

**CALIFORNIA DEPARTMENT OF SOCIAL  
SERVICES PROGRAM REQUIREMENTS FOR  
GENERAL CHILDCARE & DEVELOPMENT  
(CCTR)**

**Effective July 1, 2024**

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## **I. OPERATIONAL REQUIREMENTS**

### **A. Purpose of Childcare and Development Services (*WIC 10207*)**

1. To provide a comprehensive, coordinated, and cost-effective system of childcare and development services for children from infancy to thirteen years of age and their parents, including a full range of supervision, health and support service through full-and part-time programs.
2. To encourage community-level coordination in support of childcare and development services.
3. To provide an environment that is healthy and nurturing for all children in childcare and development programs.
4. To provide the opportunity for positive parenting to take place through understanding of human growth and development.
5. To reduce strain between parent and child in order to prevent abuse, neglect, or exploitation.
6. To enhance the cognitive development of children, with particular emphasis upon those children who require special assistance, including bilingual capabilities, to attain their full potential.
7. To establish a framework for the expansion of childcare and development services.
8. To empower and encourage parents and families of children who require childcare services to take responsibility to review the safety of the childcare program or facility and to evaluate the ability of the program or facility to meet the needs of the child.

### **B. Pre-service Training Requirements (*45 CFR 98.45*)**

Contractors will verify that all providers have been trained in Health and Safety Requirements within the first three months of providing services.

### **C. Information to Share with Parents (*HSC 1596.857(e)*)**

Each childcare facility shall permanently post, in a prominent location, information about the registered sex offender database that is available on the [Megan's Law website](#), and give families one of the two licensing forms (LIC 995 or 995A, Notification of Parents' Rights) provided by the State Department of Social

#### **D. Prohibition Against Religious Instruction or Worship (5 CCR 18017)**

Contractors shall not provide nor be reimbursed for childcare and development services which include religious instruction or worship.

#### **E. Prohibition against Expulsion (WIC 10491.1(a))**

1. Except as authorized by (5) below, a program shall not do either of the following:
  - a. Expel or unenroll a child because of a child's behavior.
  - b. Persuade or encourage a child's parents or legal guardians to voluntarily unenroll from the program due to a child's behavior.
2. If a child exhibits persistent and serious behaviors, the program shall expeditiously pursue and document reasonable steps, including, but not limited to, consulting with the child's parents or legal guardians and teacher, and, if available, engaging an early childhood mental health consultant, to maintain the child's safe participation in the program. The program shall inform the parents or legal guardians of a child exhibiting persistent and serious behaviors of the process described in this section in writing, including a description of the behaviors and the program's plan for maintaining the child's safe participation in the program.
3. If the child has an individualized family service plan or individualized education program, the program, with written parental consent, shall contact the agency responsible for the individualized family service plan or individualized education program to seek consultation on serving the child.
4. The program shall consider, if appropriate, completing a comprehensive screening to identify the needs of the child, including, but not limited to, screening the child's social and emotional development, referring the child's parents or legal guardians to community resources, and implementing behavior supports within the program.
5. If a program has expeditiously pursued and documented reasonable steps to maintain the child's safe participation in the program and determines, in consultation with the parents or legal guardians of the child, the child's teacher, and, if applicable, the local agency responsible for implementing the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), that the child's continued enrollment would present a serious safety threat to the child or other enrolled children, it shall refer the parents or legal guardians to other potentially appropriate placements, the local childcare resource and referral agency, or other referral service available in the local community, and, to the greatest extent possible, support direct transition to a more appropriate placement. The program may then unenroll the child.

6. A program shall have up to 180 days to complete the process described in (2) and (5) above.

**F. Prohibition against Suspension (WIC 10491.1(b))**

1. Except as provided in (2), (5), and (6) below, a program shall not do either of the following:
  - a. Suspend a child due to a child's behavior.
  - b. Encourage or persuade a child's parents or legal guardians to prematurely pick up a child due to a child's behavior before the program day ends.
2. Suspension shall only be used as a last resort in extraordinary circumstances when there is a serious safety threat that cannot be reduced or eliminated without removal. To the greatest extent possible, a program shall endeavor to ensure the full participation of enrolled children in all program activities.
3. Before a program determines that suspension is necessary, the program shall collaborate with the child's parents or legal guardians and use appropriate community resources, as needed, to determine no other reasonable option is appropriate, and provide written notice to the child's parents or legal guardians pursuant to (5) below.
4. If suspension is deemed necessary, a program shall help the child return to full participation in all program activities as quickly as possible while ensuring child safety by doing all of the following:
  - a. Continuing to engage with the parents or legal guardians and continuing to use appropriate community resources.
  - b. Developing a written plan to document the action and supports needed.
  - c. Providing referrals to appropriate community services.
  - d. If the child has an individualized family service plan or individualized education program, the program, with written parental consent, shall contact the agency responsible for the individualized family service plan or individualized education program to seek consultation on serving the child.
5. In the event a program suspends or expels a child pursuant to this section, the program shall issue the child's parent or guardian a NOA in accordance with section VII, paragraph B, *Notice of Action, Recipient of Services*.

**G. Early Childhood Mental Health Consultation (ECMHC) Services (WIC 10281)**

1. For purposes of this section, **early childhood mental health consultation service** means a service benefiting an infant or toddler who is 0-36 months of age, inclusive, and is served in a general childcare and development program pursuant to this chapter, or a child who is 0 to 5 years of age, inclusive, and is served in a family childcare home education network setting funded by a general child care and development program pursuant to this chapter.
2. For purposes of this section, **early childhood mental health consultation service** includes, but is not limited to, all of the following:
  - a. Support for providers, parents, legal guardians, and caregivers to create proactive trauma-informed, inclusive environments and to respond effectively to all children.
  - b. Assistance through individual site consultations, provision of resources, formulation of training plans, referrals, and other methods that address the unique needs of programs and providers.
  - c. Aid to providers, parents, legal guardians, and caregivers, and encouragement and facilitation of collaborations and communication, in developing the skills and tools needed to be successful as they support the development and early learning of all children, including observing environments, facilitating the development of action plans, and supporting site implementation of those plans.
  - d. The development of strategies for addressing prevalent child mental health concerns, including internalizing problems, such as appearing withdrawn, and externalizing problems, such as exhibiting persistent and serious behaviors.
  - e. If a child exhibits persistent and serious behaviors, support with the pursuit and documentation of reasonable steps to maintain the child's safe participation in the program, as described in paragraphs E, *Prohibition against Expulsion*; and F, *Prohibition against Suspension*, above.
  - f. Face-to-face interactions or video-based platforms and other modes of communication that are compliant with the federal Health Insurance Portability and Accountability Act (Public Law 104-191), such as the telephone.
  - g. Group or individual consultations of any of the actions described in this paragraph.



3. The cost to a provider agency of providing an early childhood mental health consultation service shall be reimbursable pursuant to *WIC 10281.5* if all of the following apply:
  - a. The early childhood mental health consultation service is provided on a schedule of sufficient and consistent frequency, continuously throughout the program year, to significantly contribute to all the following:
    - i. Improving interpersonal relationships and child outcomes.
    - ii. Increasing the confidence, competence, and well-being of those consulted.
    - iii. Eliminating suspensions and expulsions.
  - b. The early childhood mental health consultation service is provided by one of the following persons:
    - i. A licensed mental health professional, including a marriage and family therapist, a licensed clinical social worker, a licensed professional clinical counselor, a licensed psychologist, a licensed child and adolescent counselor, a licensed psychologist, a licensed child and adolescent psychiatrist, a credentialed school counselor, or a school psychologist credentialed pursuant to *EC 54266*, and employed pursuant to *EC 49400*, that shall have at least three years of experience providing mental health services to children zero to five years of age, inclusive, shall have training in infant, family, and early childhood mental health, shall be adequately insured, shall have held their respective license for a minimum of two years, and shall be in full compliance with all continuing education requirements applicable to their profession.
    - ii. A license-eligible marriage and family therapist, a license-eligible child and adolescent psychiatrist, who is supervised by a person meeting all the requirements described in (i) above.
    - iii. A person holding , at a minimum, a master's degree in a field related to mental health or human services, including, but not limited to, marriage and family therapy, clinical social work, professional clinical counseling, infant mental health, human development, human services, psychology, school psychology, child and adolescent psychiatry or occupational therapy, education, social work, and other related field, as determined by DSS, and who has at least two years of experience working with children zero to five years of age, inclusive, who is supervised by a person meeting all of the requirements described in (i) above.

- iv. A person meeting all of the requirements described in (i) above who is providing supervision pursuant to (ii) above may be an employee of a contracting agency, including on a temporary or part-time bases, or engaged as an external contractor, provided that supervision takes place on a regular basis that is sufficient to offer professional guidance and support.
  - c. Any person providing mental health consultation services pursuant to this section shall have a successful criminal background check.
4. The early childhood mental health consultation service uses a relationship-based model emphasizing strengthening relationships among early childhood education providers, parents, children, and representatives of community systems and resources, and integrates reflective practice into the onsite consultation model. This model shall include, but not be limited to all of the following:
- a. At least twice per program year, conducting early care and education setting-based mental health assessments, such as the Climate of Healthy Interactions for Learning & Development (CHILD) or another appropriate instrument.
  - b. Recordkeeping that adequately documents all consultation activities.
  - c. With consent from parents or legal guardians, at least one screening of each enrolled child for adverse childhood experiences and screening for buffering factors, including, but not limited to, resilience.
5. Within the first 30 days upon hire or start of consultation services, a provider agency ensures that a consultant is trained in all of the following:
- a. California law and professional ethics for early childhood mental health consultation, including all the following:
    - i. Contemporary professional ethics and statutory, regulatory, and decisional laws that delineate the scope of practice of early childhood mental health consultation.
    - ii. The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of early childhood mental health consultation.
    - iii. Confidentiality, particularly as it pertains to minors.
  - b. Child abuse and neglect mandated reporting laws.
  - c. Best practices and foundation of early childhood mental health consultation

- d. All relevant laws and regulations regarding state and federal childcare programs.
- 6. Consultants and supervisors shall participate in continuing professional development and education for at least 18 hours per program year. Topics may include, but are not limited to, infant-family and early childhood mental health, implicit bias and equity, trauma-informed practice, early childhood development, and consultation.

#### **H. 24 Month Certification (WIC 10271(h))**

Except as provided below upon initial certification and recertification, a family shall be considered to meet all eligibility and need requirements for those services for not less than 24 months, shall receive those services for not less than 24 months having their eligibility or need recertified, and shall not be required to report changes to income or other changes for at least 24 months.

- 1. Children who are 12 years old at certification or recertification shall be certified or recertified for not less than 12 months. Except for children with exceptional needs, a child shall not continue to receive services beyond their 14<sup>th</sup> birthday.
- 2. Families reporting changes pursuant to section IV, paragraphs C, *Requirement to Report when Income Exceeds 85% of SMI*; and D, *A Family's Right to Voluntarily Request Changes*.

