



Legislative Update

October 15, 2007

*Supported by the Network

NEW LAWS- Effective Immediately:

***ACR34 (Nakanishi) Resolution on Shaken Baby Syndrome Awareness Week**
Designates April 15 – April 21, 2007 as “Shaken Baby Syndrome Awareness Week” **Status: Chapter 24, Statues of 2007**

AB194: Budget Committee

Restores \$5 million in funding to the state preschool budget item and assigns priority of these funds for wrap-around to children in PKFL. **Status: Chaptered 489, Statues 2007**

SB80: Education budget trailer

Encourages child care facilities to meet the same increased nutritional requirements for meals as schools in order to receive funding for meal subsidies. Contains other provisions.

Status: Chapter 174, Statues 2007

SB84: Human Services budget trailer

Requires the Department of Education to conduct a study to establish best statewide practices for the prevention, detection, identification, and investigation of improper payments in all subsidized child care programs. Suspends the trigger for increasing visits to community care facilities based on an increase in the number of total citations. Requires DSS to develop appropriate indicators with stakeholders to trigger an increase in licensing visits by February 1, 2008. Contains other provisions. **Status: Chapter 177, Statues 2007**

***AB1685 (Garrick)- Before and After School Programs- Urgency Clause**

Increases reimbursement rates as a priority for existing before school programs. Amended to clarify that staff that work directly with the children are responsible for reporting outcome measures. **Sponsor Governor Schwarzenegger Status: Chapter 22, Statues 2007**

NEW LAWS- Effective January 2008:

***AB304 (Huff)- Community Care Facilities: Disaster Plans**

Requires that a community care licensing facility provide a copy of their disaster and casualty plan to the local fire department, law enforcement agency, civil defense and other disaster authorities upon request. (According to the CDSS-policy unit, this bill does not apply to child care centers or family child care homes) **Status: Chapter 18, Statutes of 2007**

AB905 (Arambula)- Child Care Subsidy Eligibility: Seek Work

Allows the SPI to extend eligibility for subsidized child care by an additional 60 days in defined geographic areas where high unemployment or high numbers of seasonal agricultural jobs exist. **Status: Chapter 110, Statutes of 2007**

***AB1080 (Mullin)- Preschool Clean-up**

Clarifies that funding for Program Literacy Coordinator is per class not per classroom and can be in either an LEA-based or participating program and clarifies that a funded program in a API deciles 1 –3 school district can remain in that school district even if the school district improves their deciles standing. Clarifies the legislative intent to offer full-day services. States that new grants can only be awarded from unallocated funds in the original grant or from expansion funds. **Sponsored by CCDAA Status: Chaptered 278, Statutes 2007**

***AB1571 (DeSaulnier)- Alternative Payment Reimbursement- Contingency Fund**

Authorizes APP's to apply for funding up to 3% of their contract amount (or greater if funds are available) to cover reimbursable expenditures beyond their maximum reimbursable contract amount (MRA). Requires specified time frames for application and distribution of these funds and deletes the prohibition of applying for contingency funds for consecutive years. Intended to encourage the full expenditure of available APP funds. Amended to require the CDE to distribute funding proportionately according to the approved amount. **Sponsor California Alternative Payment Program Association- Status: Chaptered 415, Statutes 2007**

SB7 (Oropeza)- Smoking in Cars

Makes it an infraction punishable by a fine not exceeding \$100 for a person to smoke a pipe, cigar, or cigarette in a motor vehicle, whether in motion or at rest, in which there is a minor. Prohibits a law enforcement officer from stopping a vehicle for the sole purpose of determining whether the driver was in violation of the antismoking provisions or for the sole purpose of determining whether a driver with a provisional license is in violation of the antismoking provisions. **Status: Chaptered 425, Statutes 2007**

SB473 (Cox)- State Agencies Fingerprinting vendors-

Would restrict state agencies ability to direct Trustline applicants (among other non-law enforcement professions) to specific Live Scan vendors thus eliminating the benefit of the Trustline Automated Registration Process and increasing the time for potential trustline clearances. **Status: Chaptered 248, Statutes 2007**

VETOED BILLS:

***AB537 (Swanson) – Family Medical Leave**

Increases the circumstances under which an employee is entitled to leave under the Family Rights Act by eliminating the age and dependency elements from the “child” definition, by expanding the “parent” definition and permitting leave time to care for a seriously ill

Prepared by the California Child Care Resource & Referral Network. For additional information: Contact Donita Stromgren, Public Policy Manager at 530 750-1127 or at donita@davis.com

grandparent, sibling, grandchild or domestic partner. **Sponsor Labor Project for Working Families**

Veto message: *“This bill along with tow others I am returning without my signature, would significantly expand California’s workplace leave laws. While some expansion of existing law may have merit, these laws in combination are too expansive and also fail to recognize the need for reforms to current law.*

California has the strongest employment leave and workplace protection laws in the country. While these laws have been enacted with the best of intentions, they have also caused much confusion for employers and employees. Unfortunately, many California-only standards in areas such as family leave, overtime, and meal and rest periods have been developed haphazardly and have resulted in needless litigations that has created a perception that California is not friendly to business.

