

AMENDED IN ASSEMBLY AUGUST 17, 2015

AMENDED IN SENATE JUNE 1, 2015

AMENDED IN SENATE APRIL 14, 2015

SENATE BILL

No. 548

Introduced by Senator De León
(Coauthors: Senators Hancock and Jackson)
(Coauthors: Assembly Members Atkins and Weber)

February 26, 2015

An act to add Article 19.5 (commencing with Section 8430) to Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, relating to child care.

LEGISLATIVE COUNSEL'S DIGEST

SB 548, as amended, De León. Child care: family child care providers: bargaining representative.

Existing law, the California Child Day Care Facilities Act, provides for the licensure and regulation of family day care homes by the State Department of Social Services. Existing law, the Child Care and Development Services Act, administered by the State Department of Education, requires the Superintendent of Public Instruction to administer child care and development programs that offer a full range of services for eligible children from infancy to 13 years of age, including, among others, resource and referral programs, alternative payment programs, and family child care home education networks.

This bill would authorize family child care providers, as defined, to form, join, and participate in the activities of provider organizations, as defined, and to seek the certification of a provider organization to act as the exclusive representative for family child care providers on

matters related to state-funded child care programs pursuant to a petition and election process overseen by the Public Employment Relations Board or a neutral 3rd party designated by the board.

The bill would require the State Department of Social Services and the State Department of Education, with the assistance of specified state departments and agencies, and their contractors and subcontractors, to make specified information regarding family child care providers available to provider organizations, and would require the provider organization requesting the information to bear the costs of collecting the information, as provided.

The bill would establish the scope of representation of the certified provider organization, and would require the Governor, through the Department of Human Resources, in consultation with the Superintendent of Public Instruction and other entities, to meet and confer in good faith with the certified provider organization on all matters within that scope of representation. The bill would require the parties to jointly prepare a memorandum of understanding if agreement is reached, which would be binding on all state departments and agencies, and their contractors and subcontractors, that are involved in the administration of state-funded child care programs. The bill would authorize the parties, if, after a reasonable period of time they fail to reach agreement, to agree to submit unresolved issues to the California State Mediation and Conciliation Service for mediation or binding arbitration, and would authorize either party to declare that an impasse has been reached and request the Public Employment Relations Board to appoint a mediator or arbitrator from the service to perform mediation or binding arbitration.

The bill would authorize a certified provider organization to enter into an agreement with the state that provides that the state will require entities that make subsidy payments to providers, including the contractors or subcontractors of state agencies and departments, to deduct membership dues and other voluntary deductions from those subsidy payments. The bill would prohibit provider organizations from calling strikes. The bill would prohibit the state and provider organizations from engaging in specified prohibited behavior with each other and providers.

The bill would require the Governor or his or her designee to perform a study of best practices for engaging families in their children's early care and education in family child care settings, as provided, and would require the Governor or his or her designee to report to the Legislature

and the Department of Finance on or before January 1, 2017, with his or her findings and a proposed framework of priorities in which to invest.

The bill would require a certified provider organization and the state to form a Partnership on Child Care Training, Education, and Quality Improvement made up of specified individuals. Among other things, the bill would require the partnership 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 licensed-exempt family child care providers. The bill would require the certified provider organization to carry out the recommendations of the partnership.

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:
3 (a) Quality, affordable child care is essential to prepare
4 California's children to succeed in school and in life and to allow
5 families to work and contribute to the state's economy with the
6 assurance that their children are safe, well cared for, and learning.
7 (b) Family child care is the child care setting of choice for many
8 families because of its warm homelike environment, convenience,
9 and affordability. The flexibility offered by many family child care
10 providers is particularly vital to low-wage workers who are subject
11 to highly unpredictable work schedules, and to the many California
12 workers who work nontraditional hours and need child care on
13 evenings, overnights, and weekends. Close to 40 percent of licensed
14 family child care homes offer evening, weekend, and overnight
15 care, compared with only 2 percent of centers.
16 (c) Family child care providers are small business owners who
17 contribute significantly to the economies of their communities and
18 the state. As businesses, family child care providers are engines
19 for economic growth, generating 100,000 direct and indirect jobs,
20 three billion five hundred million dollars (\$3,500,000,000) in
21 economic output, and five hundred fifty million dollars

1 (\$550,000,000) in tax revenues. Family child care providers also
2 contribute to the economy by serving as a vital job support for
3 working families.

