

AMENDED IN ASSEMBLY SEPTEMBER 4, 2015

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.~~ *providers: training.*

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 Education to ensure that all family child care providers, as defined, attend an in-person orientation training, as provided. The bill would require the orientation training to include at least 4 hours of instruction and include specified information, including minimum health and safety standards. The bill would authorize the Superintendent to adopt rules and regulations regarding the orientation training. The bill would provide that the above provisions are contingent upon an appropriation of funds for these purposes in the annual Budget Act or other statutes.

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

1 workers who work nontraditional hours and need child care on
2 evenings, overnights, and weekends. Close to 40 percent of licensed
3 family child care homes offer evening, weekend, and overnight
4 care, compared with only 2 percent of centers.

5 (c) Family child care providers are small business owners who
6 contribute significantly to the economies of their communities and
7 the state. As businesses, family child care providers are engines
8 for economic growth, generating 100,000 direct and indirect jobs,
9 three billion five hundred million dollars (\$3,500,000,000) in
10 economic output, and five hundred fifty million dollars
11 (\$550,000,000) in tax revenues. Family child care providers also
12 contribute to the economy by serving as a vital job support for
13 working families.

14 ~~(d) There is a need to improve the quality of child care and to~~
15 ~~increase stability in the industry that is charged with providing~~
16 ~~safe and quality care for children in California. Turnover among~~
17 ~~child care providers is estimated at more than 30 percent per year,~~
18 ~~more than four times higher than among teachers in the public~~
19 ~~school system. Losing a caregiver leaves working parents~~
20 ~~scrambling to find other arrangements and disrupts the children's~~
21 ~~cognitive and social development, putting them at a disadvantage~~
22 ~~when it is time for them to start school.~~

23 ~~(e) Experienced child care providers who care for children under~~
24 ~~California's state-funded child care program are leaving the~~
25 ~~profession because extremely low reimbursement rates and a lack~~
26 ~~of access to employment benefits mean they cannot afford to~~
27 ~~provide for their own families. The child care workforce is almost~~
28 ~~exclusively female and predominantly people of color, including~~
29 ~~many recent immigrants, first-generation college students, and~~
30 ~~working mothers. Nearly one-half of child care workers nationwide~~
31 ~~live in families that rely on public support, compared to 25 percent~~
32 ~~in the overall United States' workforce.~~

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

39 ~~(g) Family child care providers' role in the state's child care~~
40 ~~program gives them unique insight into how quality, access, and~~

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

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

19 (i) The existing system for providing training to child care
20 providers is a patchwork. Training is provided by hundreds of
21 different entities and is challenging to access for large numbers of
22 child care providers. Family child care providers also face
23 particular barriers to gaining greater skills and accessing
24 postsecondary education, including language barriers, scheduling
25 of classes that are incompatible with the operation of their family
26 child care homes, and lack of access to tutoring and mentoring.
27 No existing child care training programs address the issue of low
28 wages and the high cost of education and training. Consistent with
29 the state's focus on the improvement and expansion of workforce
30 development and apprenticeships to include lower wage workers,
31 a training partnership between the state and a certified provider
32 organization will be able to draw down federal and private funding
33 to add capacity to existing state training resources, from General
34 Educational Development (GED) and English language learner
35 (ELL) classes to providing support for child care providers who
36 seek to obtain higher education credentials in child development.
37 This training partnership will help build skills, knowledge, and
38 techniques to provide higher quality early learning for family child
39 care providers as well as center or school-based care providers.
40 Financial incentives, such as rate add-ons for child care providers

1 who obtain additional training or who complete apprenticeship
2 programs, will encourage participation, acknowledge additional
3 skill, and help ensure that child care providers with greater training
4 remain serving at-risk children.