#### **I. Continuity of Services (45 CFR 98.21, WIC 10271(c))**

- 1. Upon initial certification or recertification, except as specified in paragraph H, *24-month Certification* above, the child shall be considered eligible and will receive services at least at the same level, regardless of: a temporary change in the ongoing status of the child's parent. A temporary change shall include, at a minimum:
  - a. Any time-limited absence from work for an employed parent due to reasons such as need to care for a family member or an illness;
  - b. Any interruption in work for a seasonal worker who is not working between regular industry work seasons;
  - c. Any student holiday or break for a parent participating in training or education;
  - d. Any reduction in work, training, or education hours, as long as the parent is still working or attending training or education;

- e. Any other cessation of work or attendance at a training or education program that does not exceed three months, or a longer period of time established by the Lead Agency;
  - f. Any change in age, including turning 13 years old during the eligibility period; and
  - g. Any change in residency within the State.
2. To promote the continuity of childcare and development services, a family that no longer meets a particular program's income, eligibility or need criteria may have their services continued if the contractor is able to transfer that family's enrollment to another program for which the family continues to be eligible prior to the date of disenrollment of services. The transfer of enrollment may be to another program within the same contracting agency or to another agency that administers state or federally funded childcare and development programs.

**J. Confidentiality of Records (5 CCR 18117)**

The use or disclosure of all information pertaining to the child and his/her family shall be restricted by the contractor to purposes directly connected with the administration of the program. The contractor shall permit the review of the family data file by the child's parent(s) or parent's authorized representative, upon request and at reasonable times and places.

## **II. ADMISSION, PRIORITIES, WAITING LIST, AND DISPLACEMENT**

### **A. General Admission Procedures (5 CCR 18105)**

1. Contractors shall develop written admission policies and procedures that shall be made available to the public.
2. The admission procedures established shall conform to requirements in 22 CCR 101319.

### **B. Admission Priorities (WIC 10271, 5 CCR 18106)**

1. First priority:
  - a. Must be given to families whose children are recipients of child protective services, or who are at risk of being neglected, abused, or exploited, upon written referral from a legal, medical, or social services agency.
  - b. Within the first priority for services children receiving protective services through the local county welfare department shall be enrolled before children identified as at risk of being neglected or abused or exploited.
  - c. If an agency is unable to enroll a child in this first priority category, the agency shall refer the child's parent or guardian to local resources and referral services so that services for the child can be located.
2. Second priority:
  - a. All children and families who are not within the first priority for admission shall be admitted in accordance with family income, with the lowest income ranked families admitted first.
  - b. For purposes of determining the order of admission, families with the lowest gross monthly income in relation to family size as determined by the income ranking schedule adopted by the California Department of Social Services (CDSS) shall be admitted first. Public assistance grants are counted as income.
  - c. When two or more families have the same income ranking, families shall be admitted in the following order:
    - i. the family that has a child with exceptional needs shall be admitted first.
    - ii. If there is no family with a child with exceptional needs, the family in which the primary home language is a language other than English shall be admitted first,

- d. If there is no family with the same income ranking that meet the criteria in (c) above, the family with the same income ranking that has been on the waiting list the longest shall be admitted first.
3. Contractors shall not deny service to nor assign a lower priority to a family that needs less than full-time services.
4. Except for situations where not all of the children in a family are certified based on child protective services, a family that has a child or children enrolled in a program shall be allowed to enroll additional children provided there exists an appropriate program opening such as infant care or services to school age care children in which to enroll the child.
5. When not all of the children in a family are certified based on child protective services, the other children or the parents in the family must meet both eligibility and need criteria as specified in section III, paragraphs A, *Eligibility Criteria* and B, *Need Requirements* prior to enrollment and shall be admitted in accordance with priorities specified in this paragraph.
6. The CDSS may grant a waiver to the priorities specified above in order for the contractor to serve specific populations. Requests may not include waiver of the fee schedule or admission of ineligible families. Waiver requests shall be submitted to the CDSS and approved prior to implementation.

#### **C. Waiting List (5 CCR 18106)**

Contractors shall maintain a current waiting list in accordance with admission priorities. Contractors may satisfy the requirement for maintaining a waiting list by participating in a county childcare centralized eligibility list. Contractors shall contact applicants in order of priority from the waiting list as vacancies occur.

#### **D. Displacement (5 CCR 18106)**

If it is necessary to displace families, families shall be displaced in reverse order of admission priorities.

### **III. ELIGIBILITY, NEED, RESIDENCY, AND AGE REQUIREMENTS**

#### **A. Eligibility Criteria (*WIC* 10271)**

A family is eligible for childcare and development services because the parent(s) is:

1. A current aid recipient,
2. Income eligible
3. Experiencing homelessness,
4. One who has a member of the household, counted in the family size, is certified to receive benefits from any one of the following means-tested government programs:
  - a. Medi-Cal,
  - b. CalFresh,
  - c. The California Food Assistance Program,
  - d. The California Special Supplemental Nutrition Program for Women, Infants and Children (*WIC*),
  - e. The Federal Food Distribution Program on Indian Reservations,
  - f. Head Start, Early Head Start,
  - g. CalWORKs child only cash aid, or
  - h. Any other designated means-tested government program, as determined by the department.
5. One whose child(ren) are recipients of protective services, or whose child(ren) have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected, or exploited.

#### **B. Need Requirements (5 CCR 18085)**

1. Except as otherwise provided for in law, families who are eligible for subsidized childcare and development services shall document that each parent in the family, as defined in FTC, Section X, *Definitions*; meets at least one of the following need criterion:
  - a. The child(ren) is (are) a recipient(s) of child protective services, or identified as being abused, neglected, or exploited, or at risk thereof;

- b. The parent is employed;
  - c. The parent is seeking employment;
  - d. The family is experiencing homelessness;
  - e. The family is seeking permanent housing for family stability;
  - f. The parent is enrolled in vocational training;
  - g. The parent is enrolled in an educational program;
  - h. The parent is incapacitated.
2. Subsidized childcare and development services shall only be available to the extent to which:
- a. The parent(s) meets a need criterion as specified in (1) above that precludes the provision of care and supervision of the family's child(ren) for any part of the day;
  - b. There is no parent, as defined in FTC, Section X, *Definitions*; in the family available and capable of providing care for the family's child(ren) during the time care is requested; and
  - c. Supervision of the family's child(ren) is(are) not otherwise being provided by:
    - i. Scheduled time in a public educational program available to school-age child(ren);
    - ii. A private school in which the child(ren) is(are) enrolled and attending; or
    - iii. A time when a child(ren) is (are) receiving any other childcare and development services.
3. A family may receive services based on more than one need criterion at any one time, provided that applicable documentation has been collected.

### **C. Residency Requirement (5 CCR 18107)**

- 1. To be eligible for services the child must live in the State of California while services are being received. Evidence of a street address or post office address in California will be sufficient to establish residency. A person identified as **experiencing homelessness** is exempt from this requirement and shall submit a declaration of intent to reside in California.



2. The governing board of any school district, community college, or a County Superintendent of Schools may accommodate children residing outside the district boundaries in accordance with *WIC 10332(a)*.
3. The determination of eligibility for childcare and development services shall be without regard to the immigration status of the child or the child's parent(s) unless the child or the child's parent(s) is under a final order of deportation from the United States Department of Justice.

**D. Age Eligibility (45 *CFR* 98.21, *WIC* 10273, 5 *CCR* 18089)**

1. Children are eligible for initial certification or recertification until their thirteenth birthday.
2. Children with exceptional needs may be served to age twenty-one. Children with exceptional needs shall also meet the criteria for that age group specified in *EC 56026*.
3. The preferred placement for children who are eleven or twelve years of age and who are otherwise eligible for subsidized childcare and development services will be in an After School Education and Safety Program or 21st Century Community Learning Centers. Children who are eleven or twelve will continue to receive subsidized childcare services when a After School Education and Safety Program or 21st Century Community Learning Centers is not available. This does not apply to 11- and 12-year-old children with exceptional needs.

## **IV. INITIAL CERTIFICATION, RECERTIFICATION, REPORTING CHANGES, AND CONTENT OF FAMILY DATA FILE**

### **A. Initial Certification of Eligibility (*WIC 10491.1(c)(2)*, 5 *CCR 18082*)**

1. The contractor shall designate the staff person(s) authorized to certify family/child eligibility. The contractor's authorized representative shall:
  - a. Certify or deny each family's/child's eligibility and need for childcare and development services after reviewing the completed application for services and documentation contained in the family data file, as applicable, as provided in section V, *Family Data File and Documentation*; and
  - b. Issue a NOA within 30 day of the date the parent signs the application for services, in accordance with section VII, paragraph A, *Notice of Action, Application for Services*.
  - c. Once certified as eligible to receive services, except as otherwise provided in law or regulation, consider the family to meet all eligibility and/or need requirements for not less than 24 months, at which point the family's eligibility and/or need shall be recertified as provided in paragraph B, *Recertification of Eligibility* below.
2. When a family is certified as income eligible, the contractor shall, at the same time, notify the family in writing of the requirement to report if their income exceeds ongoing income eligibility limits, as provided in paragraph C, *Requirement to Report when Income Exceeds 85% SMI* below.
3. Upon enrollment of a child, a program shall notify the child's parents or legal guardians of the limitations on disenrollment, including expulsion and suspension. This notification shall be in writing and shall inform parents on how they may file an appeal to the department in the event of the expulsion or suspension of a child.
4. Except as otherwise provided for in law or regulation, disenrollment cannot occur prior to the end of the 24-month certification period, with the following exceptions:
  - a. When the recalculation of income, pursuant to paragraph B, *Recertification of Eligibility* below, based on the provided documentation indicates that the family's adjusted monthly income exceeds the income eligibility threshold set forth in *WIC 10271.5* and the family does not meet the requirements for another eligibility basis pursuant to section III, paragraph A, *Eligibility Criteria*.

- b. When the parent changes residency outside of California as reported by the parent; or
  - c. When there is substantiated evidence of fraud that invalidates the initial certification, and the family is not otherwise eligible; or
  - d. When the family has abandoned care pursuant to FTC, Section IV, paragraph E, *Abandonment of Care*.
  - e. Except for children with exceptional needs, as defined in FTC, Section X *Definitions*, children shall be disenrolled when they attain their **fourteenth** birthday.
5. Families disenrolled prior to the last day of the 24-month certification period shall be issued a Notice of Action pursuant to section VII, paragraph B, *Notice of Action, Recipient of Services*.