Instead of expanding the confusing network of laws that presently exist, employers and employees should be working together to eliminate confusion and create a system of workplace laws that protects workers, provides reasonable leave requirements, and offers both employers and employees flexibility to meet their respective needs.”

AB881 (Mullin)- Car Seat Safety

Requires that a child under 8 years of age be secured in a rear seat in an appropriate child passenger restraint system unless the child is 4 ft 9 in. or taller and is properly restrained by a safety belt. Also requires that a child under one year old or less than 20 lbs. be in a rear-facing child passenger restraint system in a rear seat.

Veto Message: *“Along with every Californian, I share a genuine concern for the safety and well being of young passengers traveling in motor vehicles with their parents. Ultimately, it has to be the parents who are responsible for their children's safety.*

In my veto message last year on this same subject (AB 2108), I stated my belief that the way to protect children was through efforts focused on the education and enforcement of existing laws not the addition of new ones. I have not changed my mind.

Parents set the example for their children and the first rule of car seat safety is to buckle up. In 2006, California achieved a seat belt use rate of 93.4 percent, and parents who use their seat belts are more likely to properly restrain their children. Vital keys to successfully protecting our children are the continuation of high visibility law enforcement campaigns such as "Click It or Ticket It" and educational campaigns designed to instruct parents on the proper use of child restraint systems and seat belts.

Rather than repeatedly passing new laws in response to the age, height or weight factors of our children and modifying legal requirements, a better strategy is to move towards full compliance with the laws we already have.”

AB1164 (DeLeon)- Collective Bargaining for Family Child Care-

Allows for the collective bargaining rights for family child care and license-exempt child care providers and authorizes providers to choose a representative organization to negotiate with state regulatory and funding agencies as well as programs administering child care subsidy programs. Negotiations are limited to issues within the entity’s jurisdiction. Requires a fair share payment by providers who choose not to be represented and permit state agencies to collect dues and fair share payments. It would allow the designated provider representative to negotiate with the Department of Social Services regarding a reimbursement system for providers. **Sponsor AFSCME & SEIU**

Veto message: *“While I support efforts to improve the quality of child care services and have provided increased state funding to expand access to subsidized child care, I can not support this bill as it has the potential to add significant fiscal pressures to the State's structural budget deficit. Family child care homes currently receive prevailing market rates for their services. They are reimbursed for the state-subsidized families they serve at the same rate as that paid by the non-subsidized families they serve.*

Changes in the current reimbursement structure, increases in family child care provider reimbursement rates, expanded provider training efforts, or other program enhancements could come at the expense of the number of available child care slots. In light of the current structural budget deficit, it is imperative that we balance our fiscal reality and the need to provide services to working families. ”

***SB727 (Kuehl) – Unemployment and Disability**

Expands those family members eligible for paid family leave to include siblings, grandparents, grandchildren and in-laws. Effective on or before July 1, 2008. **Sponsor Labor Project for Working Families**

Veto Message: *“This bill, along with two others I am returning without my signature, would significantly expand California's workplace leave laws. While some expansion of existing law may have merit, these laws in combination are too expansive and also fail to recognize the need for reforms to current law.*

California has the strongest employment leave and workplace protection laws in the country. While these laws have been enacted with the best of intentions, they have also caused much confusion for employers and employees. Unfortunately, many California-only standards in areas such as family leave, overtime, and meal and rest periods have been developed haphazardly and have resulted in needless litigation that has created a perception that California is not friendly to business.

Instead of expanding the confusing network of laws that presently exist, employers and employees should be working together to eliminate confusion and create a system of workplace laws that protects workers, provides reasonable leave requirements, and offers both employers and employees flexibility to meet their respective needs. ”

SB836 (Kuehl) – Fair Employment: Familial Status

Add familial status to the list of prohibited bases for employment discrimination in the Fair Employment and Housing Act. The law will protect against discriminatory employment decisions driven by the assumption that workers with family responsibilities are less committed to their jobs or less reliable. **Sponsor Labor Project for Working Families**

Veto message: *“California has the strongest workplace laws against discrimination and harassment in the country. These laws provide workers necessary protections from unfair retaliation, discipline, and termination for matters unrelated to job performance.*

Although I support these laws, expanding workplace protections to include something as ambiguous as "familial status" is not appropriate. This bill will not only result in endless litigation to try and define what discrimination on the basis of "familial status" means, it will also unnecessarily restrict employers' ability to make personnel decisions.”