4 (d) There is a need to improve the quality of child care and to
5 increase stability in the industry that is charged with providing
6 safe and quality care for children in California. Turnover among
7 child care providers is estimated at more than 30 percent per year,
8 more than four times higher than among teachers in the public
9 school system. Losing a caregiver leaves working parents
10 scrambling to find other arrangements and disrupts the children's
11 cognitive and social development, putting them at a disadvantage
12 when it is time for them to start school.

13 (e) Experienced child care providers who care for children under
14 California's state-funded child care program are leaving the
15 profession because extremely low reimbursement rates and a lack
16 of access to employment benefits mean they cannot afford to
17 provide for their own families. *The child care workforce is*
18 *almost exclusively female and predominantly people of color,*
19 *including many recent immigrants, first-generation college*
20 *students, and working mothers. Nearly one-half of child care*
21 *workers nationwide live in families that rely on public support,*
22 *compared to 25 percent in the overall United States' workforce.*

23 (f) The state's fragmented, disorganized system for paying child
24 care providers under the state-funded child care program, in which
25 more than 120 different agencies contract with the state to pay
26 child care providers, also contributes to this turnover. Child care
27 providers' pay is often late, reduced, or does not arrive at all, and
28 there is a lack of clear authority and redress when problems arise.

29 ~~(f) The supply of quality child care in California is inadequate~~
30 ~~to meet the demand. Since 2008, the state has seen a decline of~~
31 ~~almost 26 percent in the number of licensed family child care~~
32 ~~homes. California lost over 11,000 licensed family child care~~
33 ~~providers and over 61,000 slots for children in these homes. In~~
34 ~~2012, there was licensed child care capacity for only 25 percent~~
35 ~~of children of working parents.~~

36 ~~(g) In order to address one of the areas of greatest need in the~~
37 ~~state-funded child care program, to improve developmental and~~
38 ~~educational outcomes for children in poverty, and to build off the~~
39 ~~goals of the local control funding formula, additional slots for~~
40 ~~California's neediest children must be added.~~

1 ~~(h)~~

2 (g) Family child care providers' role in the state's child care
3 program gives them unique insight into how quality, access, and
4 stability could be improved for children and families. For the last
5 several years, child care providers have worked together with the
6 State Department of Education to make improvements to the state's
7 requirements for timeliness of payment and communications with
8 child care providers and families. This progress shows the value
9 that child care provider voices can add. But it also highlights the
10 need for child care providers to have a formal role in
11 decisionmaking on issues that shape the child care system and the
12 way they carry out their profession.

13 ~~(i)~~

14 (h) To promote higher quality and greater access and stability
15 in the child care system, it is necessary to enact legislation to grant
16 family child care providers the right to choose a representative to
17 negotiate with the state over the operation of the state-funded child
18 care program. Permitting family child care providers a formal
19 voice will allow the state to get input from providers and to
20 maximize its return on its investment in child care, and will allow
21 providers to advocate to improve the quality, access, and stability
22 of care available to California's children and families.

23 ~~(j)~~

24 (i) The existing system for providing training to child care
25 providers is a patchwork. Training is provided by hundreds of
26 different entities and is challenging to access for large numbers of
27 child care providers. Family child care providers also face
28 particular barriers to gaining greater skills and accessing
29 postsecondary education, including language barriers, scheduling
30 of classes that are incompatible with the operation of their family
31 child care homes, and lack of access to tutoring and mentoring.
32 *No existing child care training programs address the issue of low*
33 *wages and the high cost of education and training.* Consistent with
34 the state's focus on the improvement and expansion of workforce
35 development and apprenticeships, *apprenticeships to include lower*
36 *wage workers*, a training partnership between the state and a
37 certified provider organization will be able to draw down federal
38 and private funding to add capacity to existing state training
39 resources, from ~~general education classes~~ *General Educational*
40 *Development* (GED) and English language learner (ELL) classes

1 to providing support for child care providers who seek to obtain
2 higher education credentials in child development. This training
3 partnership will help build skills, knowledge, and techniques to
4 provide higher quality early learning for family child care providers
5 as well as center or school-based care providers. Financial
6 incentives, such as rate add-ons for child care providers who obtain
7 additional training or who complete apprenticeship programs, will
8 encourage participation, acknowledge additional skill, and help
9 ensure that child care providers with greater training remain serving
10 at-risk children.