**B. Recertification of Eligibility (5 CCR 18082.1)**

- 1. Families shall be recertified for services by the contractor no later than 50 calendar days following the last day of the 24-month certification period, which starts with the day the agency's authorized representative signed the last application for services.
- 2. In order to recertify families, the contractor's authorized representative shall:
  - a. Notify the parent in writing in the final 30 days of the 24-month certification period, which starts with the day the contractor's authorized representative signed the last application for services, of:
    - i. The requirement that the families be recertified in order to receive ongoing services;
    - ii. The date that the recertification must be completed by;
    - iii. The recertification appointment date, which can be no earlier than one day following the last day of the 24-month certification period;
    - iv. Information on the recertification process;
    - v. Required information/documentation needed for the recertification appointment; and
    - vi. A telephone contact number and an optional email address in the event the parent may have any questions regarding the recertification process.

- b. Recertify or deny each family's/child's eligibility and need for childcare and development services after reviewing the completed application for services and documentation contained in the family data file, as provided for in section V *Family Data File and Documentation*; and
  - c. Issue a Notice of Action pursuant to section VII, paragraph B, *Notice of Action, Recipient of Services* to recertify eligibility for services or disenroll the family. NOTE: the NOA must be issued no later than 30 days from the date the parent signs the application for services or no more than 50 calendar days following the last day of the 24-month certification period whichever is sooner.
- 3. Once recertified as eligible to receive services, except as otherwise provided in law or regulation, the contractor shall consider the family to meet all eligibility and/or need requirements for 24-months, at which point the family's eligibility and/or need must be recertified as set forth in this section.
  - 4. When a family is recertified as income eligible, the contractor shall at the same time provide notice to the family of the requirement to report if their income exceeds the income threshold, as provided in paragraph C, *Requirement to Report when Income Exceeds 85% of SMI*, below.
  - 5. Except as otherwise provided for in law or regulation, disenrollment cannot occur prior to the end of the 24-month certification period, even if disqualifying information is discovered during the preliminary collection of documentation for recertification, with the following exceptions:
    - a. When the recalculation of income, pursuant to paragraph C, *Requirement to Report when Income Exceeds 85% of SMI*, based on the provided documentation indicates that the family's adjusted monthly income, adjusted for family size, exceeds the income threshold set forth in WIC 10271.5 and the family does not meet the requirements for another eligibility basis pursuant to section III, paragraph A, *Eligibility Criteria*; or
    - b. When the parent changes residency outside of California, as reported by the parent; or
    - c. When there is substantiated evidence of fraud that invalidates the initial certification or recertification; or
    - d. When the family has abandoned care pursuant to FTC, section IV, paragraph E, *Abandonment of Care*.
    - e. Except for children with exceptional needs, as defined in FTC, Section X *Definitions*, children shall be disenrolled when they attain their **fourteenth** birthday.

6. Families disenrolled prior to the last day of the 24-month initial certification or recertification period shall be issued a Notice of Action pursuant to section VII, paragraph B, *Notice of Action, Recipient of Services*.
7. The contractor shall make every effort to make the recertification process convenient for families by providing early morning, evening, weekend appointments, or appointments at alternative locations as needed. The contractor may use technology to complete the recertification process if there is no reasonable way for the family to complete the process in person.

**C. Requirement to Report when Income Exceeds 85% of State Median Income (SMI) (5 CCR 18082.2)**

When a family is initially certified or recertified on the basis of income eligibility, the contractor shall:

1. At initial certification and recertification, notify the parent, in writing;
  - a. Provide the parent a copy of the income calculation worksheet that verifies the family is income eligible; and
  - b. Provide the parent with a copy of the most recent Schedule of Income Ceiling eligibility table, as published by the CDSS;
  - c. Notify the parent in writing of the following:
    - i. The maximum adjusted monthly income, adjusted for family size, taking into account income fluctuations pursuant to (3) of section V, paragraph D, *Income Calculation*, that the family could earn before the family would be disqualified for services, based on on-going eligibility requirements; and
    - ii. The requirement to notify the contractor, within 30 calendar days, of any current and on-going income change that causes the family's adjusted monthly income, adjusted for family size, to exceed this maximum amount. If the family does not meet another basis for eligibility, the contractor shall issue a Notice of Action pursuant to section VII, paragraph B, *Notice of Action, Recipient of Services*.
2. Upon notification by the parent that they may have exceeded the maximum income threshold, the contractor shall utilize the process set forth in section V, paragraphs C *Documentation of Eligibility: Income and Family Fee*, and D *Income Calculation* to recalculate the family's adjusted monthly income, adjusted for family size, to determine if the family remains income eligible for continued services.

- a. If the contractor determines, based on the provided documentation, that the family is still income eligible for services, the contractor shall inform the family in writing.
- b. If the contractor concludes the family is no longer income eligible based upon the documentation provided by the parent or the parent fails to provide the documentation as requested by the contractor within 15 calendar days from the day of the parent's notification and the family does not establish another basis for eligibility based on documentation, the contractor shall issue a Notice of Action to disenroll the family pursuant to section VII, paragraph B, *Notice of Action, Recipient of Services*.
- c. If the contractor concludes the family remains eligible for services based on documentation supporting another basis of eligibility, the contractor shall issue a Notice of Action approving services on the new basis for eligibility pursuant to section VII, paragraph B, *Notice of Action, Recipient of Services*.

**D. A Family's Right to Voluntarily Request Changes (5 CCR 18082.3)**

1. A family may, at any time, voluntarily request to reduce a family fee or increase their certified schedule and shall provide applicable supporting documentation for the requested change.
2. When a family voluntarily requests to reduce their family fee, the contractor shall:
  - a. Use the documentation provided by the parent to reduce the family fee, if applicable, pursuant to section V, paragraphs B, *Documentation and Determination of Family Size*, C *Documentation of Eligibility: Income and Family Size*, and D *Income Calculation*;
  - b. Within 10 business days after receipt of applicable documentation, issue a Notice of Action pursuant to section VII, paragraph B, *Notice of Action, Recipient of Services*;
  - c. Only use any information received to reduce the family fee, if applicable. No other changes to the certified schedule shall be made unless requested by the family pursuant to (5) below.
3. Notwithstanding any other law or regulation, the effective date of any family fee reduction shall be the first day of the subsequent month.
4. When a family voluntarily requests an increase to their certified schedule, the contractor shall:

- a. Use the documentation provided by the parent to increase the certified schedule;
  - b. Within 10 business days after receipt of applicable documentation, issue a Notice of Action pursuant to section VII, paragraph B, *Notice of Action, Recipient of Services*;
  - c. Notwithstanding any other law or regulation, make the effective date of the increase in certified schedule immediate. For contracted center-based programs, including those that provide services through a Family Childcare Home Education Network, this is based on hours of operation and space availability, as applicable; and
  - d. Only use any information received to increase the certified schedule. No other changes to the certified schedule shall be made.
5. When a family voluntarily requests a reduction to their certified schedule, the parent shall:
  - a. Submit a written request that includes:
    - i. Days and hours per day requested; and
    - ii. Date of the proposed reduction of their certified schedule
  - b. Acknowledge in writing that they understand that they may retain their current certified schedule and that a decrease to their certified schedule would replace their current schedule, and if they choose to increase their certified schedule at a later time, they will be required to provide additional documentation.
6. Upon receipt of the parent's written request in (5) above, the contractor shall:
  - a. Notify the family in writing of the parent's right to continue to bring the enrolled child pursuant to the original certified schedule and that a decrease to their certified schedule would replace their current schedule, and if the parent chooses to increase their certified schedule at a later time, they will be required to provide additional documentation; and
  - b. Use the documentation provided by the parent to reduce the certified schedule, as applicable;
  - c. Issue a Notice of Action pursuant to section VII, paragraph B, *Notice of Action, Recipient of Services*;

- d. Notify the family in writing that the family may voluntarily request to reduce their family fee due to a reduction of their certified schedule by following the process outlined (5)(a) and (5)(b) above; and
- e. Only use any information received to reduce their certified schedule. No other changes to the certified schedule shall be made.

#### **E. Requirements for Enrollment of Twelve-year-old Children**

Except for children with exceptional needs, any child in the family who is 12 years old at initial certification or recertification shall only be enrolled for not less than 12 month or the day before their 14<sup>th</sup> birthday. All other children in the family shall remain enrolled for not less than 24 months.

The contractor shall:

- 1. At initial certification or recertification, notify the family in writing that the 12-year-old child's eligibility period shall be no less than 12 months and not exceed their 14<sup>th</sup> birthday.
- 2. In accordance with (5)(e) section B above, disenroll child(ren) in the family the day before their 14<sup>th</sup> birthday.
- 3. At least 30 days prior to the child's 14<sup>th</sup> birthday, issue a notice of action in accordance with section VII, paragraph B, *Notice of Action, Recipient of Services*.

#### **F. Contents of Family Data File (5 CCR 18081)**

- 1. Contractors shall establish and maintain a family data file for each family receiving childcare and development services.
- 2. The family data file shall contain a completed and signed application for services and the following records as applicable to determine eligibility and need in accordance with section III, paragraphs A, *Eligibility Criteria*; and B, *Need Requirements*:
  - a. Records/documentation demonstrating eligibility, as specified in section V, *Family Data File and Documentation*, based on the following:
    - i. Current CalWORKs cash aid recipient
    - ii. Income eligibility, which shall include an income calculation worksheet;
    - iii. Family experiencing homelessness;
    - iv. The child is receiving child protective services;



- v. The child is identified as being abused, neglected or exploited or at risk thereof;
  - vi. Current means tested government program benefit recipient.
- b. Records/documentation demonstrating a need for services, as specified in section V, *Family Data File and Documentation*, based on the following:
  - i. The child is receiving child protective services;
  - ii. The child is identified as being abused, neglected, or exploited or at risk thereof;
  - iii. Family experiencing homelessness;
  - iv. The parent is employed;
  - v. The parent is seeking employment;
  - vi. The parent is enrolled in vocational training;
  - vii. The parent is enrolled in educational programs;
  - viii. The parent is incapacitated; or
  - ix. The parent is seeking permanent housing for family stability.
- 3. The family data file shall also include the following:
  - a. Documentation of a child's exceptional needs, if applicable;
  - b. Applicable Notice(s) of Action as required in section VII, paragraphs A, *Notice of Action, Application for Services*; or B, *Notice of Action, Recipient of Services*.
  - c. For all center-based contractors, including those that provide services through a Family Childcare Home Education Network, the family data file shall contain all child health and current emergency information required by 22 CCR, 101221 or 102421 as applicable.
  - d. When the family is certified as income eligible, documentation of the notification to the parent of their requirement to report when the family's income exceeds the income threshold as described in paragraph C, *Requirement to Report when Income Exceeds 85% of SMI* above.

