force shall develop and submit to the
33 Legislature on or before January 1, 2006, a Child Care and
34 Development Workforce Development Plan.

35 (2) The plan shall include all of the following information:

- 36 (A) Clear expectations for staff competencies and
37 requirements for each level of regulation for subsidized and
38 unsubsidized child care and development center and home-based
39 services.



1 (B) Career ladders with links to teacher certification and
2 credentialing.

3 (C) A means for accreditation of training offered by public and
4 private entities, so that enrollees can meet the requirements of the
5 career ladder.

6 (D) Strategies for recruiting and retaining instructional staff
7 who reflect the ethnic, racial, linguistic, and cultural diversity of
8 California families.

9 (E) A means for providing child care and development staff
10 with information regarding available training supports, including,
11 but not limited to, English-as-a-second-language training
12 opportunities and scholarship programs.

13 (F) A method for assessing whether the available training
14 supports assure access to professional development opportunities
15 for direct care personnel in all settings and from a variety of ethnic
16 and linguistic backgrounds.

17 (G) Determination of how a prudent and efficient registry of
18 child care and development workers and their training levels can
19 be developed.

20 (H) Goals for qualifications of child care and development
21 providers, and a method to report to policymakers the status of
22 meeting those goals.

23 (I) A procedure for assessing the impact of the plan, and
24 updating the plan, every five years.

25 SEC. 5. Notwithstanding Section 17610 of the Government
26 Code, if the Commission on State Mandates determines that this
27 act contains costs mandated by the state, reimbursement to local
28 agencies and school districts for those costs shall be made pursuant
29 to Part 7 (commencing with Section 17500) of Division 4 of Title
30 2 of the Government Code. If the statewide cost of the claim for
31 reimbursement does not exceed one million dollars (\$1,000,000),
32 reimbursement shall be made from the State Mandates Claims
33 Fund.

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