11 ~~(k)~~
12 (j) Parent engagement is a crucial part of children's success in
13 early care, in school, and later in life. Family child care providers'
14 role in the state's child care program gives them unique insight
15 into how quality, access, and stability could be improved for
16 children and families. Many parents choose home-based child care
17 providers due to shared values and culture, close personal
18 relationships, and provider flexibility with erratic work schedules.
19 Accordingly, pursuant to Section 8439 of the Education Code, the
20 Governor or his or her designee shall perform a study of best
21 practices for culturally competent parent engagement in family
22 child care, including in particular engagement of parents who work
23 nontraditional hours. The study shall determine how to most
24 effectively ensure that parents are involved with their children's
25 development and are better able to provide learning and other
26 developmental opportunities for their children at home in a
27 culturally appropriate manner. The goal of the study will be to
28 identify best practices that target low-income families and to
29 propose some options for a California parent engagement program
30 as well as identify possible funding sources for such work.

31 SEC. 2. Article 19.5 (commencing with Section 8430) is added
32 to Chapter 2 of Part 6 of Division 1 of Title 1 of the Education
33 Code, to read:

34
35 Article 19.5. Raising Child Care Quality and Accessibility Act

36
37 8430. This article shall be known, and may be cited, as the
38 Raising Child Care Quality and Accessibility Act.

39 8430.5. (a) The purpose of this article is to promote quality,
40 access, and stability in the child care system ~~by increasing the~~

1 ~~number of child care slots available to California's neediest~~
2 ~~children~~; by authorizing an appropriate unit of family child care
3 providers to choose a provider organization to act as their exclusive
4 representative for purposes of the meet and confer process set forth
5 in this article and the administration and enforcement of any
6 resulting memorandum of understanding; by establishing a training
7 partnership between the state and that exclusive representative;
8 and by conducting a study of best practices for parent engagement
9 in home-based early care and education. It is also the purpose of
10 this article to promote full communication between family child
11 care providers and the state by permitting a provider organization
12 certified as the representative of family child care providers to
13 meet and confer with the state regarding the state's child care
14 system.

15 (b) This article does not change the family child care providers'
16 status as independent business owners or classify family child care
17 providers as public employees.

18 8431. As used in this article:

19 (a) "Certified provider organization" means a provider
20 organization that is, or provider organizations that jointly are,
21 certified by the Public Employment Relations Board as the
22 exclusive representative of family child care providers in an
23 appropriate unit after a proceeding under Section 8434.

24 (b) "Family child care provider" or "provider" means a child
25 care provider that participates in a state-funded child care program
26 and is either of the following:

27 (1) A family day care home provider, as described in Section
28 1596.78 of the Health and Safety Code, who is licensed pursuant
29 to the requirement in Section 1596.80 of the Health and Safety
30 Code.

31 (2) An individual who meets both of the following criteria:

32 (A) Provides child care in his or her own home or in the home
33 of the child receiving care.

34 (B) Is exempt from licensing requirements pursuant to Section
35 1596.792 of the Health and Safety Code.

36 (c) "Maintenance of checkoff" means an agreement between a
37 provider and a provider organization that the provider's
38 authorization for the deduction of union dues or their equivalent
39 can only be withdrawn during a designated window period.

(d) “Provider organization” means an organization that has all of the following characteristics:

(1) Includes family child care providers as members.

(2) Has as one of its main purposes the representation of family child care providers in their relations with public or private entities in California and the terms of their participation in state-funded child care programs.

(3) Is not an entity that contracts with the state or a county to administer or process payments for a state-funded child care program.