## **V. FAMILY DATA FILE AND DOCUMENTATION**

### **A. Application for Services (5 CCR 18083)**

The application for services shall contain the following information:

1. The parent's(s') full name(s), address(es) and telephone number(s) and e-mail address(es), if applicable;
2. The names and birth dates of all children under the age of 18 years in the family, as defined in FTC, Section X *Definitions*, whether or not they are served by the program;
3. The maximum number of hours of care needed each day or week for each child;
4. The basis of eligibility, as specified in section III, paragraph A, *Eligibility Criteria*,
5. The reason for needing childcare and development services as specified in section III, paragraph B, *Need Requirements*.
6. Employment, vocational training, or educational program information for parent(s) shall include:
  - a. Name and phone number of the employer or contact person;
  - b. Name and address of the business, vocational training, or educational program; and
  - c. Days and hours of employment, enrollment in vocational training or educational program, as applicable.
7. Family size and families adjusted monthly income, if applicable.
8. The parent's signature signed under penalty of perjury and date of the signature.
9. The signature of the contractor's authorized representative on the application for services certifying that the family and/or child meets the criteria for receipt of services.

### **B. Documentation and Determination of Family Size (5 CCR 18083.1)**

1. The parent shall obtain and provide supporting documentation regarding the number of children and parents in the family.as listed on the application for services.

2. The number of children shall be documented by providing one of the following documents, as applicable:
  - a. Birth certificates; or other live birth records;
  - b. Court orders regarding child custody;
  - c. Adoption documents;
  - d. Records of Foster Care placements;
  - e. School or medical records;
  - f. County welfare department records; or
  - g. Other reliable documentation indicating the relationship of the child to the parent.
3. If only one parent has signed the application for services and the information provided pursuant to (2) above, indicates the child(ren) in the family has another parent whose name does not appear on the application for services, then the parent who has signed the application for services shall self-certify the presence or absence of that parent under penalty of perjury and shall not be required to submit additional information documenting the presence or absence of the second parent
4. For income eligibility and family fee purposes, when a child and that child's siblings are living in a family that does not include their biological or adoptive parent, such as, formal or informal custodial family arrangements or foster care:
  - a. Only the child and related siblings shall be counted to determine family size;
  - b. Payments as described below, shall not be included as income; (CCB 22-30)
    - i. Foster care payments pursuant to *WIC* Section 11460;
    - ii. Approved Relative Caregiver Funding Program payments pursuant to *WIC* Section 11461.3;
    - iii. Emergency Assistance Program payments pursuant to *WIC* Section 11461.36;
    - iv. Tribal Approved Relative Caregiver Funding Program payments pursuant to *WIC* Section 11461.4;

- b. Pursuant to *WIC* Section 10271.5(f), guaranteed income payments, as defined in *FTC*, Section X, *Definitions*, received by an individual shall not be included as income for purposes of determining eligibility for childcare; and
- c. The adult(s) who live(s) with and has responsibility for the care and welfare of the child(ren), must meet a need criterion as specified in section III, paragraph B, *Need Requirements*.

**C. Documentation of Eligibility: Income and Family Fee (*WIC* 10271, 5 *CCR* 18084)**

- 1. The parent shall obtain and provide documentation of the family's total countable income for the purposes of determining whether a family is income eligible and/or assessing the appropriate family fee, as applicable. The parent(s) shall provide documentation of total countable income for all the individuals counted in the family size as follows:
  - a. If the parent is employed, the parent shall provide:
    - i. A release authorizing the contractor to contact the employer(s) that includes, to the extent known, the employer's name, address, telephone number, and usual business hours; and
    - ii. Payroll check stubs, or an independently drafted letter from the employer, or other record of wages issued by the employer from either month of the two-month window immediately preceding the initial certification, or the recertification of eligibility for services.
  - b. When the employer refuses or fails to provide requested documentation or when the parent states a request for documentation would adversely affect the parent's employment, the parent shall obtain and provide other means of verification that may include a list of clients and amounts paid, the most recently signed and completed tax returns, quarterly estimated tax statements, or other records of income to support the reported income, along with a self-certification of income.
  - c. If the parent is self-employed, the parent shall obtain and provide a combination of documentation necessary to establish current income eligibility from either month of the two-month window immediately preceding the initial certification, or the recertification of eligibility for services. Documentation shall consist of a self-certification of income, as defined in *FTC*, Section X *Definitions*, and as many of the following types of documentation as reasonably necessary to determine income:
    - i. An independently drafted letter from the source of the income; or

- ii. A copy of the most recently signed and completed tax return with a statement of current estimated income for tax purposes; or
    - iii. Other business records, such as ledgers, receipts, or business logs.
  - d. If the parent reports fluctuating income, as defined in FTC, Section X, *Definitions*, a family may choose to provide up to the 12 preceding months of income information if the additional time of income provided contributes to an affirmative eligibility determination and or reduced applicable family fee as necessary for purposes of determining income eligibility or calculating a family fee.
  - e. If any member of the household, counted in the family size, is a recipient of a means-tested government program, the parent shall provide the application for the means-tested government program, for the purposes of calculating family fees. If the applications for means-tested government programs are not available to the family, contractors shall have the family self-certify that they do not have access to the application, and to the best of their recollection, the income declared on the application for the means-tested government program.
  - f. If the parent does not have income from employment, the parent shall provide a self-certification of income, as defined in FTC, Section X *Definitions*.
  - g. The parent shall also provide documentation of all non-wage income, which includes self-certification of income for which no documentation is possible, and any verified child support payments.
2. The contractor shall:
- a. Retain copies of the documentation of total countable income and adjusted monthly income, in the family data file.
  - b. When the parent is employed, verify the parent's salary/wage; rate(s) of pay; hours and days of work; inconsistent and/or unstable hours and days of work; pay periods or frequency of pay; and the start date for the employee.
  - c. When the parent is self-employed, make a record of independent verification regarding the cost for services provided by the parent that may be obtained by contacting clients, or confirming the information in the parent's advertisements or website. If the income cannot be independently verified, the contractor shall assess whether the reported income is reasonable or consistent with the community practice for this employment.

- d. Establish income eligibility and/or family fee by signing the application for services, certifying to the contractor's reasonable belief that the income documentation obtained and, if applicable, the self-certification of income, support the reported income, are reliable, and are consistent with all other family information and the contractor's knowledge, if applicable, of this type of employment or employer.
3. If the family is receiving childcare and development services because the child(ren) is/are at risk of abuse, neglect, or exploitation or receiving child protective services, and the written referral required, pursuant to paragraph P, *Documentation of Child Protective Services above*, specifies that it is necessary to exempt the family from paying a family fee, then the parent shall not be required to provide documentation of total countable income.
4. Using the documentation listed below, contractors shall, as applicable, assess a family fee.
  - a. Income documentation as specified in this *paragraph C, Documentation of Eligibility: Income and Family Fee*.
  - b. The income calculation worksheet pursuant to paragraph B *Documentation and Determination of Family Size*,

#### **D. Income Calculation (5 CCR 18084.1)**

1. To calculate a family's adjusted monthly income for purposes of determining income eligibility and/or calculating a family fee, the calculation shall be done by the use of an income calculation worksheet and shall be calculated as provided for in (2) and (3) below.
2. When a family's income is regular and steady, use the income calculation worksheet that specifies:
  - a. The frequency of the pay periods;
  - b. The gross amount of the payroll check stubs; and
  - c. All other sources of countable income to determine the adjusted monthly income, as defined in FTC, Section X *Definitions* as either:
    - i. Weekly for 52 pay periods;
    - ii. Every two weeks for 26 pay periods;
    - iii. Twice monthly for 24 pay periods; or
    - iv. Monthly for 12 pay periods.

3. When a family's income fluctuates because of migrant, agricultural, or seasonal work; inconsistent and/or unstable employment or self-employment; or intermittent income, as defined in FTC, Section X *Definitions*; the adjusted monthly income, as documented pursuant to paragraph C, *Documentation of Eligibility: Income and Family Fee*, shall be determined by averaging the total countable income from at least two months, as applicable based on the income provided pursuant to (1)(d) of paragraph C, *Documentation of Eligibility: Income and Family Fee* to determine the average adjusted monthly income. A family may choose to provide up to the 12 preceding months of income if the additional time of income provided contributes to an affirmative eligibility determination and or reduced applicable family fee

**E. Documentation of Public Assistance (5 CCR 18085)**

If the basis of eligibility is a current CalWORKs cash aid recipient, the parent shall provide documentation of public cash assistance, unless the contractor has and elects to use other means of obtaining verification.

**F. Documentation of Enrollment in a Means-tested Government Program (WIC 10271)**

If the basis of eligibility is current enrollment in a means-tested program, as specified in section III, paragraph A, *Eligibility Criteria*, the parent shall provide documentation of current enrollment in a means-tested government program, The contracting agency may elect to use, other means of obtaining verification of that enrollment.

**G. Documentation of Need: Employment (5 CCR 18086)**

1. If the basis of need as stated on the application for services is employment of the parent(s), the documentation of the parent(s) employment shall include the days and hours of employment. If the total number of hours worked each week is consistent, but the days and hours of employment vary, the documentation shall support the total number of hours worked each week.
2. If the parent has an employer, the parent shall obtain and provide documentation of need based on employment shall consist of one of the following:
  - a. The pay stubs that indicate the days and hours of employment; or
  - b. Pay stubs that indicate the total hours of employment per pay period, as long as the hours generally correlate with the parent's requested number of hours needed each week.

- c. When the pay stubs do not meet the criteria specified in (a) and (b) above, the contractor shall verify the days and hours, or total number of hours of employment each week by doing one of the following:
  - i. Secure an independent written statement from the employer indicating the days and hours of employment using the release authorization pursuant to paragraph C, *Documentation of Eligibility: Income and Family Fee* above.
  - ii. Telephone the employer to verify the days and hours of employment and maintain a record of the verified information.
  - iii. If the parent's employment is a variable schedule as defined in FTC, Section X *Definitions* and precludes the contractor from verifying a specific number of hours per week, the contractor shall use the provided documentation from either month of the two-month window immediately preceding the initial certification or recertification and identify the highest number of actual hours worked within any given week and use that as the basis for approving the certified schedule on the application for services.
  - iv. If at the time of initial certification or recertification the parent does not have a work history, the contractor shall establish the certified schedule based on the verified days and hours or, if a variable schedule, the highest number of total hours per week the employer expects the parent to work.
  - v. If the employer refuses or is non-responsive in providing the requested information, the contractor shall record the attempts to contact the employer and specify in the family data file the reasonableness of the days and hours of employment based on the description of the employment and community practice.
  - vi. If the parent asserts in a declaration signed under penalty of perjury that a request for employer documentation would adversely affect the parent's employment, the contractor shall review the declaration and determine whether the days and hours of employment based on the parent's description of the employment and community practice are reasonable and include the declaration and determination of reasonableness in the family data file.



