

AMENDED IN SENATE MARCH 28, 2016

**SENATE BILL**

**No. 1420**

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**Introduced by Senator Mendoza**

February 19, 2016

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~~An act to amend Section 35179 of the Education Code, relating to interscholastic athletics. 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 1420, as amended, Mendoza. ~~Interscholastic athletics.~~ *Child care and development: occupational health and safety training.*

*Existing federal law, the Child Care and Development Block Grant Act of 1990, which is administered by the State Department of Education in California, requires that a state plan include requirements that specified child care providers receive minimum health and safety training relating to, among other things, the prevention and control of infectious diseases and the handling and storage of hazardous materials in order to receiving funding for child care.*

*Existing law, the California Child Day Care Facilities Act, provides for the licensure and regulation of child day care facilities 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, effective July 1, 2017, require a caregiver, as defined, to attend a one-time, two-hour training on occupational health and safety risks specific to the child care profession, and on how to identify and avoid those risks. The bill would require the State Department of Education, in consultation with the State Department of Public Health and child care caregivers, to develop the curriculum for the training, which is required to include, among other things, a discussion of specified risks, including chemical and biological hazards. The bill would also require the department to contract with an entity to provide the occupational health and safety training and to compensate a caregiver for his or her time for attending the training.*

~~Existing law provides that each school district governing board has general control of, and responsibility for, all aspects of the interscholastic athletic policies, programs, and activities in its district, as specified. Existing law authorizes school district governing boards to enter into associations or consortia with other school district governing boards for the purpose of governing regional or statewide interscholastic athletic programs, as specified. Existing law prohibits voluntary interscholastic athletic associations from discriminating against, or denying the benefits of any program to, any person on the basis of specified personal characteristics. Existing law also prohibits voluntary interscholastic athletic associations from denying a school from participation in interscholastic athletic activities because of the religious tenets of the school.~~

~~This bill would make nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-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) Improving occupational health and safety in all lines of work*
- 4     *is a priority for the State of California, and that focus should extend*
- 5     *to child care caregivers.*
- 6     *(b) Child care caregivers are at risk for occupational health*
- 7     *and safety risks on the job, including from toxic chemicals, illness,*
- 8     *stress, and physical hazards such as lifting and bending. According*
- 9     *to the Bureau of Labor Statistics, child care workers have*

1 *musculoskeletal injury rates comparable to those of industrial*  
2 *truck and tractor operators and construction equipment operators.*

3 *(c) The federal Child Care and Development Block Grant Act*  
4 *of 1990 (CCDBG) (42 U.S.C. Sec. 9857 et. seq) was reauthorized*  
5 *in 2014 (Public Law 113-186). The changes to the CCDBG include*  
6 *a requirement that caregivers complete preservice or orientation*  
7 *training on topics including infectious disease prevention and*  
8 *control, building and physical premises safety, emergency*  
9 *preparedness and disaster response, and handling/storage of*  
10 *hazardous materials and disposal of biocontaminants. Requiring*  
11 *caregivers to complete occupational health and safety training*  
12 *will satisfy several of the new CCDBG health and safety*  
13 *requirements and will also help caregivers with child development*  
14 *permits satisfy the 105 hours of professional growth activities*  
15 *necessary to renew their permits. The training will also improve*  
16 *health and safety for caregivers and the children in their care, and*  
17 *will therefore benefit the families of the children served and the*  
18 *economy of the state.*

19 *SEC. 2. Article 19.5 (commencing with Section 8430) is added*  
20 *to Chapter 2 of Part 6 of Division 1 of Title 1 of the Education*  
21 *Code, to read:*

22  
23 *Article 19.5. Child Care Caregiver Occupational Health and*  
24 *Safety Training Act*  
25

26 *8430. This article may be known and cited as the Child Care*  
27 *Caregiver Occupational Health and Safety Training Act.*

28 *8431. As used in this article, the following terms have the*  
29 *following meanings:*

30 *(a) "Caregivers" means licensed caregivers and license-exempt*  
31 *caregivers.*

32 *(b) "Department" means the State Department of Education.*

33 *(c) "Licensed caregiver" means a person who works directly*  
34 *with children and is a child care provider, an administrator, or*  
35 *an employee of a licensed child day care facility.*

36 *(d) "License-exempt caregiver" means a person who works*  
37 *directly with children under a publicly funded child care program,*  
38 *and is a child care provider who is exempt from licensing*  
39 *requirements pursuant to Section 1596.792 of the Health and Safety*

1 *Code, or the employee of such a child care provider, but excludes*  
2 *caregivers who are the relatives of the children they care for.*

3 *(e) “Publicly funded child care program” means a program*  
4 *administered by the State Department of Education, the State*  
5 *Department of Social Services, or another department, agency, or*  
6 *political subdivision of the state, including, but not limited to, child*  
7 *care voucher programs, the California State Preschool Program,*  
8 *child care center contracts and programs established subsequent*  
9 *to the passage of this article, to subsidize early learning and care*  
10 *for children, but not including the public education system.*