(e) “Public Employment Relations Board” or “board” means the Public Employment Relations Board established pursuant to Section 3541 of the Government Code. The powers and duties of the board described in Sections 3514.5, 3520.5, and 3541.3 of the Government Code, and the respective implementing regulations, shall apply, as appropriate, to this article to the extent those procedures are not inconsistent with the procedures specified in this article. If a provision of this article is the same or substantially the same as that contained in Chapter 10 (commencing with Section 3500), Chapter 10.3 (commencing with Section 3512), or Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, it shall be interpreted and applied in accordance with the regulations and judicial interpretations of the provision in those statutes.

(f) “State-funded child care program” means a program administered by the State Department of Education, the State Department of Social Services, or another department, agency, or political subdivision of the state, including programs established subsequent to the passage of this article, to subsidize early learning and care for children, but not including the public education system.

8431.5. The state action antitrust exemption to the application of federal and state antitrust laws is applicable to the activities of family child care providers and their representatives authorized under this article.

8432. Family child care providers have the right to form, join, and participate in the activities of provider organizations of their own choosing for the purpose of being represented in all matters specified in this article. Family child care providers have the right to refuse to join or participate in the activities of provider organizations. This article does not change the rights of family

1 child care providers to represent themselves individually in their
2 relations with the state, agencies or departments of the state,
3 contractors of the state, parents, or others, or their rights to speak
4 to and petition the government with respect to all aspects of the
5 state's child care program or any other topic.

6 8432.5. Family child care providers are not public employees,
7 and this article does not create an employer-employee relationship
8 between family child care providers and the state or a public or
9 private nonprofit entity for any purpose, including, but not limited
10 to, eligibility for health or retirement benefits or vicarious liability
11 in tort. This article does not alter the status of a family child care
12 provider as a business owner, an employee of a family, or a
13 contractor.

14 8433. This article does not alter the rights of families to select,
15 direct, and terminate the services of family child care providers.

16 8433.5. (a) Within 10 days of receipt of a request from a
17 provider organization, the State Department of Social Services
18 shall make available to that provider organization information
19 regarding family child care providers described in paragraph (1)
20 of subdivision (b) of Section 8431, including each provider's name,
21 home address, mailing address, telephone number, email address,
22 if known, and license number.

23 (b) Within 30 days of receipt of a request from a provider
24 organization, the State Department of Education, with the
25 assistance of the State Department of Social Services and any state
26 department or agency, or its contractor or subcontractor, in
27 possession of the relevant information, shall collect information
28 regarding family child care providers, including each provider's
29 name, home address, mailing address, telephone number, email
30 address, if known, unique provider identification number, if
31 applicable, and shall make that information available to the
32 provider organization. The provider organization shall bear the
33 reasonable costs of collecting the information described in this
34 subdivision to the extent that the state is not already collecting it
35 and is not already required by federal or state law or regulation to
36 collect it.

37 (c) Upon the request of a certified provider organization, the
38 State Department of Social Services and the State Department of
39 Education shall make available to that organization the information
40 specified in subdivisions (a) and (b), updated on a monthly basis.

(d) A provider organization under this article shall be considered a family day care organization for purposes of subdivisions (b) and (c) of Section 1596.86 of the Health and Safety Code. All confidentiality requirements applicable to recipients of information pursuant to Section 1596.86 of the Health and Safety Code apply to provider organizations and shall apply also to protect the personal information of family child care providers as defined in paragraph (2) of subdivision (b) of Section 8431. Information provided pursuant to this section shall be used only for purposes of organizing and representing family child care providers.

(e) Upon written request of a family child care provider, the State Department of Education and the State Department of Social Services shall remove the family child care provider's home address and home telephone number from the mailing lists referenced in subdivisions (a), (b), and (c) before the release of the lists.

8434. (a) An appropriate unit of family child care providers, as described in subdivision (e), may designate, in accordance with this article, the provider organization, if any, that shall be its exclusive representative. The board shall certify a provider organization designated by an appropriate unit of family child care providers as the exclusive representative of those providers.