- vii. When the employed parent does not have pay stubs or other record of wages from the employer and has provided a self-certification of income, as defined in FTC, Section X *Definitions*, the contractor shall assess the reasonableness of the days and hours of employment based on the description of the employment and the documentation provided, pursuant to (1)(b) of paragraph C, *Documentation of Eligibility: Income and Family Fee* above and authorize only the time determined to be reasonable.
- 3. If the parent is self-employed, the parent shall obtain and provide documentation of employment consisting of the following:
  - a. A declaration of need under penalty of perjury that includes a description of the employment and an estimate of the days and hours worked per week; and
  - b. As many of the following document needed to support the days and hours of employment:
    - i. appointment logs, client receipts, job logs, mileage logs, a list of clients with contact information, or similar records; or
    - ii. As applicable, a copy of a business license, a workspace lease, or a workspace rental agreement.
- 4. If additional services are requested for travel time or sleep time to support employment, the contractor shall determine, as applicable, the time authorized for:
  - a. Travel to and from the location at which services are provided and the place of employment, not to exceed half of the daily hours authorized for employment to a maximum of four hours per day;
  - b. Sleep, if the parent is employed anytime between 10:00 p.m. and 6:00 a.m., not to exceed the number of hours authorized for employment and travel between those hours.
  - c. Sleep time shall not be provided when:
    - i. There is a parent in the family available of providing care for the family's child(ren) during the time care is requested; or
    - ii. Supervision of the family's child(ren) is(are) otherwise being provided by:
      - (a) Scheduled time in a public educational program available to school-age child(ren);

- (b) A private school in which the child(ren) is(are) enrolled and attending; or
- (c) A time when a child(ren) is(are) receiving any other childcare and development services.

**H. Documentation of Need: Employment in Home or Licensed Day Care Home; Service Limitation (5 CCR 18086.1)**

1. The requirements of this paragraph are in addition to those in paragraph G, *Documentation of Need: Employment* above.
2. If the parent's employment is in the family's home or on property that includes the family's home, the parent must provide justification for requesting subsidized childcare and development services based on the type of work being done and its requirements, the age of the family's child for whom services are sought, and, if the child is more than five years old, the specific childcare needs. The contractor shall determine and document whether the parent's employment and identified childcare needs preclude the supervision of the family's child.
3. If the parent is a licensed family day care home provider pursuant to California Health and Safety Code (*HSC*), 1596.78, or an individual license-exempt provider pursuant to *HSC*, 1596.792 (d) or (f), the parent is not eligible for subsidized services during the parent's business hours because the parent's employment does not preclude the supervision of the family's child.
4. If the parent is employed as an assistant in a licensed large family day care home, pursuant to *HSC*, 1596.78(b), and is requesting services for the family's child in the same family day care home, the parent shall provide documentation that substantiates all of the following:
  - a. A copy of the family day care home license indicating it is licensed as a large family day care home;
  - b. A signed statement from the licensee stating that the parent is the assistant, pursuant to the staffing ratio requirement of 22 CCR 102416.5(c).
  - c. Proof that the parent's fingerprints are associated with that licensed family day care home as its assistant, which the contractor may verify with the local community care licensing office; and
  - d. Payroll deductions withheld for the assistant by the licensee, which may be a pay stub.

**I. Documentation of Need: Seeking Employment; Service Limitations (5 CCR 18086.5)**

1. If the basis of need as stated on the application for services is seeking employment, the following shall apply:
  - a. Services as requested by the parent shall occur on no more than five (5) days per week and for less than thirty (30) hours per week.
  - b. The parent's period of eligibility for childcare and development services shall be for not less than 24 months and the parent shall receive services for not less than 24 months before having eligibility and need recertified.
2. Documentation of seeking employment shall include a written parental declaration signed under penalty of perjury stating that the parent is seeking employment. The declaration shall include the parent's general plan to secure, change, or increase employment and services shall occur as requested by the parent pursuant to (1)(a) above.

**J. Documentation of Need: Educational Programs; Service Limitations (5 CCR 18086.6)**

1. If the basis of need as stated on the application for services is educational programs, as defined in FTC, Section X *Definitions*, childcare and development services shall be limited in total to six years from the initiation of services based on enrollment in educational programs.
2. The parent shall obtain and provide to the contractor documentation of enrollment in an English Language Learner/English as a Second Language (ELL/ESL) program or a program to attain a high school diploma or General Education Degree/High School Equivalency (GED/HSE) certificate.
3. The parent shall provide documentation of the days and hours of enrollment in an educational program, which shall include:
  - a. The name of the institution that is providing the instruction;
  - b. The parent's current class schedule that is either an electronic print-out from the educational program or, if unavailable, a document that includes all of the following:
    - i. The classes in which the parent is currently enrolled;
    - ii. The days of the week and times of day of the classes; and
    - iii. A registration confirmation from the educational program.

4. The contractor shall determine the days and hours needed per week based on the provided documentation.
5. Online or televised instructional classes that are unit bearing classes from an accredited training institution shall be counted as class time at one hour a week for each unit. The parent shall provide a copy of the syllabus or other class documentation as applicable. The accrediting body of the training institution shall be among those recognized by the United States Department of Education.
6. When the parent requests study time, travel time, or both, the contractor shall determine the amount of service time needed based on the documentation provided by the parent.
  - a. Study time shall be determined based on the following:
    - i. When the educational program, on-line, or televised instructional classes are based on academic units, study time is determined at two hours per week per academic unit in which the parent is enrolled. Additional time for studying may be approved by the contractor, on a case-by-case basis, if the parent provides a declaration signed under penalty of perjury as to why the additional time is needed for the specified course(s). Additional time, if approved, shall not exceed one hour per week per academic unit for the specified course(s) in which the parent is enrolled.
    - ii. When the educational program is not based on academic units, the contractor shall determine the hours approved for study time but in no case may the number of study hours exceed the number of class hours per week.
  - b. Travel time shall be determined based on the location where the childcare and development services are provided and the location of the educational program, based on actual travel time needed, not to exceed a maximum of four hours per day.
7. Pursuant to section IV, paragraph D, *A Family's Right to Voluntarily Request Changes*, a parent may voluntarily request changes at any time.
8. At recertification, the continuation of services in an educational program is contingent upon the parent making adequate progress. To document adequate progress for the last enrolled quarter, semester, or training period, as applicable, the parent shall provide documentation from the educational program for which subsidized care is provided demonstrating the following:
  - a. In a graded program, achievement of a minimum 2.0 grade point average for the last enrolled quarter, semester, or academic enrollment period; or

- b. In a non-graded program, passing the program's requirements in at least 50 percent of the classes or meeting the educational institution's standards for making adequate progress.
- 9. If at recertification the parent has made adequate progress based on the provided documentation, the certified schedule may be established pursuant to (2), (3), (4), (5), and (6) above.
- 10. If at recertification the parent has not made adequate progress pursuant to (8) above, the parent shall be recertified to receive services for another 24-months. At the conclusion of this 24-month certification period, the parent shall have made adequate progress pursuant to (8) above to be recertified for services based on enrollment in an educational program. If the parent has not made adequate progress pursuant to (8) above and cannot establish another basis of need for services, the family shall be:
  - a. Disenrolled from services; and
  - b. Once disenrolled, the parent shall be ineligible to be certified for services based on enrollment in educational programs for six months from the date of disenrollment.

**K. Documentation of Need: Vocational Training; Service Limitations (5 CCR 18087)**

- 1. If the basis of need as stated on the application for services is vocational training, as defined in FTC, Section X *Definitions*, childcare and development services shall be limited in total, to whichever occurs first:
  - a. Six years from the initiation of services based on need for vocational training; or
  - b. Twenty-four semester units, or the equivalent, after the attainment of a bachelor's degree.
- 2. The service limitations specified in (1) above shall not apply in the following instances:
  - a. When a parent is receiving services from a program operating pursuant to EC 66060;
  - b. When a parent is attending vocational training and is participating in rehabilitation services through the California Department of Rehabilitation; or
  - c. When a parent is attending retraining services available through the California Employment Development Department or its contractors due to a business closure or mass layoff.

3. The parent shall provide documentation of the days and hours of vocational training, which shall include:
  - a. The name of the training institution that is providing the vocational training;
  - b. The parent's current class schedule that is either an electronic print-out from the training institution or, if unavailable, a document that includes all of the following:
    - i. The classes in which the parent is currently enrolled;
    - ii. The days of the week and times of day of the classes; and
    - iii. The signature or stamp of the training institution's registrar.
4. The contractor shall determine the days and hours needed per week based on the provided documentation. The contractor may request that the parent provide additional information from the training institution describing the classes.
5. On-line or televised instructional classes that are unit bearing classes from an accredited training institution shall be counted as class time at one hour a week for each unit. The parent shall provide a copy of the syllabus or other class documentation, as applicable. The accrediting body of the training institution shall be among those recognized by the United States Department of Education.
6. When a parent requests study time, travel time, or both, the contractor shall determine the amount of service time needed based on the documentation provided by the parent.
  - a. Study time shall be determined by the following:
    - i. When the vocational training, on-line, or televised instructional classes are based on academic units, study time is determined at two hours per week per academic unit in which the parent is enrolled. Additional time for studying may be approved by the contractor, on a case-by-case basis, if the parent provides a declaration signed under penalty of perjury as to why the additional time is needed for the specified course(s). Additional time, if approved, shall not exceed one hour per week per academic unit for the specified course(s) in which the parent is enrolled.
    - ii. When the vocational training is not based on academic units, the contractor shall determine the hours approved for study time but in no case may the study hours exceed the number of class hours per week.

- b. Travel time shall be determined based on the location where the childcare and development services are provided and the training location, of the vocational program, based on actual travel time needed, not to exceed a maximum of four hours per day.
- 7. Pursuant to section IV, paragraph D, *A Family's Right to Voluntarily Request Changes*, a parent may voluntarily request changes at any time.
- 8. At recertification, the continuation of services for vocational training is contingent upon the parent making adequate progress. To document adequate progress for the last enrolled quarter, semester, or training period, as applicable, the parent shall provide documentation from the college classes, technical school, or apprenticeship for which subsidized care is provided demonstrating the following:
  - a. In a graded program, achievement of a minimum 2.0 grade point average for the last enrolled quarter, semester, or academic enrollment period; or
  - b. In a non-graded program, passing the program's requirements in at least 50 percent of the classes or meeting the training institution's standard for making adequate progress.
- 9. If at recertification the parent has made adequate progress based on the provided documentation, the certified schedule may be established pursuant to (2), (3), (4), (5) and (6) above.
- 10. If at recertification the parent has not made adequate progress pursuant to (8) above, the parent shall be recertified for services for another 24 months. At the conclusion of this 24-month certification period, the parent shall have made adequate progress pursuant to subparagraph 8 above. If the parent has not made adequate progress pursuant to subparagraph 8 above and cannot establish another basis of need for services, the family shall be:
  - a. Disenrolled from services; and
  - b. Once disenrolled, the parent shall be ineligible to be certified for services based on enrollment in vocational training for six months from the date of disenrollment.

**L. Documentation of Need: Parental Incapacity; Service Limitations (5 CCR 18088)**

- 1. If the basis of need as stated on the application for services is parental incapacity, the following shall apply:
  - a. The certified schedule for childcare and development services shall not exceed 50 hours per week.