11 *8432. (a) A caregiver shall attend a one-time, two-hour*  
12 *training on occupational health and safety risks specific to the*  
13 *child care profession, and on how to identify and avoid those risks.*

14 *(b) A caregiver shall be required to complete this training within*  
15 *two years of when the training is first offered pursuant to this act,*  
16 *or within three months of the caregiver beginning to care for*  
17 *children in a licensed child day care facility, whichever occurs*  
18 *later.*

19 *(c) The training shall include all of the following:*

20 *(1) A discussion of all of the following risks and how the risks*  
21 *can be identified and minimized in a child care setting:*

22 *(A) Chemical and biological hazards.*

23 *(B) Infectious disease.*

24 *(C) Physical hazards and stress.*

25 *(2) Small-group and large-group discussion.*

26 *(3) An opportunity for a caregiver to learn from current child*  
27 *care professionals.*

28 *(4) Presentations by associations or organizations of child care*  
29 *caregivers about their professional development offerings for*  
30 *caregivers, upon approval by the department.*

31 *(5) An opportunity for a caregiver to give feedback on the*  
32 *training he or she has received.*

33 *(d) The State Department of Education shall, in consultation*  
34 *with the State Department of Public Health and child care*  
35 *caregivers, develop the curriculum for the training.*

36 *(e) The department shall compensate a caregiver for his or her*  
37 *time for attending the training established in this article.*

38 *(f) The department shall contract with an entity to provide the*  
39 *occupational health and safety training required in this article*  
40 *throughout the state. Based on a competitive process, the*

1 department shall select an entity that meets all of the following  
2 requirements:

3 (1) Has experience providing occupational health and safety  
4 trainings, as described in this article, to caregivers.

5 (2) Trains caregivers to give the training required by this article  
6 to other caregivers.

7 (3) Will provide periodic updates on health and safety matters  
8 to caregivers who have completed the training.

9 (g) The department shall, on a monthly basis, provide lists of  
10 the caregivers who have attended the training and of those who  
11 are required to attend the training, but have not yet attended, and  
12 their contact information, to the entity selected to provide the  
13 training, to enable the entity to provide periodic updates to affected  
14 caregivers on health and safety issues and other educational  
15 information.

16 (h) The department and the entity it selects to provide the  
17 training shall comply with the Dymally-Alatorre Bilingual Services  
18 Act (Chapter 17.5 (commencing with Section 7290) of Division 7  
19 of Title 1 of the Government Code), which includes, among  
20 alternative communication options, providing the same type of  
21 training materials in any non-English language spoken by a  
22 substantial number of members of the public whom the department  
23 serves.

24 8433. This article shall take effect July 1, 2017.

25 SECTION 1. ~~Section 35179 of the Education Code is amended~~  
26 ~~to read:~~

27 ~~35179. (a) Each school district governing board shall have~~  
28 ~~general control of, and be responsible for, all aspects of the~~  
29 ~~interscholastic athletic policies, programs, and activities in its~~  
30 ~~district, including, but not necessarily limited to, eligibility, season~~  
31 ~~of sport, number of sports, personnel, and sports facilities. In~~  
32 ~~addition, the school district governing board shall ensure that all~~  
33 ~~interscholastic policies, programs, and activities in its district are~~  
34 ~~in compliance with state and federal law.~~

35 ~~(b) School district governing boards may enter into associations~~  
36 ~~or consortia with other school district governing boards for the~~  
37 ~~purpose of governing regional or statewide interscholastic athletic~~  
38 ~~programs by permitting the public schools under their jurisdictions~~  
39 ~~to enter into a voluntary association with other schools for the~~  
40 ~~purpose of enacting and enforcing rules relating to eligibility for,~~

1 and participation in, interscholastic athletic programs among and  
2 between schools.

3 (e) ~~Each school district governing board, or its designee, shall~~  
4 ~~represent the individual schools located within its jurisdiction in~~  
5 ~~any voluntary association of schools formed or maintained pursuant~~  
6 ~~to this section.~~

7 (d) ~~No voluntary interscholastic athletic association, of which~~  
8 ~~any public school is a member, shall discriminate against, or deny~~  
9 ~~the benefits of any program to, any person on any basis prohibited~~  
10 ~~by Chapter 2 (commencing with Section 200) of Part 1 of Division~~  
11 ~~1 of Title 1.~~

12 (e) ~~Notwithstanding any other law, no voluntary interscholastic~~  
13 ~~athletic association shall deny a school from participating in~~  
14 ~~interscholastic athletic activities because of the religious tenets of~~  
15 ~~the school, irrespective of whether that school is directly controlled~~  
16 ~~by a religious organization.~~

17 (f) ~~Interscholastic athletics is defined as those policies, programs,~~  
18 ~~and activities that are formulated or executed in conjunction with,~~  
19 ~~or in contemplation of, athletic contests between two or more~~  
20 ~~schools, either public or private.~~