(b) Requests for elections, challenges, competing claims, requests for intervention, and requests for decertification shall be filed with, received by, and acted upon by the board, in accordance with its rules and regulations, provided that a valid petition for a certification or decertification election is resolved by a secret ballot election among family child care providers. The board may designate a neutral third party to act on any of the requests filed with the board pursuant to this subdivision.

(c) A provider organization petitioning for an election to be certified by the board as the exclusive representative for an appropriate group of providers shall include in its petition proof of a 30-percent showing of interest designating the provider organization to act as the exclusive representative of the providers. The provider organization shall pay the reasonable costs of verifying this showing of interest. The board, or a neutral third party designated by the board to act on a request for an election, shall consider a document evidencing a family child care provider's support, or lack of support, for a provider organization valid if it

1 was signed by the family child care provider within two years of
2 the date it is submitted to the board.

3 (d) All provider organizations placed on the ballot shall share
4 equally the cost of an election.

5 (e) There shall be no more than one bargaining unit at any time.
6 A unit of providers shall be considered an appropriate unit if it is
7 a statewide unit and is any of the following:

8 (1) All family child care providers *described in subdivision (b)*
9 *of Section 8431* in the state.

10 (2) All family child care providers described in paragraph (1)
11 of subdivision (b) of Section 8431.

12 (3) All family child care providers described in paragraph (2)
13 of subdivision (b) of Section 8431.

14 (f) A certified provider organization shall represent each
15 provider in the represented unit fairly with respect to matters within
16 the scope of the certified provider organization's role as exclusive
17 representative of the bargaining unit, without discrimination and
18 without regard to whether the provider is a member of the provider
19 organization.

20 (g) A certified provider organization may file a request with the
21 board for an election to add providers to an existing unit, to be
22 voted on by a group of providers proposed to be added to the unit,
23 based on a showing of interest by 30 percent of the providers
24 proposed to be added to the unit, at any point after the provider
25 organization has been certified as an exclusive representative. This
26 article does not require a one-year waiting period after the provider
27 organization has been certified as an exclusive representative before
28 the election, authorized pursuant to this subdivision, can be held.

29 8434.5. The scope of representation shall include all of the
30 following:

31 (a) The administration of laws and regulations governing
32 licensing for providers.

33 (b) Joint labor-management committees.

34 (c) Contract grievance arbitration.

35 (d) Expanded access to professional development and training
36 opportunities for providers, including, but not limited to, through
37 the training partnership established pursuant to Section 8439.5,
38 and state contributions to carry out the recommendations of the
39 training partnership.

40 (e) Benefits for providers.

1 (f) Payment procedures for state-funded child care programs.

2 (g) Reimbursement rates, including, but not limited to, rate
3 add-ons for providers who complete additional training, and other
4 economic matters.

5 (h) Expanded access to and funding for food and nutrition
6 programs.

7 (i) The deduction of membership dues and other voluntary
8 deductions authorized by individual family child care providers,
9 including, but not limited to, honoring maintenance of checkoff
10 agreements, and allocation of the costs of implementing such a
11 deduction system.

12 (j) Expanded access to the state-funded child care program to
13 families in need of subsidies.

14 (k) Any changes to current practice other than those listed in
15 subdivisions (a) to (j), inclusive, that would do any of the
16 following:

17 (1) Improve recruitment and retention of qualified providers.

18 (2) Improve the quality of the programs.

19 (3) Encourage qualified providers to seek additional education
20 and training.

21 (4) Promote the health and safety of providers and the children
22 in their care.

23 8435. (a) The Governor, through the Department of Human
24 Resources, in consultation with the Superintendent, other state
25 agencies that administer state-funded child care programs, and
26 their contractors, as needed, shall meet and confer in good faith
27 regarding all matters within the scope of representation with
28 representatives of a certified provider organization and, before
29 arriving at a determination of policy or course of action, shall
30 consider fully the presentations made by the certified provider
31 organization on behalf of the providers it represents.