- b. The parent's period of eligibility for childcare and development services shall be for no less than 24 months and the parent shall receive services for not less than 24 months before having eligibility and need recertified.
- 2. Documentation of parental incapacity shall include a release signed by the incapacitated parent authorizing a legally qualified health professional to disclose information necessary to establish that the parent meets the definition of incapacity pursuant to FTC, Section X *Definitions*, and needs services.
- 3. The documentation of incapacitation provided by the legally qualified health professional shall include:
  - a. A statement that the parent is incapacitated and that the parent is incapable of providing care or supervision for the child for part of the day,
  - b. The days and hours per week that services are recommended to accommodate the incapacitation, taking into account the age of the child and the child's care needs. This may include time for the parent's regularly scheduled medical or mental health appointments;
  - c. The name, business address, telephone number, professional license number, and signature of the legally qualified health professional who is rendering the opinion of incapacitation and,
  - d. If applicable, the name of the health organization with which the professional is associated.
- 4. The contractor may contact the legally qualified health professional for verification or clarification of the provided statement.
- 5. The contractor shall determine the days and hours of the certified schedule based on the parent's requested days and hours and the recommendation of the health professional, consistent with the provisions of this article.

#### **M. Documentation of the Child's Exceptional Needs (5 CCR 18089)**

The family data file shall contain documentation of the child's exceptional needs, if the contractor is claiming adjustment factors pursuant to *WIC* 10281.5(b)(3) or (b)(4), the child with exceptional needs is thirteen through twenty-one years of age, or the contractor is operating a program for children with severe disabilities pursuant to *WIC* 10260(d). The documentation of exceptional needs shall include:

- 1. A copy of the portion of the active individual family service plan (IFSP) or the individualized education program (IEP) that includes the information as specified in *EC* 56026 and 5 *CCR* 3030, 3031; and



2. A statement signed by a legally qualified professional that:
  - a. The child requires the special attention of adults in a childcare setting; and
  - b. Includes the name, address, license number, and telephone number of the legally qualified professional who is rendering the opinion.

**N. Documentation of Eligibility and Need: Homelessness (5 CCR 18090)**

A family experiencing homelessness may establish both eligibility and need as follows:

1. In order to meet the eligibility requirements for a family experiencing homelessness, the family must obtain and provide documentation, which includes either of the following:
  - a. A written referral dated within three months prior to the application for services, from one of the following entities, which identifies the child as experiencing homelessness:
    - i. A legal, medical, or social services agency;
    - ii. A local educational agency liaison for children and youth experiencing homelessness;
    - iii. A Head Start program; or
    - iv. An emergency or transitional shelter.
  - b. A written parental declaration, signed under penalty of perjury, that the family is experiencing homelessness.
2. The referral described in (1)(a) above shall contain:
  - a. The name of the identifying entity;
  - b. Physical address;
  - c. Telephone number; and
  - d. Title and signature of the person identifying the family as experiencing homelessness.
3. To meet the need requirements for receiving services on the basis that the family is experiencing homelessness, the parent shall comply with one of the following:

- a. If the basis of eligibility is established pursuant to (1)(a) above, no additional documentation of need is required.
- b. If the basis of eligibility is established by parental declaration pursuant to (1)(b) above, the parent shall provide documentation to establish a need in accordance with section III, paragraph B, *Need Requirements*.
4. If the basis of need is a family experiencing homelessness, services shall be as requested by the parent and shall occur on no more than five days per week and for less than 30 hours per week.
5. The contractor shall permit the enrollment of children to begin immediately upon the parent signing the application for services when the basis for eligibility is family experiencing homelessness. The parent shall provide all required documentation, including immunization records, within 30 days from the date the application for services is signed.
6. The contractor shall approve or deny services and issue a Notice of Action in accordance with section VII, paragraph A, *Notice of Action, Application for Services*.

**O. Documentation of Need: Seeking Permanent Housing; Service Limitations (5 CCR 18091)**

1. If the basis of need as stated on the application for services is seeking permanent housing for family stability, the following shall apply:
  - a. Services, as requested by the parent, shall occur on no more than 5 days per week and for less than 30 hours per week.
  - b. The parent's period of eligibility for childcare and development services shall be for no less than 24 months and the parent shall receive services for not less than 24 months before having eligibility and need recertified.
2. Documentation of seeking permanent housing shall include a written parental declaration signed under penalty of perjury that the family is seeking permanent housing. The declaration shall include the parent's general search plan to secure a fixed, regular, and adequate residence. If the family is residing in a shelter, services shall also be provided while the parent attends appointments or activities necessary to comply with the shelter participation requirements within the certified schedule.

**P. Documentation of Child Protective Services (5 CCR 18092)**

If eligibility and need are based on child protective services, the basic data file shall contain a written referral, dated within the six (6) months immediately preceding the date of application for services, from a legal, medical, social service agency or emergency shelter. The written referral shall include either:

1. A statement from the local county welfare department, child protective services unit certifying that the child is receiving child protective services and that childcare and development services are a necessary component of the child protective services plan; or
2. A statement by a legally qualified professional that the child is at risk of abuse or neglect and the childcare and development services are needed to reduce or eliminate that risk; and
3. The probable duration of the child protective service plan or the at-risk situation; and
4. The name, address, telephone number and signature of the legally qualified professional who is making the referral.

**Q. Documentation of Child Health and Emergency Contact Information (5 CCR 18081[e])**

1. The family data file shall contain all child health and current emergency information required by *California Code of Regulations* Title 22 Social Security, Division 12, Section 101221 Community Care Facilities Licensing Regulations.
2. Immunization records are not required to be in the family data file for children attending a public or private elementary school or for children receiving care in licensed facilities and reimbursed pursuant to *WIC* 10225 and 10370.
3. The enrollment of children experiencing homelessness shall occur pending the submittal of all immunization documentation. If the parent has been identified as experiencing homelessness on the application for services, contractors must permit the enrollment of children experiencing homelessness to begin immediately upon the parent signing the application for services. Contractors are required to certify eligibility within 30 days of the parent signing the application for services. Therefore, if the parent has not provided the immunization documentation within 30 days of signing the application for services, the contractor must deny certification of services and must provide the applicable notice of action to the parent.

## **VI. FAMILY FEES**

### **A. Fee Schedule (5 CCR 18108)**

1. Contractors shall use the most recently approved fee schedule prepared and issued by the CDSS when determining whether a family fee is applicable and the amount of a family's fee.
2. Family fees shall be assessed at initial enrollment, recertification, or when a parent requests a change pursuant to section IV, paragraph D, *A Family's Right to Voluntarily Request Changes*.

### **B. Fee Assessment; Explanation to Parents (WIC 10290(c), 5 CCR 18109)**

1. The contractor shall utilize the following factors in determining a full-time or part-time fee to be assessed for each family:
  - a. The adjusted monthly family income
  - b. Family size;
  - c. Certified schedule, the fee shall be assessed and collected based on the family's child who is enrolled for the longest period (most hours).
  - d. The fee assessed and collected shall be either the fee indicated on the fee schedule, the actual costs of services, or the contract maximum daily/hourly rate, whichever is least.
  - e. No recalculation of a family fee shall occur if attendance varies, adjustment shall not be made for excused or unexcused absences.
  - f. The fee shall be the full portion of the family's cost for services.
2. The contractor shall maintain a record of each family's fee assessment, the effective date(s) of each fee increase or decrease, the dates and amounts of fees collected and any amounts which are delinquent.

### **C. Exceptions for Fee Assessment (WIC 10260,10291, 5 CCR 18084(c), and 18110)**

No fees shall be collected from the following types of families whose children are enrolled:

1. Because the child(ren) is/are at risk of abuse, neglect, or exploitation or receiving child protective services, and the written referral pursuant to section V, paragraph P, *Documentation of Child Protective Services*, specifies that it is necessary to exempt the family from paying a family fee,

2. In the Severely Handicapped program;
3. Because the family is receiving CalWORKs cash aid, or
4. Families with an income level that, in relation to family size, is less than the first entry in the Family Fee Schedule;

Note: Pursuant to *WIC 10291*, the total period of exemption from family fees pursuant to (1) above shall not exceed 12 months.

**D. No Additional Payments or Costs/Exceptions (*WIC 10292, 5 CCR 18111*)**

1. Except as provided below, neither a contractor nor a provider of services shall require or solicit, in cash or in kind, additional payments from the recipients of service. The contractor
  - a. May require parents to provide diapers.
  - b. Providing field trips may charge parents the cost of the field trip or may charge parents an additional fee.
  - c. No federal or state money shall be used to reimburse parents for the costs of field trips if those costs are charged as an additional fee.
  - d. Contractors that charge parents an additional fee for field trips shall inform parents, prior to enrolling the child, that a fee may be charged, and that no reimbursement will be available.
2. If additional payments are made or additional costs are incurred by the family, the contractor shall refund to the parent(s) the amount of payments made or costs incurred.
3. A contractor that charges parents for field trips or require parents to provide diapers, are subject to all of the following conditions:
  - a. The contractor has a written policy adopted by the agency's governing board that includes parents in the decision-making process regarding both of the following:
    - i. Whether or not, and how much, to charge for field trip expenses;
    - ii. Whether or not to require parents to provide diapers.
  - b. The maximum total charges per child in a contract year does not exceed \$25.
  - c. No child is denied participation in a field trip due to the parent's inability or refusal to pay the charge. No adverse action shall be taken against any parent for that inability or refusal to pay.

4. The contractor shall establish a payment system that prevents the identification of children based on whether or not their parents have paid a field trip charge.
5. Expenses incurred and income received for field trips shall be reported to the CDSS. Income received shall be reported as restricted income.

**E. Credit for Fees Paid to Other Service Providers (5 CCR 18112)**

This section shall apply to childcare and development services provided by someone other than the contractor.

1. When a contractor cannot meet all of a family's needs for childcare for which eligibility and need have been established, the contractor shall grant a fee credit equal to the amount paid to the other provider(s) of these childcare and development services.
2. The contractor shall apply the family fee credit to the family's subsequent family fee billing period. The family shall not be allowed to carry over the fee credit beyond the family's subsequent fee billing period.
3. The contractor shall obtain copies of receipts or canceled checks for the other childcare and development services from the parent. The copies of the receipts or canceled checks shall be maintained in the contractor's fee assessment records.

**F. Receipt for Payment of Fee (5 CCR 18113)**

1. The contractor or service provider shall provide an original copy of a pre-numbered receipt to each person who pays a family fee. The receipt shall show the amount paid, the date of payment, the rate of payment and the period of service purchased.
2. The contractor shall retain a copy of the receipt in its family fee assessment records.

**G. Advance Payment of Fees; Delinquent Fees; Notice of Delinquency (5 CCR 18114)**

1. Contractors shall adopt a policy for the collection of family fees in advance of providing services. The written policy shall be provided to families at the time of initial enrollment into the program.
2. Fees shall be considered delinquent after seven calendar days from the date the family fees were due.
3. A Notice of Action, Recipient of Services shall be used to inform the family of the following:

- a. The total amount of unpaid fees;
- b. The fee rate;
- c. The period of delinquency; and
- d. That services shall be terminated 14 calendar days from the date of the Notice unless all delinquent fees are paid before the end of the 14-calendar day period.

