

AMENDED IN ASSEMBLY SEPTEMBER 11, 2015

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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: orientation 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.

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, as provided. 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 provide that the above provisions are contingent upon an appropriation of funds for these purposes in the annual Budget Act or another statute.

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

1 family child care homes offer evening, weekend, and overnight
2 care, compared with only 2 percent of centers.

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

12 (d) Family child care providers face significant health and safety
13 risks on the job, and will thus benefit from training on occupational
14 safety and health.

15 (e) Giving family child care providers training on how to better
16 navigate the state-funded child care system, including how to
17 become licensed, will result in a more efficient and cost-effective
18 system for family child care providers, families, and the state.

19 (f) California currently does not have a single list of all family
20 child care providers who participate in the state-funded child care
21 program. Creating such a list will enable the state to track and
22 ensure compliance with training and background check
23 requirements. Making that list available to provider organizations
24 that will enable family child care providers to meet one another,
25 be informed about training opportunities, and form and build
26 organizations will allow them to share their common concerns and
27 advocate to improve the quality, access, and stability of child care
28 available to California's children and families. This will allow the
29 state to maximize its return on its investment in child care.

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

33
34 Article 19.5. Raising Child Care Quality Act
35

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

38 8431. The purpose of this article is to ensure that family child
39 care providers receive orientation training on subjects including
40 occupational health and safety practices and standards and the

1 state's early learning foundations, and to make it more possible
2 for family child care providers to be informed about training
3 opportunities and to form and join provider organizations to share
4 their common concerns and advocate for improvements to the
5 state-funded child care system.

6 8432. As used in this article:

7 (a) "Family child care provider" or "provider" means a child
8 care provider that participates in a state-funded child care program
9 and is either of the following:

10 (1) A family day care home provider, as described in Section
11 1596.78 of the Health and Safety Code, who is licensed pursuant
12 to the requirement in Section 1596.80 of the Health and Safety
13 Code.

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

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

17 (B) Is exempt from licensing requirements pursuant to Section
18 1596.792 of the Health and Safety Code.

19 (b) "Provider organization" means an organization that has all
20 of the following characteristics:

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

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

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

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

35 8433. (a) To ensure that family child care providers have the
36 opportunity to receive substantive training on topics including
37 health and safety standards for child care workers, child care
38 subsidy program functioning, and the state's early learning
39 foundations, the State Department of Education shall ensure that
40 all family child care providers attend an in-person orientation

1 training. Providers who are new to the state-funded child care
2 program shall complete the orientation training within three months
3 after they begin participating in the state-funded child care
4 program. Providers who are already participating in the
5 state-funded child care program shall complete the orientation
6 training within two years after it is first offered. Other child care
7 providers who are not family child care providers or who do not
8 participate in the state-funded child care program may also be
9 invited to attend the orientation training at no cost to the providers
10 personally.

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

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

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

28 (e) An orientation training shall include at least four hours of
29 instruction, which shall be in addition to training currently offered
30 by resource and referral programs, and which is intended to count
31 towards satisfying pre-service or orientation training requirements
32 of federal law. The orientation training shall include information
33 about all of the following:

34 (1) Minimum health and safety standards, including emergency
35 preparedness and response planning.

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 and
6 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 resources,
12 particularly related to child development, literacy, and alignment
13 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 an 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 care
25 providers as members, and that is not an entity that contracts with
26 the state or a county to administer or process payments for a
27 state-funded child care program. The remainder of the training
28 shall be offered *primarily* with local resource and referral programs,
29 as defined in subdivision (x) of Section 8208.

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

38 (h) The Superintendent may adopt rules and regulations
39 regarding the orientation training required under this section. The
40 Superintendent may consult with other appropriate entities,

1 including provider organizations and other early education and
2 care advocates, representatives of community colleges, higher
3 education institutions, resource and referral networks, First 5
4 county commissions, organizations that operate training programs
5 or apprenticeship programs, and early education and care employers
6 in developing these rules and regulations.

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

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

17 (b) Within 30 days of receipt of a request from a provider
18 organization, the State Department of Education, with the
19 assistance of the State Department of Social Services and any state
20 department or agency, or its contractor or subcontractor, in
21 possession of the relevant information, shall collect information
22 regarding family child care providers, including each provider's
23 name, home address, mailing address, telephone number, email
24 address, if known, unique provider identification number, if
25 applicable, and shall make that information available to the
26 provider organization. The provider organization shall bear the
27 reasonable costs of collecting the information described in this
28 subdivision to the extent that the state is not already collecting it
29 and is not already required by federal or state law or regulation to
30 collect it, with any such payment going to reimburse the state
31 departments, agencies, contractors, or subcontractors that incurred
32 the costs of compiling the list. It is the intent of the Legislature
33 that this list will assist the State Department of Social Services
34 and the State Department of Education and their contractors in
35 tracking provider compliance.

36 (c) A provider organization under this article shall be considered
37 a family day care organization for purposes of subdivisions (b)
38 and (c) of Section 1596.86 of the Health and Safety Code. All
39 confidentiality requirements applicable to recipients of information
40 pursuant to Section 1596.86 of the Health and Safety Code apply

1 to provider organizations and shall apply also to protect the
2 personal information of family child care providers as defined in
3 paragraph (2) of subdivision (a) of Section 8432.

4 *(d) Information provided pursuant to this section shall be used*
5 *only for purposes of advocating on behalf of family child care*
6 *providers and educating them on their rights and services available*
7 *to them.*

8 ~~(d)~~

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

15 *8435. The requirements of this article are contingent upon*
16 *appropriation of funds for purposes of this article in the annual*
17 *Budget Act or another statute.*