32 (b) As used in this section, “meet and confer in good faith”
33 means that the Governor, through the Department of Human
34 Resources, and representatives of the certified provider
35 organization shall have the mutual obligation to meet and confer
36 promptly upon request by either party and continue for a reasonable
37 period of time in order to exchange freely information, opinions,
38 and proposals. The duty to meet and confer in good faith also
39 requires the parties to begin negotiations sufficiently in advance
40 of the adoption of the state’s final budget for the ensuing fiscal

1 year so that there is adequate time for agreement to be reached
2 before the adoption of the final budget and for the resolution of
3 an impasse.

4 8435.5. (a) If agreement is reached between the Governor,
5 through the Department of Human Resources, and the certified
6 provider organization, they jointly shall prepare a written
7 memorandum of understanding. Any portions of the memorandum
8 of understanding requiring appropriation by the Legislature or
9 statutory or regulatory revisions shall be subject to legislative
10 approval of those appropriations or statutory or regulatory
11 revisions.

12 (b) A memorandum of understanding between the Governor,
13 through the Department of Human Resources, and the certified
14 provider organization is binding on all state departments and
15 agencies that are involved in the administration of the state-funded
16 child care program, and the relevant contractors or subcontractors
17 of those departments and agencies.

18 (c) An agreement pursuant to this section may provide for
19 binding arbitration of grievances concerning the interpretation,
20 application, or violation of the agreement.

21 (d) This article does not alter the requirements governing the
22 child care reimbursement system that are set forth in Section 8222.

23 8436. (a) A certified provider organization shall have the right
24 to enter into an agreement with the state that provides that the state
25 will require entities that make subsidy payments to providers,
26 including the contractors or subcontractors of state agencies and
27 departments, to deduct membership dues and other voluntary
28 deductions from those subsidy payments.

29 (b) If the deduction of membership dues or other voluntary
30 deductions for a provider requires action by more than one agency,
31 department, contractor, or subcontractor, the certified provider
32 organization shall establish procedures to ensure both of the
33 following:

34 (1) The total amount deducted does not exceed the total dues
35 and other voluntary deductions owed by that provider.

36 (2) The administrative procedures for deducting dues and other
37 voluntary deductions are reasonable.

38 (c) The state, its agencies and departments, and their contractors
39 and subcontractors shall not be liable in any action by a provider

1 seeking recovery of, or damage for, improper calculation or use
2 of dues or other voluntary deductions.

3 8436.5. (a) It is unlawful for the state, including its agencies,
4 boards, commissions, departments, public benefit corporations,
5 political subdivisions, contractors, subcontractors, or employees,
6 to do to the providers or provider organizations any of the things
7 made unlawful under Section 3519 of the Government Code.

8 (b) It shall be unlawful for a provider organization to do to the
9 state or to the providers any of the things made unlawful under
10 Section 3519.5 of the Government Code.

11 (c) For purposes of subdivisions (a) and (b), the references in
12 subdivision (e) of Section 3519 of, and subdivision (d) of Section
13 3519.5 of, the Government Code to “the mediation procedure set
14 forth in Section 3518” shall be deemed to refer to the impasse
15 procedures set forth in Section 8437.5.

16 (d) The initial determination as to whether charges of unfair
17 practices are justified and, if so, what remedy is necessary to
18 effectuate the purposes of this article shall be a matter within the
19 exclusive jurisdiction of the board.

20 8437. A provider organization shall not direct or call a strike.

21 8437.5. If after a reasonable period of time the parties fail to
22 reach agreement, the parties may agree to submit unresolved issues
23 to the California State Mediation and Conciliation Service
24 established by the Department of Industrial Relations for mediation
25 or binding arbitration, or either party may declare that an impasse
26 has been reached and request the board to appoint a mediator or
27 an arbitrator from the California State Mediation and Conciliation
28 Service to perform mediation or binding arbitration. A
29 memorandum of understanding reached by means of mediation or
30 arbitration is subject to appropriation by the Legislature and
31 necessary statutory and regulatory revisions.

32 8438. If preservice or orientation trainings are held for
33 providers by the state or a department, contractor, agency, or
34 political subdivision of the state, a certified provider organization
35 shall be permitted to make a brief presentation about the
36 organization and its activities, its negotiations and memorandum
37 of understanding, and membership at the preservice or orientation
38 trainings.

