

Regular Session, 2011

HOUSE RESOLUTION NO. 82

BY REPRESENTATIVE LABRUZZO

A RESOLUTION

To urge and request the Louisiana Legislative Auditor to investigate the partnership between the Louisiana Department of Children and Family Services and the Louisiana Association of Child Care Resource and Referral Agencies in the implementation of accreditation, training, wage-setting, and incentivizing of benefits for the purpose of embedding a public union or partnership of child care providers within state government to be accomplished in conjunction with the National Women's Law Center, the National Association for the Education of Young Children, and the Service Employees International Union in Louisiana, a right-to-work state.

WHEREAS, the Louisiana Department of Children and Family Services and the Louisiana Association of Child Care Resource and Referral Agencies, a state affiliate of the National Association of Child Care Resource and Referral Agencies, partnership has actively implemented the goals and strategies of BrightStart which specifically address the following:

- (1) Professional development for early care and education professionals.
- (2) A Quality Start Child Care Rating System for child care.
- (3) Public engagement with regard to child care and Quality Start Child Care Rating System.
- (4) Financing to support early care and education.

WHEREAS, as part of its quality activities, the Louisiana Association of Child Care Resource and Referral Agencies has been lead, primary partner in the development and implementation of the Quality Start Child Care Rating System and was projected by the Louisiana Department of Children and Family Services to receive the following amount and percentage for the quality activities, not including targeted funds, during the one-year period from October 1, 2009, through September 30, 2010: eleven million two hundred thousand dollars or eight percent; and

WHEREAS, the Division of Child Care and Early Childhood Education's Quality Improvement Unit within the Louisiana Department of Children and Family Services was charged with the implementation of the quality rating and improvement system, the Quality Start Child Care Rating System, which includes the integration and coordination of the various supports and services, including:

(1) Child care resource and referral agencies: consumer referral and education, training, and technical assistance.

(2) Environment rating scale assessments.

(3) Mental health consultation to child care centers.

(4) School readiness tax credits.

(5) Louisiana Pathways Child Care Career Development System.

(6) Louisiana Pathways Scholarships.

WHEREAS, financial incentives as part of the Quality Start Child Care Rating System include the following:

Tax credits: child care providers participating in the Quality Start Child Care Rating System receive a refundable tax credit based on the number of stars the facility earns; and bonus payments which are available to the Louisiana Association of Child Care Resource and Referral Agencies approved child care providers within a tiered reimbursement. Bonus payments in percentages of Child Care Assistance Program funds received correspond to the star level of the provider as follows: (1) Star 1 - no bonus; (2) Star 2 - three percent; (3) Star 3 - eight percent; (4) Star 4 - thirteen and one-half percent; and (5) Star 5 - twenty percent; and

WHEREAS, additional quality points may be earned toward incentives by increasingly providing "union" inspired benefits from the following list of options for all full-time staff: employee health insurance or comparable benefits; paid annual leave; paid sick leave; paid holidays; child care benefit or discount; retirement compensation; bonus based on merit, achievement, or education; differential shift pay; annual pay increases based on merit; flextime; grievance procedure and professional conduct code for staff in written personnel policies; professional association membership fee paid; pay scale based on education, experience, responsibilities, and merit; provide training to staff on cultural sensitivity; and written parent and staff confidentiality policy; and

WHEREAS, the director of the Quality Improvement Unit for the Louisiana Department of Children and Family Services, division of Child Care and Early Childhood Education, is an officer of the Louisiana Association of Child Care Resource and Referral Agencies; a member of the Steering Committee of BrightStart; and past president of the Louisiana Association for the Education of Young Children which is a state affiliate of the National Association for the Education of Young Children; and

WHEREAS, it was stated during a National Association for the Education of Young Children Affiliate Council Speak Out on June 19, 2009; "In federal policy: we've worked closely with several unions on child care and Head Start legislation and funding for early childhood. Several affiliates work on policy in coalitions that include unions"; and