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

24 (d) *Family child care providers face significant health and safety*
25 *risks on the job, and will thus benefit from training on occupational*
26 *safety and health.*

27 (e) *Giving family child care providers training on how to better*
28 *navigate the state-funded child care system, including how to*
29 *become licensed, will result in a more efficient and cost-effective*
30 *system for family child care providers, families, and the state.*

31 (f) *California currently does not have a single list of all family*
32 *child care providers who participate in the state-funded child care*
33 *program. Creating such a list will enable the state to track and*
34 *ensure compliance with training and background check*
35 *requirements. Making that list available to provider organizations*
36 *that will enable family child care providers to meet one another,*
37 *be informed about training opportunities, and form and build*
38 *organizations will allow them to share their common concerns*
39 *and advocate to improve the quality, access, and stability of child*
40 *care available to California's children and families. This will*

1 *allow the state to maximize its return on its investment in child*
2 *care.*

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

6
7 Article 19.5. Raising Child Care Quality and Accessibility Act

8
9 8430. This article shall be known, and may be cited, as the
10 Raising Child Care Quality and Accessibility Act.

11 ~~8430.5. (a) The purpose of this article is to promote quality,~~
12 ~~access, and stability in the child care system by authorizing an~~
13 ~~appropriate unit of family child care providers to choose a provider~~
14 ~~organization to act as their exclusive representative for purposes~~
15 ~~of the meet and confer process set forth in this article and the~~
16 ~~administration and enforcement of any resulting memorandum of~~
17 ~~understanding; by establishing a training partnership between the~~
18 ~~state and that exclusive representative; and by conducting a study~~
19 ~~of best practices for parent engagement in home-based early care~~
20 ~~and education. It is also the purpose of this article to promote full~~
21 ~~communication between family child care providers and the state~~
22 ~~by permitting a provider organization certified as the representative~~
23 ~~of family child care providers to meet and confer with the state~~
24 ~~regarding the state's child care system.~~

25 ~~(b) This article does not change the family child care providers'~~
26 ~~status as independent business owners or classify family child care~~
27 ~~providers as public employees.~~

28 *8431. The purpose of this article is to ensure that family child*
29 *care providers receive orientation training on subjects including*
30 *occupational health and safety practices and standards and the*
31 *state's early learning foundations, and to make it more possible*
32 *for family child care providers to be informed about training*
33 *opportunities and to form and join provider organizations to share*
34 *their common concerns and advocate for improvements to the*
35 *state-funded child care system.*

36 ~~8431.~~

37 8432. As used in this article:

38 (a) ~~“Certified provider organization” means a provider~~
39 ~~organization that is, or provider organizations that jointly are,~~
40 ~~certified by the Public Employment Relations Board as the~~

1 ~~exclusive representative of family child care providers in an~~
2 ~~appropriate unit after a proceeding under Section 8434.~~

3 ~~(b)~~

4 (a) “Family child care provider” or “provider” means a child
5 care provider that participates in a state-funded child care program
6 and is either of the following:

7 (1) A family day care home provider, as described in Section
8 1596.78 of the Health and Safety Code, who is licensed pursuant
9 to the requirement in Section 1596.80 of the Health and Safety
10 Code.

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

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

14 (B) Is exempt from licensing requirements pursuant to Section
15 1596.792 of the Health and Safety Code.

16 ~~(e) “Maintenance of checkoff” means an agreement between a~~
17 ~~provider and a provider organization that the provider’s~~
18 ~~authorization for the deduction of union dues or their equivalent~~
19 ~~can only be withdrawn during a designated window period.~~

20 ~~(d)~~

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

23 (1) Includes family child care providers as members.

24 (2) Has as one of its main purposes the representation of family
25 child care providers in their relations with public or private entities
26 in California ~~and or in advancing the concerns of providers~~
27 ~~regarding~~ the terms of their participation in state-funded child care
28 programs.

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

32 ~~(e) “Public Employment Relations Board” or “board” means~~
33 ~~the Public Employment Relations Board established pursuant to~~
34 ~~Section 3541 of the Government Code. The powers and duties of~~
35 ~~the board described in Sections 3514.5, 3520.5, and 3541.3 of the~~
36 ~~Government Code, and the respective implementing regulations,~~
37 ~~shall apply, as appropriate, to this article to the extent those~~
38 ~~procedures are not inconsistent with the procedures specified in~~
39 ~~this article. If a provision of this article is the same or substantially~~
40 ~~the same as that contained in Chapter 10 (commencing with Section~~

1 3500), Chapter 10.3 (commencing with Section 3512), or Chapter
2 10.7 (commencing with Section 3540) of Division 4 of Title 1 of
3 the Government Code, it shall be interpreted and applied in
4 accordance with the regulations and judicial interpretations of the
5 provision in those statutes.

6 (f)

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

13 ~~8431.5. The state action antitrust exemption to the application
14 of federal and state antitrust laws is applicable to the activities of
15 family child care providers and their representatives authorized
16 under this article.~~

17 ~~8432. Family child care providers have the right to form, join,
18 and participate in the activities of provider organizations of their
19 own choosing for the purpose of being represented in all matters
20 specified in this article. Family child care providers have the right
21 to refuse to join or participate in the activities of provider
22 organizations. This article does not change the rights of family
23 child care providers to represent themselves individually in their
24 relations with the state, agencies or departments of the state,
25 contractors of the state, parents, or others, or their rights to speak
26 to and petition the government with respect to all aspects of the
27 state’s child care program or any other topic.~~

28 ~~8432.5. Family child care providers are not public employees,
29 and this article does not create an employer-employee relationship
30 between family child care providers and the state or a public or
31 private nonprofit entity for any purpose, including, but not limited
32 to, eligibility for health or retirement benefits or vicarious liability
33 in tort. This article does not alter the status of a family child care
34 provider as a business owner, an employee of a family, or a
35 contractor.~~

36 ~~8433. This article does not alter the rights of families to select,
37 direct, and terminate the services of family child care providers.~~

38 *8433. (a) To ensure that family child care providers have the
39 opportunity to receive substantive training on topics including
40 health and safety standards for child care workers, child care*

1 *subsidy program functioning, and the state's early learning*
2 *foundations, the State Department of Education shall ensure that*
3 *all family child care providers attend an in-person orientation*
4 *training. Providers who are new to the state-funded child care*
5 *program shall complete the orientation training within three*
6 *months after they begin participating in the state-funded child care*
7 *program. Providers who are already participating in the*
8 *state-funded child care program shall complete the orientation*
9 *training within two years after it is first offered. Other child care*
10 *providers who are not family child care providers or who do not*
11 *participate in the state-funded child care program may also be*
12 *invited to attend the orientation training at no cost to the providers*
13 *personally.*

14 *(b) Family child care providers shall be compensated for their*
15 *time attending the orientation training. The orientation training*
16 *shall be offered at times and in community-based settings that are*
17 *convenient and accessible to family child care providers.*

18 *(c) If a substantial number of the family child care providers*
19 *participating in the state-funded child care program in a given*
20 *county are non-English speaking, some orientation training,*
21 *including written material distributed at the training, in that county*
22 *shall be provided in the languages spoken by a substantial number*
23 *of family child care providers, in order to facilitate full*
24 *participation from all providers.*

25 *(d) Alternatives to in-person orientation training shall be offered*
26 *on a case-by-case basis for providers who have been unable to*
27 *attend an orientation training within two years after the training*
28 *are first offered, or within three months after the family child care*
29 *provider begins participating in the state-funded child care*
30 *program.*

31 *(e) An orientation training shall include at least four hours of*
32 *instruction and shall include information about all of the following:*

33 *(1) Minimum health and safety standards, as required by Section*
34 *658E of the Child Care and Development Block Grant Act (42*
35 *U.S.C. Sec. 9858c).*

36 *(2) Occupational health and safety for family child care*
37 *providers, including information about injuries, infectious diseases,*
38 *environmental risks, and job-related stress.*

39 *(3) Information about the state-funded child care program,*
40 *including the referral and listing process of resource and referral*

1 agencies, alternative payment programs, including family approval
2 and payment processes, timelines, appeals processes, licensing
3 guidelines, and the process for becoming a licensed family child
4 care provider.

5 (4) Information about the state's early learning foundations
6 and how they align with K-5 standards.

7 (5) Information on resources available to providers and the
8 children and families they serve, including all of the following:

9 (A) The federal Child and Adult Care Food Program.

10 (B) The state early intervention system, First 5 county
11 commissions, and other sources of available training and
12 resources, particularly related to child development, literacy, and
13 alignment with K-5 standards.