39 ~~8438.5. It is the intent of the Legislature to create _____~~
40 ~~additional slots in alternative payment voucher programs for~~

1 ~~children living in extreme poverty, defined as 50 percent of the~~
2 ~~federal poverty level, pending approval through the annual budget~~
3 ~~process.~~

4 8439. (a) The Governor or his or her designee shall perform
5 a study of best practices for engaging families in their children's
6 early care and education in family child care settings, and of federal
7 and other funding streams that could support this work without
8 reducing the availability and affordability of child care in
9 California, and shall report to the Legislature and the Department
10 of Finance, on or before January 1, 2017, with its findings and a
11 proposed framework of priorities in which to invest. In performing
12 the study, the Governor or his or her designee shall consult with
13 stakeholders, including the State Department of Social Services,
14 First 5 California, and organizations that represent parents with
15 young children, particularly lower income and
16 non-English-speaking families, to consider how best to engage
17 and support those families in a culturally competent manner.

18 (b) (1) A report submitted to the Legislature pursuant to this
19 section shall be submitted in compliance with Section 9795 of the
20 Government Code.

21 (2) The requirement for submitting a report pursuant to this
22 section shall become inoperative on January 1, 2021, pursuant to
23 Section 10231.5 of the Government Code.

24 8439.5. (a) If a provider organization is certified pursuant to
25 Section 8434, the state and the certified provider organization shall
26 establish a training partnership that will consist of a Partnership
27 on Child Care Training, Education, and Quality Improvement,
28 made up of representatives of the certified provider organization
29 and designees of the Governor. The partnership shall make
30 recommendations regarding, and oversee, the expenditures referred
31 to in subdivision (e). The partnership may consult with other early
32 education and care advocates, the Superintendent or his or her
33 designees, representatives of community colleges, higher education
34 institutions, resource and referral ~~networks, unions networks,~~
35 *workforce investment boards, the Division of Apprenticeship*
36 *Standards of the Department of Industrial Relations, organizations*
37 that operate training programs, apprenticeship programs, and early
38 education and care employers. The certified provider organization
39 shall carry out the recommendations of the partnership.

1 (b) The partnership shall meet to identify gaps in the training
2 available to family child care providers and barriers that prevent
3 family child care providers from gaining greater skills and
4 accessing postsecondary education, and issue recommendations
5 on an annual basis to improve the quality of care offered by
6 licensed and licensed-exempt family child care providers.

7 (c) The partnership shall play a coordinating role in ensuring
8 that the training offered to providers meets the state's needs for
9 the *overall* child care workforce; satisfies the health, safety, and
10 educational standards prescribed by the state; aligns with the state's
11 quality rating systems; and identifies and works to eliminate
12 barriers to providers accessing ~~training~~; *training in order to create*
13 *a sustainable career pathway for the early education workforce*.

14 (d) The partnership's recommendations may include, but are
15 not limited to: ways to access federal and private funding for
16 training to expand capacity to existing state training resources,
17 such as general education classes and English language learner
18 classes; ways to expand and improve provider training and skills
19 on subjects including, but not limited to, child literacy, children
20 with special needs, and children's social and emotional
21 development; ways to support providers who seek to obtain training
22 or higher education credentials in child development or a related
23 field; ways to work with existing training providers and educational
24 institutions, including, but not limited to, resource and referral
25 networks, community ~~colleges~~; *colleges, workforce investment*
26 *boards*, and apprenticeship programs; and ways to make training
27 and education, which may include unit-bearing courses and
28 training, available to child care workers and other workers
29 employed by child care centers and schools.

30 (e) ~~It is the intent of the Legislature to allocate funds in the~~
31 ~~Budget Act of 2015, in the amount of one million dollars~~
32 ~~(\$1,000,000), to carry out the initial recommendations of the~~
33 ~~partnership. It is the intent of the Legislature that, in subsequent~~
34 ~~years, that the recommendations of the partnership shall be funded~~
35 ~~by contributions agreed to for that purpose in the memorandum~~
36 ~~of understanding between the provider organization and the~~
37 ~~Governor, through the Department of Human Resources, as~~
38 ~~specified in Section 8435.5.~~

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