**H. Plan for Payment of Delinquent Fees; (5 CCR 18115)**

The contractor shall accept a reasonable plan from the parent(s) for payment of delinquent fees. The contractor shall continue to provide services to the child, provided the parent(s) pays current fees when due and complies with the provisions of the repayment plan.

**I. Consequences of Nonpayment of Delinquent Fees (5 CCR 18116)**

Upon termination of services for nonpayment of delinquent fees, the family shall be ineligible for childcare and development services until all delinquent fees are paid.

## **VII. DUE PROCESS REQUIREMENTS**

### **A. Notice of Action, Application for Services; (5 CCR 18094, 18118)**

The contractor's decision to approve or deny services at initial certification or recertification shall be communicated to the applicant through a written statement referred to as a Notice of Action, Application for Services that is mailed or delivered within 30 calendar days from the date the application for services is signed by the parent(s).

1. The Notice of Action, Application for Services shall include:
  - a. The applicant's name and address
  - b. The contractor's name and address
  - c. The name and telephone number of the contractor's authorized representative who made the decision
  - d. The date of the notice
  - e. The method of distribution of the notice
2. If services are approved, the notice shall also contain:
  - a. Basis of eligibility
  - b. Full-time and/or part-time family fee, if applicable
  - c. Duration of the eligibility
  - d. Names of children approved to receive services
  - e. Approved certified schedule
3. If the services are denied, the notice shall contain:
  - a. The basis of denial; and
  - b. Instructions for the parent(s) on how to request a hearing if they do not agree with the contractor's decision as stated in the Notice of Action, Application for Services in accordance with procedures specified in paragraphs C, *Parent(s) Request for a Hearing and Procedures*; and D, *Appeal Procedure for CDSS Review* below.

### **B. Notice of Action, Recipient of Services (5 CCR 18095)**

1. A Notice of Action, Recipient of Services shall be issued when changes are made as a result of parents reporting or requesting changes pursuant to



section IV, paragraphs C, *Requirement to Report when Income Exceeds 85% of SMI*; or D, *A Family's Right to Voluntarily Request Changes*, when family fees are delinquent in accordance with (3) of section VI, paragraph G, *Advance Payment of Fees, Delinquent Fees, Notice of Delinquency*, when the family abandons care in accordance FTC, Section IV, paragraph E, *Abandonment of Care*, when a child is suspended in accordance with section I, paragraph F, *Prohibition against Suspension* or expelled in accordance with section I, paragraph E, *Prohibition against Expulsion*.

2. The Notice of Action, Recipient of Services shall include:
  - a. The type of action being taken;
  - b. The effective date of the action; for suspension and expulsions, the effective date of the action may be no less than 24 hours after delivery of the notice.
  - c. The name and address of the recipient;
  - d. The name and address of the contractor;
  - e. The name and telephone number of the contractor's authorized representative who is taking the action;
  - f. The date the notice is mailed or given to the recipient;
  - g. The method of distribution to the recipient;
  - h. A description of the action;
  - i. A statement of the reason(s) for the changes;
  - j. A statement of the reason(s) for termination, if applicable; and
  - k. Instructions for the parent(s) on how to request a hearing if they do not agree with the contractor's decisions as stated in the Notice of Action, Recipient of Services in accordance with procedures specified in paragraphs C, *Parent(s) Request for a Hearing and Procedures*; and D, *Appeal Procedure for CDSS Review* below.

### **C. Parent(s) Request for a Hearing and Procedures (5 CCR 18120)**

1. Except for children disenrolled pursuant to section I, paragraphs E, *Prohibition against Expulsion*; or F, *Prohibition against Suspension*, if the parent disagrees with an action, the parent(s) may file a request for a hearing with the contractor within 14 calendar days of the date the Notice of Action was received.

2. Upon the filing of a request for hearing, the intended action shall be suspended until the review process has been completed. The review process is complete when the appeal process has been exhausted or when the parent(s) abandons the appeal process.
3. Within 10 calendar days following the receipt of the request for a hearing, the contractor shall notify the parent(s) of the time and place of the hearing. The time and place of the hearing shall, to the extent possible, be convenient for the parent(s).
4. The hearing shall be conducted by an administrative staff person who shall be referred to as **the hearing officer**. The hearing officer shall be at a staff level higher in authority than the staff person who made the contested decision.
5. The parent(s) or parent's authorized representative is required to attend the hearing. If the parent or the parent's authorized representative fails to appear at the hearing, the parent will be deemed to have abandoned his or her appeal.
6. Only persons directly affected by the hearing shall be allowed to attend.
7. The contractor shall arrange for the presence of an interpreter at the hearing if one is requested by the parent(s).
8. The hearing officer shall explain to the parent(s) the legal, regulatory, or policy basis for the intended action.
9. During the hearing, the parent(s) shall have an opportunity to explain the reason(s) they believe the contractor's decision was incorrect. The contractor's staff shall present any material facts omitted by the parent(s).
10. The hearing officer shall mail or deliver to the parent(s) a written decision within 10 calendar days after the hearing. The written decision shall contain procedures for submitting an appeal to the CDSS.

#### **D. Appeal Procedure for CDSS Review (5 CCR 18121)**

1. Except for children disenrolled pursuant to section I, paragraphs E, *Prohibition against Expulsion*; or F, *Prohibition against Suspension*, if the parent disagrees with the written decision from the contractor, the parent has 14 calendar days in which to appeal to the CDSS.
2. If the parent(s) do(es) not submit an appeal request within 14 calendar days, the parents' appeal process shall be deemed abandoned and the contractor may implement the intended action.

3. The parent(s) shall specify in the appeal request the reason(s) why they believe the contractor's decision was incorrect.
4. A copy of the contractor's notice of intended action and written decision shall be submitted by the parent(s) with the appeal request.
5. Upon receipt of an appeal request, the CDSS may request copies of the family data file and other relevant materials from the contractor. The CDSS may also conduct any investigations, interviews or mediation necessary to resolve the appeal.
6. The decision of the CDSS shall be mailed or delivered to the parent(s) and to the contractor within thirty (30) calendar days after receipt of the appeal request.

**E. Contractor Compliance with the CDSS Decision; Reimbursement for Services during the Appeal Process (5 CCR 18122)**

1. The contractor shall comply with the decision of the CDSS immediately upon receipt thereof.
2. The contractor shall be reimbursed for childcare and development services delivered to the family which is appealing during the appeal process.
3. If a contractor's determination that a family is ineligible is upheld by the CDSS, services to the family shall cease upon receipt of the CDSS's decision by the contractor.

**F. Appeal Procedure for Suspension or Expulsion due to Persistent and Serious Behaviors**

1. If the parent(s) disagree(s) with the suspension or expulsion issued pursuant to section VII, paragraph B, *Notice of Action, Recipient of Services*, the parent(s) may file an appeal directly to the CDSS within 14 calendar days of the date the Notice of Action was received.
2. The NOA shall be delivered to the parent(s) no less than 24 hours before the effective date of action. Because the action to suspend or expel a child involves persistent and serious behaviors that impact the safety of children, the action shall not be stayed during the pendency of the appeal.
3. If the parent(s) do(es) not submit an appeal request within 14 calendar days, the parents' appeal process shall be deemed abandoned and the contractor may implement the intended action.
4. The parent(s) shall specify in the appeal request the reason(s) why they believe the contractor's decision to suspend or expel the child was incorrect.

5. A copy of the contractor's notice of intended action shall be submitted by the parent(s) with the appeal request.
6. Upon receipt of an appeal request, the CDSS may request copies of the family data file and other relevant materials from the contractor. The CDSS may also conduct any investigations, interviews or mediation necessary to resolve the appeal.
7. The decision of the CDSS shall be mailed or delivered to the parent(s) and to the contractor within thirty (30) calendar days after receipt of the appeal request.

## **VIII. PROGRAM QUALITY REQUIREMENTS FOR GENERAL CHILDCARE & DEVELOPMENT PROGRAMS**

### **A. Staffing Qualifications**

1. Program Director (*WIC 10242, and 10380.5*)
  - a. If the contractor operates a childcare and development program at two or more sites, including through more than one contract or subcontract funded through CDSS, the contractor shall employ a program director.
  - b. The program director shall act as the representative for the childcare and development program to the CDSS. With respect to programs operated through family childcare home education network, program directors must ensure that quality services are provided in the family childcare homes.
  - c. The program director shall meet the requirements specified in the [Staffing Qualifications](#) on the CDSS website.
  - d. The CDSS may waive the qualifications for program director upon a finding of one of the following:
    - i. The applicant is making satisfactory progress toward securing a permit issued by the Commission on Teacher Credentialing authorizing supervision of a childcare and development program operating in two or more sites or fulfilling the qualifications for program directors in severely handicapped programs.
    - ii. The place of employment is so remote from institutions offering the necessary coursework as to make continuing education impracticable and the contractor has made a diligent search but has been unable to hire a more qualified applicant.
2. Site Supervisor (*WIC 10213.5, 5 CCR 18295*)

- a. At each site there shall be a person designated as the site supervisor who has operational program responsibility for the program.
  - b. A site supervisor shall meet the [Staffing Qualifications](#) as specified on the CDSS website.
  - c. The CDSS may waive this requirement upon a contractor's demonstration of the existence of compelling need. Factors the CDSS shall consider any one of the following factors in determining compelling need are as follows.
    - i. Evidence that the contractor's recruitment efforts have not been successful in obtaining qualified applicants.
    - ii. Evidence of the contractor's inability to offer competitive salaries.
    - iii. Evidence of potential or current staff's lack of reasonable access to training resources which offer required course work.
  - d. Waivers granted shall remain in effect for the period of time specified by the CDSS. The site supervisor shall, at a minimum, meet the qualifications for **program director** as specified in 22 CCR 101215.1
3. Teacher (*W/C 10380*)

Teachers shall meet the requirements specified in the [Staffing Qualifications](#) on the CDSS website.

## **B. Staffing Ratios (5 CCR 18291 and 18292)**

- 1. Minimum Ratios
  - a. Contractors shall maintain at least the following minimum ratios in all centers (5 CCR 18290):
    - i. Infants (birth to eighteen months old) – 1:3 adult-child ratio, 1:18 teacher-child ratio
    - ii. Toddlers (eighteen months to thirty-six months old) – 1:4 adult-child ratio, 1:16 teacher-child ratio
    - iii. Preschool (three years old to enrollment in kindergarten) – 1:8 adult-child ratio, 1:24 teacher-child ratio
    - iv. Children enrolled in kindergarten to thirteen years old – 1:14 adult-child ratio, 1:28 teacher-child ratio.
  - b. Compliance with these ratios shall be determined based on actual attendance.