14 (C) Information from provider organizations that notify the
15 State Department of Education they would like to make
16 presentations at or include information about their organizations
17 at orientation training. These programs or organizations may
18 deliver this information through brief presentations as part of the
19 orientation training.

20 (f) The State Department of Education shall offer the orientation
21 training either directly or through contracts. The occupational
22 safety and health portion of the training shall be offered through
23 contracts with a statewide organization that has expertise about
24 the state-funded child care program, that includes family child
25 care providers as members, and that is not an entity that contracts
26 with the state or a county to administer or process payments for
27 a state-funded child care program.

28 (g) Only curriculum approved by the State Department of
29 Education may be used to fulfill the training requirements specified
30 in this section. In order to ensure that the occupational safety and
31 health portion of the training reflects providers' needs and the
32 realities of their work with regard to the occupational safety and
33 health portion of the training, the State Department of Education
34 shall only approve training curriculum that has been developed
35 with input from family child care providers or their representatives.

36 (h) The Superintendent may adopt rules and regulations
37 regarding the orientations required under this section. The
38 Superintendent may consult with other appropriate entities,
39 including provider organizations and other early education and
40 care advocates, representatives of community colleges, higher

1 *education institutions, resource and referral networks, First 5*
2 *county commissions, organizations that operate training programs*
3 *or apprenticeship programs, and early education and care*
4 *employers in developing these rules and regulations.*

5 *(i) The requirements of this section are contingent upon*
6 *appropriation of funds for purposes of this section in the annual*
7 *Budget Act or other statutes.*

8 ~~8433.5.~~

9 8434. (a) Within 10 days of receipt of a request from a provider
10 organization, the State Department of Social Services shall make
11 available to that provider organization information regarding family
12 child care providers described in paragraph (1) of subdivision ~~(b)~~
13 *(a)* of Section ~~8431~~, 8432, including each provider's name, home
14 address, mailing address, telephone number, email address, if
15 known, and license number.

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

30 *(c) A provider organization under this article shall be*
31 *considered a family day care organization for purposes of*
32 *subdivisions (b) and (c) of Section 1596.86 of the Health and Safety*
33 *Code. All confidentiality requirements applicable to recipients of*
34 *information pursuant to Section 1596.86 of the Health and Safety*
35 *Code apply to provider organizations and shall apply also to*
36 *protect the personal information of family child care providers as*
37 *defined in paragraph (2) of subdivision (a) of Section 8432.*

38 ~~(e) Upon the request of a certified provider organization, the~~
39 ~~State Department of Social Services and the State Department of~~

1 Education shall make available to that organization the information
2 specified in subdivisions (a) and (b), updated on a monthly basis.

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

13 ~~(e)~~

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

20 ~~8434. (a) An appropriate unit of family child care providers,
21 as described in subdivision (e), may designate, in accordance with
22 this article, the provider organization, if any, that shall be its
23 exclusive representative. The board shall certify a provider
24 organization designated by an appropriate unit of family child care
25 providers as the exclusive representative of those providers.~~

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

34 ~~(e) A provider organization petitioning for an election to be
35 certified by the board as the exclusive representative for an
36 appropriate group of providers shall include in its petition proof
37 of a 30-percent showing of interest designating the provider
38 organization to act as the exclusive representative of the providers.
39 The provider organization shall pay the reasonable costs of
40 verifying this showing of interest. The board, or a neutral third~~

1 party designated by the board to act on a request for an election,
2 shall consider a document evidencing a family child care provider's
3 support, or lack of support, for a provider organization valid if it
4 was signed by the family child care provider within two years of
5 the date it is submitted to the board.

6 ~~(d) All provider organizations placed on the ballot shall share
7 equally the cost of an election.~~

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

11 ~~(1) All family child care providers described in subdivision (b)
12 of Section 8431 in the state.~~

13 ~~(2) All family child care providers described in paragraph (1)
14 of subdivision (b) of Section 8431.~~

15 ~~(3) All family child care providers described in paragraph (2)
16 of subdivision (b) of Section 8431.~~

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

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

32 ~~8434.5. The scope of representation shall include all of the
33 following:~~

34 ~~(a) The administration of laws and regulations governing
35 licensing for providers.~~

