
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: SB 1420
Author: Mendoza
Version: March 28, 2016
Urgency: No
Consultant: Lenin Del Castillo
Hearing Date: April 6, 2016
Fiscal: Yes

NOTE: This bill has been referred to the Committees on Education and Health. A “do pass” motion should include referral to the Committee on Health.

Subject: Child care and development: occupational health and safety training

SUMMARY

This bill requires all licensed caregivers for children to complete a one-time training on occupational health and safety risks specific to the child care profession and on how to identify and avoid those risks. The bill also requires State Department of Education (SDE) to develop the curriculum for the training in consultation with the State Department of Public Health and also compensate a caregiver for attending the training.

BACKGROUND

Existing law establishes the Child Care and Development Services Act to provide child care and development services as part of a coordinated, comprehensive, and cost-effective system serving children from birth to 13 years old and their parents, including a full range of supervision, health, and other support services through full- and part-time programs. (Education Code § 8200, et seq.)

Existing law also establishes the California Child Day Care Facilities Act provides for the licensure and regulation of family day care homes by the Department of Social Services and encourages the development of licensing staff with knowledge and understanding of children and child care needs. (Health and Safety Code § 1596.73)

ANALYSIS

This bill:

- 1) Provides various legislative findings and declarations, including the following:
 - a) Improving occupational health and safety in all lines of work is a priority for the State of California, and that focus should extend to child care caregivers.
 - b) Child care caregivers are at risk for occupational health and safety risks on the job, including from toxic chemicals, illness, stress, and physical hazards such as lifting and bending. According to the Bureau of Labor Statistics, child care workers have musculoskeletal injury rates

comparable to those of industrial truck and tractor operators and construction equipment operators.

- 2) Makes the following definitions:
 - a) Caregivers means licensed caregivers and license-exempt caregivers.
 - b) Department means the State Department of Education (SDE).
 - c) Licensed caregiver means a person who works directly with children and is a child care provider, an administrator, or an employee of a licensed child day care facility.
 - d) Licensed-exempt caregiver means a person who works directly with children under a publicly funded child care program, and is a child care provider who is exempt from licensing requirements pursuant to Section 1596.792 of the Health and Safety Code, or the employee of such a child care provider, but excludes caregivers who are the relatives of the children they care for.
 - e) Publicly funded child care program means a program administered by the SDE, the State Department of Social Services, or another department, agency, or political subdivision of the state, including, but not limited to, child care voucher programs, the California State Preschool Program, child care center contracts and programs established subsequent to the passage of this article, to subsidize early learning and care for children, but not including the public education system.
- 3) Requires a caregiver 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.
- 4) Requires a caregiver to complete this training within two years of when the training is first offered pursuant to this act, or within three months of the caregiver beginning to care for children in a licensed child day care facility, whichever occurs later.
- 5) Requires the training to include all of the following:
 - a) A discussing of all of the following risks and how the risks can be identified and minimized in a child care setting: chemical and biological hazards; infectious disease; and physical hazards and stress.
 - b) Small-group and large-group discussion.
 - c) An opportunity for a caregiver to learn from current child care professionals.

- d) Presentations by associations or organizations of child care caregivers about their professional development offerings for caregivers, upon approval by the State Department of Education (SDE).
 - e) An opportunity for a caregiver to give feedback on the training he or she has received.
- 6) Requires the SDE, in consultation with the State Department of Public Health and child care caregivers, to develop the curriculum for the training.
 - 7) Requires the SDE to compensate a caregiver for his or her time for attending the training.
 - 8) Requires the SDE to contract with an entity to provide the occupational health and safety training. Based on a competitive process, the SDE shall select an entity that meets all of the following requirements:
 - a) Has experience providing occupational health and safety training, as specified, to caregivers.
 - b) Trains caregivers to give the required training to other caregivers.
 - c) Will provide periodic updates on health and safety matters to caregivers who have completed the training.
 - 9) Requires the SDE, on a monthly basis, to provide lists of the caregivers who have attended the training and of those who are required to attend the training, but have not yet attended, and their contact information, to the entity selected to provide the training, to enable the entity to provide periodic updates to affected caregivers on health and safety issues and other educational information.
 - 10) Requires the SDE and the entity it selects to provide the training to comply with the Dymally-Alatorre Bilingual Services Act, as specified, which includes, among alternative communication options, providing the same type of training materials in any non-English language spoken by a substantial number of members of the public whom the SDE serves.
 - 11) Provides that the provisions of this bill take effect July 1, 2017.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author's office, "there are limited training options for caregivers, and little instruction is offered in terms of workers' health and safety on the job. This matter is of particular importance for home-based caregivers who are considered independent contractors. These workers are at high risk of lacking health care and are typically ineligible for worker's compensation if injured while working. According to the Bureau of Labor Statistics, child care workers accrued over 1,100 musculoskeletal lost-time injuries, with a median of 30 lost days of work, in 2010. Child care caregivers

have musculoskeletal injury rates comparable to industrial truck and tractor operators, construction equipment operators, and shipping and receiving clerks.”

This bill seeks to provide training that will improve the health and safety for caregivers and the children in their care.

- 2) ***Child Care and Development Block Grant.*** The federal Child Care and Development Block Grant of 2014 (P.L. 113-186) reauthorized the Child Care and Development Block Grant Act of 1990. This reauthorization included a number of changes intended to address health and safety requirements, quality of care, and consumer and provider education, including a section on training and professional development requirements designed to enable child care providers to promote the social, emotional, physical, and cognitive development of children and to improve the knowledge and skills of the child care workforce. While there are existing training programs available in the state, this bill requires specific training on occupational health and safety practices and standards.

The State Plan for the Child Care Development Block Grant includes a section on training and professional development. However, it does not specifically make reference to occupational health and safety training for the child care workforce and appears to focus on the health and safety of children.

- 3) ***Provider lists.*** This bill requires the State Department of Education (SDE), to provide a list of the caregivers who have attended the training on a monthly basis along with their contact information, in order to provide this information to the training provider and track compliance. While the existing Alternative Payment Providers currently maintain lists of family child care providers by county, there is no statewide list of family child care providers. Therefore, SDE would need to develop a centralized list of all family child care providers statewide which would likely require additional costs to update their child development management information systems as well as additional state operations to collect and track this information.
- 4) ***Funding?*** This bill requires the SDE to compensate a caregiver for his or her time for attending the training but makes no clear provision as to the source of funds for this purpose. Is there an expectation that the Legislature and Governor would appropriate funding for this purpose in the budget?
- 5) ***Previous legislation.*** This bill is similar to provisions of SB 548 (De Leon, 2015), which among other things, required the SDE to ensure that all family child care providers attend in-person orientation training, as specified, and for SDE and the California Department of Social Services to make information regarding family child care providers available to provider organizations, as specified. This bill was heard and passed this Committee on April 22, 2015, by a vote of 7-2 and was subsequently vetoed by the Governor, whose message read:

“I am returning SB 548 without my signature, because the bill prematurely anticipates what will be necessary to comply with the new federal Child Care and Development Block Grant Act of 2014.

California will need to be in compliance with an abundance of new requirements, not all of which are clear at this juncture. The Department of Education is currently working with stakeholders to update our state's plan, to be submitted by March 1, 2016, after further federal guidance is issued. Public input will be sought prior to the finalization of the plan.

As part of that work, I will direct the State Advisory Council on Early Learning and Care to work with the department and review how the state can best position itself to meet those requirements efficiently and effectively, including the delivery of any training.”

SUPPORT

Service Employees International Union

OPPOSITION

None received.

-- END --