2. **Commingling of Age Categories (5 CCR 18291)**

- a. Whenever groups of children of two age categories are commingled and the younger age group exceeds 50 percent of the total number of children in attendance, the ratios for the entire group must meet the ratios required for the younger age group.
- b. If the younger age group does not exceed 50 percent of the total number of the children in attendance, the teacher-child and adult-child ratios shall be computed separately for each group.

3. **Staffing Ratio Variance (5 CCR 18292)**

- a. Except as otherwise provided in the California Code of Regulations, Title 22, Community Care Licensing Standards, the program may exceed adult-child ratios described in (1) above by 15 percent of the total number of children in attendance for a period of time not to exceed 120 minutes in any one day.
- b. The ratio for preschool during a scheduled nap period may be a 1:24 teacher-child ratio, provided that the remaining staff necessary to meet the adult-child ratio specified in (1) above are immediately available at the center.
- c. For (b) above to apply, all napping children shall remain on a cot/mat. If one child gets up, additional staff need to be called in immediately to meet the required adult-child ratio.

**C. Program Philosophy, Goals and Objectives (5 CCR 18271)**

1. Each contractor shall have a written philosophical statement and goals and objectives that support that philosophy. The governing body of each contractor shall approve the program philosophy, goals and objectives.
2. The goals and objectives shall address the requirements set forth in the Program Quality Requirements described in paragraphs D through M below.
3. The goals and objectives shall reflect the cultural and linguistic characteristics of the families served by the contractor.

**D. Developmental Profile (WIC 10209.5, 5 CCR 18272)**

1. Contractors shall complete the age-appropriate Desired Results Developmental Profile, for each child who is enrolled in the program for at least 10 hours per week.
2. The Desired Results Developmental Profile required in (1) above shall be completed for each child within 60 calendar days of enrollment and at least

once every six months for infants, toddlers, preschoolers and school-age children.

3. The contractor shall use the developmental profiles to plan and conduct age developmentally appropriate activities.
4. When a child will be transferring to a local public school from a program serving preschool-age children, the contractor shall provide the parent or guardian with information from the previous year deemed beneficial to the child and the public-school teacher, including, but not limited to, development issues, social interaction abilities, health background, and diagnostic assessments if any. The preschool program may, with permission of the parent or guardian, transfer this information to the child's elementary school.
5. If a child has an exceptional need, the developmental profile will be completed with any necessary accommodations and adaptations. Notwithstanding (1) above, a developmental profile is required for a child with an Individualized Education Program even if that child is enrolled for less than ten (10) hours per week.

#### **E. Education Program (5 CCR 18273)**

The standards for the child development and education program component shall include, but are not limited to the following:

1. The program approach is developmentally, linguistically and culturally appropriate.
2. The program is inclusive of children with special needs.
3. The program encourages respect for the feelings and rights of others.
4. The program supports children's social and emotional development by:
  - a. Building trust.
  - b. Planning routines and transitions so they can occur in a timely, predictable, and unhurried manner.
  - c. Helping children develop emotional security and facility in social relationships.
5. The program provides for the development of each child's cognitive and language skills by:
  - a. Using various strategies, including experimentation, inquiry, observation, play, and exploration.

- b. Ensuring opportunities for creative self-expression through activities such as music, movement, and dialogue.
  - c. Promoting interaction and language use among children and between children and adults.
  - d. Supporting emerging literacy and numeracy development.
6. The program promotes each child's physical development by providing sufficient time, indoor and outdoor space, equipment, materials, and guidelines for active play and movement.
  7. The program promotes and maintains practices that are healthy and safe.

**F. Staff Development Program (5 CCR 18274)**

1. Each contractor shall develop and implement a staff development program that includes the following:
  - a. Identification of training needs of staff or service providers
  - b. Written job descriptions
  - c. An orientation plan for new employees
  - d. An annual written performance evaluation procedure unless a different frequency of performance evaluations is specified in a contractor's collective bargaining agreement with their employees
  - e. Staff development opportunities that include topics related to the functions specified in each employee's job description and those training needs identified by the contractor.
  - f. An internal communication system that provides each staff member with the information necessary to carry out his or her assigned duties
2. Contractors providing center-based services may schedule up to two days of staff training, per contract period, using state reimbursement funding, on the topics including procedures for emergencies in childcare and development programs, licensing regulations relating to childcare and development programs, recognition and reporting of suspected abuse of children in childcare and development programs, managing challenging behaviors and preventing expulsion of children, and addressing items on the program's Quality Rating and Improvement System (QRIS) Quality plan.



#### **G. Parent Involvement and Education (5 CCR 18275)**

Each contractor shall include in its program a parent involvement and education component that includes the following:

1. An orientation for parents that includes topics such as program philosophy, program goals and objectives, program activities, eligibility criteria and priorities for enrollment, fee requirements, and due process procedures
2. At least two individual conferences with the parent(s) per year. For school age programs, such conferences may be informal
3. Parent meetings with program staff
4. An open-door policy that encourages parents to participate in the daily activities whenever possible
5. A parent advisory committee that advises the contractor on issues related to services to families and children
6. Sharing information between staff and parents concerning their child's progress

#### **H. Health and Social Services (5 CCR 18276)**

Each contractor shall include in its program a health and social service component that:

1. Identifies the needs of the child and the family for health or social services
2. Refers a child and/or family to appropriate agencies in the community based on the health or social service needs
3. Conducts follow-up procedures with the parent to ensure that the needs have been met.

#### **I. Community Involvement (5 CCR 18277)**

Each contractor shall include in its program a community involvement component which shall include, but not be limited to the following:

1. Each contractor shall solicit support from the community including the solicitation for donated goods and services.
2. Each contractor shall provide information to the community regarding the services available. Contractors may utilize media or other forms of communication in the community.

**J. Nutrition (5 CCR 18278)**

1. Each contractor shall include in its program a nutrition component that ensures that the children have nutritious meals and snacks during the time in which they are in the program.
2. The meals and snacks shall be culturally and developmentally appropriate for the children being served and shall meet the nutritional requirements specified by the federal Child and Adult Care Food or the National School Lunch program.

**K. Program Self-Evaluation Process (5 CCR 18279)**

1. Each contractor shall develop and implement an annual plan for its program self-evaluation process.
2. The annual plan shall include the following:
  - a. A self-evaluation based on the use of the Compliance Review, as defined in FTC, Section X *Definitions*, and the compliance review instrument.
  - b. An assessment of the program by parents using the Desired Results Parent Survey as defined in FTC, Section X *Definitions*.
  - c. An assessment of the program staff and board members as evidenced by written documentation.
  - d. An analysis of the Compliance Review findings, including the Desired Results Developmental Profiles, the environment rating scales, and the Desired Results Parent Survey, each of which are defined in FTC, Section X *Definitions*, together with all other self-evaluation findings.
  - e. A written list of tasks needed to modify the program in order to address all areas that need improvement, as indicated in the analysis of the Compliance Review findings.
  - f. Procedures for the ongoing monitoring of the program to assure that areas of the program that are satisfactory continue to meet standards, and areas requiring modification pursuant to (e) above, are addressed in a timely and effective manner.
3. The contractor shall use the Agency Self-Evaluation Report, as defined in FTC, Section X *Definitions*, to submit a summary of the findings of the program self-evaluation to the CDSS by June 1 of each year.
4. The contractor shall modify its program to address any areas identified during the self-evaluation as needing improvement.

#### **L. Parent Survey (5 CCR 18280)**

1. Each contractor shall annually distribute the Desired Results Parent Survey, as defined in FTC, Section X *Definitions*, to parents, collect the surveys from parents, and analyze the results.
2. The contractor shall use the parent survey results to plan and conduct activities to help parents support their child's learning and development and to meet the family's needs.
3. The contractor shall use the results and analysis of the parent survey as part of its annual self-evaluation process.

#### **M. Environmental Rating Scale (EC 8261; 5 CCR 18281)**

1. Contractors shall complete an environment rating scale, as defined in FTC, Section X *Definitions*, that are appropriate for the type of setting and age of children served, to measure program quality:
  - a. Every three years as part of the program compliance review
  - b. Annually as part of the self-evaluation process
2. For each environment rating scale completed, the contractor shall achieve a minimum average score of **Good** on each subscale.

### **IX. FAMILY CHILD CARE HOME EDUCATION NETWORK**

In addition to the provisions in these program requirements, contractors operating a Family Child Care Home Education Network shall comply with the following.

#### **A. Plan for Provider Reimbursement (WIC 10227; 45 CFR 98.45(l)(1)(ii))**

1. The contractor shall develop, implement, and publish a plan for the timely reimbursement to providers. The plan shall include all of the following:
  - a. A provision requiring that providers participating in a Family Child Care Home Education Network, be reimbursed within 21 calendar days of the receipt of a daily sign-in and sign-out sheet, completed in accordance with FTC, Section IV, Paragraph C, *Enrollment and Attendance Accounting*, item (2).
  - b. A schedule for the payment of services that shall be signed by the provider.

- c. A provision requiring that if a provider submits sign-in and sign-out sheets for multiple children and not all individual records within the submission include adequate information to provide a payment, payments shall not be withheld for those records that include adequate information to provide a payment.
- d. Procedures that establish clear processes and timelines to resolve overpayment and underpayment issues, which shall include provider written consent to recover any overpayment.
- e. A provision that if a contractor is unable to issue reimbursement payments within 21 calendar days pursuant to the requirement specified in (a) above due to extenuating circumstances, including, but not limited to, an emergency or payment system malfunction, the impacted provider shall be notified within a reasonable timeframe of the county or contractors becoming aware of the circumstance causing the delay of reimbursement payment.

**B. Records on File Concerning Licensed Service Providers (45 CFR 98.31, 5 CCR 18231)**

Contractors providing services through Family Child Care Home Education Networks shall maintain the following records concerning licensed service providers:

- 1. A statement signed by the provider that the childcare and development services being provided do not include religious instruction or worship.
- 2. A copy of the facility license that shows the authorized capacity of the facility.
- 3. A document that contains the schedule for the payment of services as specified in (2) of Section X, Paragraph A, *Plan for Provider Reimbursement and Certificates*.
- 4. The name, address, and telephone number of the service provider.
- 5. The age group(s) served by the provider.
- 6. A declaration by the provider that the parents have unlimited access to their children and providers caring for their children during normal hours of provider operation and whenever the children are in the care of the provider.

**C. Notifying Provider of Service Level Changes (WIC 10276)**

- 1. Contractors providing services through Family Child Care Home Education Network providers shall notify a childcare provider of changes to a family's service levels, including but not limited to the following:

- a. Reimbursement amount and/or rate changes
  - b. Certified hours of need
  - c. Family fees
  - d. Termination of services
  - e. Parent request to change provider
  - f. Change to family eligibility status that may impact reimbursement
2. The notice shall occur either electronically, if requested by the childcare provider, or via United States Postal Service.
3. The contractor shall send the notice, as well as the effective date of action no later than the day the program becomes aware that the change will occur.