36 ~~(b) Joint labor-management committees.~~

37 ~~(c) Contract grievance arbitration.~~

38 ~~(d) Expanded access to professional development and training
39 opportunities for providers, including, but not limited to, through
40 the training partnership established pursuant to Section 8439.5,~~

1 ~~and state contributions to carry out the recommendations of the~~
2 ~~training partnership.~~

3 ~~(e) Benefits for providers.~~

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

5 ~~(g) Reimbursement rates, including, but not limited to, rate~~
6 ~~add-ons for providers who complete additional training, and other~~
7 ~~economic matters.~~

8 ~~(h) Expanded access to and funding for food and nutrition~~
9 ~~programs.~~

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

15 ~~(j) Expanded access to the state-funded child care program to~~
16 ~~families in need of subsidies.~~

17 ~~(k) Any changes to current practice other than those listed in~~
18 ~~subdivisions (a) to (j), inclusive, that would do any of the~~
19 ~~following:~~

20 ~~(1) Improve recruitment and retention of qualified providers.~~

21 ~~(2) Improve the quality of the programs.~~

22 ~~(3) Encourage qualified providers to seek additional education~~
23 ~~and training.~~

24 ~~(4) Promote the health and safety of providers and the children~~
25 ~~in their care.~~

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

35 ~~(b) As used in this section, “meet and confer in good faith”~~
36 ~~means that the Governor, through the Department of Human~~
37 ~~Resources, and representatives of the certified provider~~
38 ~~organization shall have the mutual obligation to meet and confer~~
39 ~~promptly upon request by either party and continue for a reasonable~~
40 ~~period of time in order to exchange freely information, opinions,~~

1 and proposals. The duty to meet and confer in good faith also
2 requires the parties to begin negotiations sufficiently in advance
3 of the adoption of the state's final budget for the ensuing fiscal
4 year so that there is adequate time for agreement to be reached
5 before the adoption of the final budget and for the resolution of
6 an impasse.

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

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

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

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

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

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

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

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

1 ~~(e) The state, its agencies and departments, and their contractors~~
2 ~~and subcontractors shall not be liable in any action by a provider~~
3 ~~seeking recovery of, or damage for, improper calculation or use~~
4 ~~of dues or other voluntary deductions.~~

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

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

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

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

22 ~~8437. A provider organization shall not direct or call a strike.~~

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

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

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

15 ~~(b) (1) A report submitted to the Legislature pursuant to this~~
16 ~~section shall be submitted in compliance with Section 9795 of the~~
17 ~~Government Code.~~

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

21 ~~8439.5. (a) If a provider organization is certified pursuant to~~
22 ~~Section 8434, the state and the certified provider organization shall~~
23 ~~establish a training partnership that will consist of a Partnership~~
24 ~~on Child Care Training, Education, and Quality Improvement,~~
25 ~~made up of representatives of the certified provider organization~~
26 ~~and designees of the Governor. The partnership shall make~~
27 ~~recommendations regarding, and oversee, the expenditures referred~~
28 ~~to in subdivision (c). The partnership may consult with other early~~
29 ~~education and care advocates, the Superintendent or his or her~~
30 ~~designees, representatives of community colleges, higher education~~
31 ~~institutions, resource and referral networks, workforce investment~~
32 ~~boards, the Division of Apprenticeship Standards of the Department~~
33 ~~of Industrial Relations, organizations that operate training~~
34 ~~programs, apprenticeship programs, and early education and care~~
35 ~~employers. The certified provider organization shall carry out the~~
36 ~~recommendations of the partnership.~~

37 ~~(b) The partnership shall meet to identify gaps in the training~~
38 ~~available to family child care providers and barriers that prevent~~
39 ~~family child care providers from gaining greater skills and~~
40 ~~accessing postsecondary education, and issue recommendations~~

1 on an annual basis to improve the quality of care offered by
2 licensed and licensed-exempt family child care providers.

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

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

26 (e) It is the intent of the Legislature that the recommendations
27 of the partnership shall be funded by contributions agreed to for
28 that purpose in the memorandum of understanding between the
29 provider organization and the Governor, through the Department
30 of Human Resources, as specified in Section 8435.5.

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CORRECTIONS:
Text—Pages 7 and 11.

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