WHEREAS, the statement was substantiated in the National Association for the Education of Young Children Child Care Agenda document entitled "Developing America's Potential: An Agenda for Affordable High-Quality Child Care" which was developed and endorsed by the American Federation of State, County and Municipal Employees; the Center for Law and Social Policy; The Children's Project; Early Care and Education Consortium; the National Association for the Education of Young Children; the National Association of Child Care Resource and Referral Agencies; the National Association for Family Child Care; the National Council of La Raza; the National Women's Law Center; the Service Employees International Union; and Zero to Three; and

WHEREAS, the Quality Start Child Care Rating System aspects of quality, bonuses, tiered reimbursements, and benefit offerings are reflected in the aforementioned National Association for the Education of Young Children publication and are also aligned with the items of negotiation of the Service Employees International Union in its effort toward unionization of child care providers in other states; and

WHEREAS, in the summer of 2006, the Service Employees International Union and the American Federation of State, County and Municipal Employees announced they had reached agreement on a plan under which one union or the other will take the lead in organizing Family Child Care and Family Friend and Neighbor providers in sixteen states and as a result, the Service Employees International Union will have jurisdiction in Louisiana; and

WHEREAS, the National Association for the Education of Young Children's "Workforce Designs: A Public Policy Blueprint for State Early Childhood Professional Development Systems" identifies one of its central policy issues which is professional compensation and this same policy statement addresses the child care workforce by offering guiding principles for states as they develop policy related to building-in compensation parity with rising qualifications (Lemoine 2008) and has been utilized in unionization efforts which the Service Employees International Union has been organizing; and

WHEREAS, the Service Employees International Union has worked to secure the state as the employer of record for home-based child care providers and has used the rate increases in contract for subsidized home-based providers as leverage to lobby the governor and the legislature for increases for child care centers that also provide subsidized care; and

WHEREAS, in February 2007, the National Women's Law Center published "Getting Organized: Unionizing Home-Based Child Care Providers" which is a report which focused on the growing movement to authorize home-based child care providers, both regulated family child care providers and Family Friend and Neighbor care providers who are exempt from regulation but receive public funds, to join unions and negotiate with the state for better compensation and working conditions; and

WHEREAS, state officials are bracing for an estimated two billion dollar shortfall in the next fiscal year, and the state is operating four public pension programs and according to the most recent actuarial estimates, the total unfunded liability of the four programs is over eighteen billion dollars; additionally, the state's other post-employment benefits, which are retiree health care and life insurance, are completely unfunded in the amount of eleven and a half billion dollars; and

WHEREAS, the state of Louisiana has promised to pay state employees' retirement and health benefits but is short by almost thirty billion dollars; and

WHEREAS, the Louisiana Association of Child Care Resource and Referral Agencies is a nonprofit corporation contracted by the state to administer all funding related to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 which was projected during just the one-year period of October 1, 2009, through September 30, 2010, to be one hundred fifty-five million, seven hundred forty-seven thousand, six hundred seventy-nine dollars; and

WHEREAS, the state of Louisiana's debt load has grown over the last year, reaching one thousand three hundred seven dollars for every man, woman, and child in the state while approaching a state record set three years earlier for per capita debt according to an article in the *Associated Press* on March 17, 2011; and

WHEREAS, even in a time of surplus, it is the duty of the state to exercise extreme vigilance in oversight of the administration of federal, state, and local funding; and

WHEREAS, right-to-work states have had faster economic growth, lower unemployment rates, greater employment growth, higher state real gross domestic product growth, greater growth in personal income, higher population growth, and greater home price appreciation as indicated by Dr. Mark J. Perry of the University of Michigan.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby urge and request the Louisiana Legislative Auditor to investigate the partnership between the Louisiana Department of Children and Family Services and the Louisiana Association of Child Care Resource and Referral Agencies in the implementation of accreditation, training, wage-setting, and incentivizing of benefits for the purpose of embedding a public union or partnership of child care providers within state government to be accomplished in conjunction with the National Women's Law Center, the National Association for the Education of Young Children, and the Service Employees International Union in Louisiana, a right-to-work state.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the Louisiana Legislative Auditor.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES