

**CALIFORNIA DEPARTMENT OF EDUCATION
PROGRAM REQUIREMENTS FOR GENERAL
CHILD CARE & DEVELOPMENT (CCTR)**

FISCAL YEAR 2020-21

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I. OPERATIONAL REQUIREMENTS

(EC 8203, 8203.1, 8203.5, 8206, 8235[d], 8245)

A. Purpose of Early Learning and Care Services

(EC 8201[a]-[h])

1. To provide a comprehensive, coordinated, and cost-effective system of early learning and care 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 early learning and care services.
3. To provide an environment that is healthy and nurturing for all children in early learning and care 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 early learning and care services.
8. To empower and encourage parents and families of children who require child care services to take responsibility to review the safety of the child care 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

1. Contractors will verify that all providers have been trained in Health and Safety Requirements within the first three months of providing services. (45 *CFR* 98.45)

C. Early Childhood Mental Health Consultation (ECMHC) Services

(EC 8265.2)

1. For children who are served in a CCTR where ECMHC are provided pursuant to section 8265.2, the adjustment factor shall be 1.05.
2. The cost to a provider agency of providing an early childhood mental health consultation service shall be reimbursable pursuant to Section 8265.5 if all of the following apply:
 - a. The early childhood mental health consultation service is provided on a schedule of sufficient and consistent frequency to ensure that a mental health consultant is available to partner with staff and families in a timely and effective manner, as determined by the department.
 - b. The early childhood mental health consultation service is supervised and provided by a licensed marriage and family therapist, a licensed clinical social worker, a licensed professional clinical counselor, a licensed psychologist, a licensed child and adolescent psychiatrist, or others as determined by the department. The supervisor shall have at least three years of experience working with children 0 to 5 years of age, shall be adequately insured, shall have held his or her respective license for a minimum of two years, and shall be in full compliance with all continuing education requirements applicable to his or her profession.
 - c. 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.
3. For purposes of this section, “early childhood mental health consultation service” includes, but is not limited to, all of the following:
 - a. Support to respond effectively to all children, with a focus on young children with disabilities, challenging behaviors, and other special needs.
 - 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 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 challenging behaviors.

- e. If a child exhibits persistent and serious challenging behaviors, support with the pursuit and documentation of reasonable steps to maintain the child's safe participation in the program, as described in Section 8239.1.

D. General Child Care and Development

(CCTR) (*EC* 8240 and 8241)

CCTR programs shall include:

1. Age and developmentally appropriate activities for children 5 *CCR* Section 18273.
2. Supervision.
3. Parenting education and parent involvement. 5 *CCR* Section 18275
4. Social services that include, but are not limited to, identification of child and family needs, and referral to appropriate agencies. 5 *CCR* Section 18276
5. Health services. 5 *CCR* Section 18276
6. Nutrition. 5 *CCR* Section 18278
7. Training and career ladder opportunities, documentation of which shall be provided to the CDE.

Programs operated pursuant to this chapter may be designed to meet child-related needs identified by parents or guardians which may include, but are not limited to, the following:

1. Care for school-age children during non-school hours.
2. Weekend care.
3. Night shift care.
4. Worksite care.
5. Temporary emergency child care.
6. Child care for ill children.

II. ELIGIBILITY CERTIFICATION AND FAMILY DATA FILE DOCUMENTATION

A. General Requirements

(*EC 8263[a][1][B]*, 5 *CCR 18107*)

1. To receive early learning and care program services, families shall meet eligibility and need criteria. In addition to meeting eligibility and need requirements, 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 *EC 8322(a)*.
3. The determination of eligibility for early learning and care 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. (5 *CCR 18107[d]*).
4. Three-year-old children are eligible for the General Child Care and Development Program (CCTR) until they are California State Preschool Program (CSPP) eligible. CSPP eligible three-year-old children are defined as children who have their third birthday on or before December 1 of the fiscal year they are being served. Children who turn three on or after December 2 may be enrolled in a CSPP program after their third birthday. CSPP eligible four-year old children are ineligible for center-based CCTR services, unless they are enrolled in a Transitional Kindergarten program and the family needs before and after school services.
5. Children who have reached their thirteenth birthday are ineligible for subsidized services at initial certification or recertification, except those children with exceptional needs. Severely disabled children may be served to age twenty-one. Children with exceptional needs shall also meet the criteria for that age group specified in *EC 56026*, 5 *CCR 18089*.
6. The preferred placement for children who are eleven or twelve years of age and who are otherwise eligible for subsidized early learning and care services shall be in a before or after school program. Children who are eleven or twelve shall continue to receive subsidized child care services when a before or after school program is not available (*EC 8263.4*). This does not apply to 11 and 12 year old children with exceptional needs.

B. Eligibility and Need Criteria, Priority for Services

(EC 8263[a][1][A] and [1][B], 5 CCR 18085.5[b])

Eligibility Criteria: (EC 8263[a][1][A])

In order for the family to be eligible for enrollment in federal and state subsidized child care services, families shall meet at least one requirement in each of the following areas:

Eligibility shall be established by 1, 2, 3 or 4 below:

1. Family is a current aid recipient
2. Family is income eligible
3. Family is experiencing homelessness, or
4. Family has children who are recipients of protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected or exploited.

For full documentation requirements see section on the *Family Data File*.

Need Criteria

(EC 8261, 8263[a][1][B],

Need shall be established by 1 or 2 below.

The family needs the early learning and care services because:

1. The child is identified by a legal, medical, or social services agency, a local educational agency liaison for children and youths experiencing homelessness designated pursuant to 42 US 11432(g)(1)(j)(ii), a Head Start program, or an emergency shelter or transitional shelter as:
 - a. A recipient of child protective services;
 - b. Being neglected, abused, exploited, or is at risk of neglect, abuse, exploitation,
 - c. Experiencing homelessness
2. The parents are: (EC 8263[a][1][B])
 - a. Employed;
 - b. Seeking employment;

- c. Engaged in vocational training leading directly to a recognized trade, paraprofession or profession;
- d. Engaged in an educational program for English language learners or to attain a high school diploma or general educational development certificate.
- e. Seeking permanent housing for family stability.
- f. Incapacitated

Families who are eligible for subsidized early learning and care services based on income, public assistance, or experiencing homelessness must document that each parent in the family meets a need criterion. (5 CCR 18085.5[a]).

3. Services shall only be available to the extent which: (5 CCR 18085.5[b])

- a. The parent meets a need criterion that precludes the provision of care and supervision of the family's child for some of the day;
- b. There is no parent in the family capable of providing care for the family's child during the time care is requested; and
- c. Supervision of the family's child is not otherwise being provided by school or another person or entity.

For full documentation requirements see the *Family Data File section*.

Priority of Services are as follows: (EC 8263[b][1] and [2])

First Priority: (EC 8263[b][1])

- 1. Children who are recipients of child protective services, or
- 2. Children who are identified as being neglected or abused, or at risk of being neglected or abused.

If an agency is unable to enroll a child in the first priority category, the agency shall refer the family to local resource and referral services to locate services for the child.

Second Priority: (EC 8263[b][2])

- 1. After children in the first priority are enrolled, second priority is given equally to eligible families, regardless of the number of parents in the home, who are income eligible. Within this priority, families with lowest gross monthly income in relation to family size as determined by a schedule adopted by the Superintendent shall be admitted first.

For full requirements see *Admission Priorities*.

C. Initial Certification of Eligibility and Need, Priority for Service

(EC 8261, 8263, 8265, 8269, 5 CCR 18082, 18094, 18095, 18102; Implementation Guidance 18078)

1. The initial certification of eligibility means the formal process for completing an application for services and collecting information and documentation to determine that the family and/or child meets the legal requirements for receipt of subsidized early learning and care services prior to enrollment in the program. The signature of the authorized representative on an application for services certifies that the need and eligibility requirements have been met and documented. Required documents are listed in the *Family Data File Documentation* section. All information and documentation collected is maintained in the Family Data File (EC 8263[a][1][A] and[a][1][B], Implementation Guidance 18078).
2. The contractor shall designate the staff person(s) authorized to certify eligibility. Prior to initial certification and at the time of recertification, an authorized representative of the contractor shall: (5 CCR 18082)
 - a. Certify each family's/child's eligibility and need for early learning and care services after reviewing the completed application for services and documentation contained in the family data file.
3. Issue a Notice of Action, Application for Services pursuant to 5 CCR 18094 upon initial certification.
4. When a child's residence alternates between the homes of separated or divorced parents, eligibility, need, and fees should be determined separately for each household in which the child is residing during the time early learning and care services are needed (i.e., separate certifications and service agreements). For example, a child may be certified during part of the week and full cost the rest of the week (5 CCR18407[c]).

D. Duration of Service Requirement

(Implementation Guidance Section 18084.1)

At initial certification or recertification contractors shall:

1. Certify services for not less than twelve (12) months;
2. Consider the family to meet the eligibility and/or need requirements for not less than twelve (12) months; and;

3. Provide those services for not less than twelve (12) months before having the family's eligibility or need recertified

E. Contents of Family Data File

(*EC 8261, 8261.5, 8263, 8269 5 CCR 18081*)

1. Contractors shall establish and maintain a family data file for each family receiving early learning and care 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 prior to initial certification and recertification (*EC 8263[a][1][A]* and *EC 8263[a][1][B]* and *[5 CCR 18081]*):
 - a. Documentation of income eligibility, including an income calculation worksheet;
 - b. Documentation of employment;
 - c. Documentation of seeking employment;
 - d. Documentation of training;
 - e. Documentation of educational program for English language learner or attainment of high school diploma or general educational development certificate;
 - f. Documentation of parental incapacity;
 - g. Documentation of child's exceptional needs;
 - h. Documentation of experiencing homelessness;
 - i. Documentation of seeking permanent housing for family stability;
 - j. Written Referral from a legally qualified professional from a legal, medical, or social services agency, or emergency shelter for children at risk of abuse, neglect, or exploitation.
 - k. Written referral from a county welfare department, child welfare services worker, certifying that the child is receiving protective services and the family requires early learning and care services as part of the case plan;
 - l. If the parent of the child was on cash assistance the date the parental cash aid was terminated.
3. Notice of Action, Application for Services and/or Recipient of Services shall be included.

4. Documentation of Child Health and Emergency Contact Information.

The family data file shall contain all child health and current emergency information required by the *California Code of Regulations*, Title 22, Social Security, Division 12, Community Care Facilities Licensing Regulations with the following exception. 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 *EC* 8220 and 8350, (5 CCR 18081[e]).

III. FAMILY DATA FILE AND DOCUMENTATION

A. Application for Services

(EC 8261, 8263, 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) Parent is defined in Implementation Guidance 18078. Families experiencing homelessness may, in lieu of a home address, provide a mailing address or other address at which they may receive notices (e.g. a homeless shelter) or, alternatively an email address, through which they may be contacted and receive notices.
2. The names, gender, and birth dates of all children under the age of eighteen in the family, whether or not they are served by the program.
3. The number of hours of care needed each day for each child
4. The reason for needing early learning and care services: (EC 8263[a][1][B], 5 CCR 18083[e])
 - a. Child Protective Services
 - b. Experiencing Homelessness
 - c. Employment
 - d. Vocational Training
 - e. Educational program for English language learner or attainment of high school diploma or general educational development certificate
 - f. Seeking employment
 - g. Incapacitation of the parent
 - h. Special need of the child; or
 - i. Seeking Permanent Housing for Family Stability
5. Employment or training information for parent(s) including name and address of employer(s) or training institution(s) and days and hours of employment or training, if applicable.
6. Family size and income, if applicable.
7. Eligibility status as specified in: (EC 8263[a][1][A]) is:

- a. Child Protective Status
 - b. Current Aid Recipient
 - c. Income Eligible; or
 - d. Experiencing Homelessness (as defined in FT&C))
8. The parent's signature and date of the signature.
 9. The signature of the contractor's authorized representative on the application for services (CD 9600) certifies that the legal requirements have been met and documented. (Implementation Guidance 18078.Documentation and Determination of Family Size

B. Documentation and Determination of Family Size

(EC 8261, 8263, 5 CCR 18100)

1. The information provided on the application for services shall be used to determine family size. A parent shall provide the names of the parents and the names, gender and birthdates of the children under 18 in the family. This information shall be documented on a confidential application for early learning and care services and used to determine family size. The parent shall provide supporting documentation regarding the number of children and parents in the family.
2. The number of children shall be documented by providing one of the following documents, as applicable:
 - a. Birth certificates;
 - 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. When only one parent has signed an application for enrollment and the information provided on the application indicates there is a second parent who has not signed the application, the parent who has signed the application shall self –certify the presence or absence of the second parent under penalty

of perjury. The parent who has signed the application shall not be required to submit additional information documenting the presence or absence of the second parent (*EC 8263[a][2]*).

4. For income eligibility and family fee purposes, when a child and his or her siblings are living in a family that does not include their biological or adoptive parent, only the child and related siblings shall be counted to determine family size. In these cases, the adult(s) must meet a need criterion as specified in *EC 8263(a)(1)(B)*, to receive services.

C. Documentation of Eligibility: Income Eligibility at Initial Certification and at Recertification

(*EC 8261, 8263, 8263.1, Implementation Guidance 18078, 18084, 18096*)

At the time of initial certification, recertification, and when a family requests a change in their service level a parent must provide the contractor with all supporting documentation. The parent is responsible for providing documentation of the family's total countable income and the contractor is required to verify the information, as described below:

1. The parent(s) shall document total countable income for all the individuals counted in the family size as follows:

If the parent is employed, provide:

- a. A release authorizing the contractor to contact the employer(s), to the extent known, that includes the employer's name, address, telephone number, and usual business hours, and
 - b. All payroll check stubs, a letter from the employer, or other record of wages issued by the employer for the month preceding the initial certification, or the recertification of eligibility for ongoing services, pursuant to *EC 8263(h)(1)*.
2. When the employer refuses or fails to provide requested documentation or when a request for documentation would adversely affect the parent's employment, 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.
 3. If the parent is self-employed, provide a combination of documentation necessary to establish current income eligibility for at least the month preceding the initial certification, or the recertification of eligibility for ongoing services, pursuant to *EC 8263(h)(1)*. Documentation shall consist of as many of the following types of documentation as necessary to determine income:

- a. A letter from the source of the income,
 - b. A copy of the most recently signed and completed tax returns with a statement of current estimated income for tax purposes, or
 - c. Other business records, such as ledgers, receipts, or business logs.
- 4. Provide copies of the documentation of all non-wage income referenced in the definition of “total countable income,” self-certification of any income for which no documentation is possible, and any verified child support payments referenced in the definition of “adjusted monthly income.” (Implementation Guidance 18078)
- 5. The contractor:
 - a. Shall retain copies of the documentation of total countable income and adjusted monthly income in the family data file.
 - b. When the parent is employed, shall, as applicable, verify the parent’s salary/wage; rate(s) of pay; potential for overtime, tips or additional compensation; hours and days of work; variability of hours and days of work; pay periods and frequency of pay, start date for the employee. If the employer refuses or is non-responsive in providing requested information or a request for employer documentation would adversely affect the parent’s employment, and if the information provided is inconsistent with the contractor’s knowledge or community practice, shall request clarification in the self-certification of income, additional income information or a reasonable basis for concluding that the employer exists.
 - c. When the parent is self-employed shall obtain and make a record of independent verification regarding the cost for services provided by the parent that may be obtained by contacting clients, reviewing bank statements, or confirming the information in the parent’s advertisements or Web site.
 - d. 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.
 - e. May request additional documentation to verify total countable income to the extent that the information provided by the parent or the employer is insufficient to make a reasonable assessment of income eligibility.
 - f. To establish eligibility, shall, by signing the application for services, certify to the contractor’s reasonable belief that the income documentation obtained and, if applicable, the self-certification, 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.

6. If the family is receiving early learning and care services because the child(ren) is/are identified as being abused, neglected or exploited or at risk of abuse, neglect, or exploitation or receiving child protective services, and the written referral required by 5 CCR 18081(b)(9) and (b)(10) specifies that it is necessary to exempt the family from paying a fee, then the parent will not be required to provide documentation of total countable income.

See section on *Family Fee Schedule*.

D. Calculation of Income

(EC 8261, 8263, 8263.1, Implementation Guidance 18096)

When income is required to be calculated, including when the family voluntarily reports a change in income that results in a reduction of fees or when the family reports income in excess of 85% of State Median Income (SMI) in accordance with Section 18084.3 of the Implementation Guidance, the contractor shall calculate total countable income based on income information reflecting the family's current and on-going income:

1. Using an income calculation worksheet that specifies the frequency and amount of the payroll check stubs provided by the parent and all other sources of income referenced in the definition of "total countable income." (18078[u])
2. When income fluctuates because of:
 - a. Agricultural work as referenced in Implementation Guidance 18078 by averaging income from the preceding 12 months.
 - b. Intermittent income as referenced in Implementation Guidance 18078 by averaging the intermittent income from the preceding 12 months by dividing by 12 and add this amount to the other countable income.
 - c. Unpredictable income as referenced in the Implementation Guidance 18078 by averaging the income from at least three consecutive months and no more than the preceding twelve months.

E. Documentation of Need: Public Assistance

(EC 8261, 8263, 5 CCR 18085)

If the basis of eligibility as specified in EC 8263(a)(1)(A) is a current 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 Need: Based on Employment, Seeking Employment, Training, Seeking Housing and Incapacity

(EC 8261, 8263, 8265, 5 CCR 18085.5)

1. Families who are eligible for subsidized early learning and care services based on income, public assistance, or experiencing homelessness must document that each parent in the family, meets a need criterion, as specified in EC 8263(a)(1)(B). The need criteria are: vocational training leading directly to a recognized trade, paraprofession, or profession English language learner courses or courses to attain a general educational development or high school equivalency certificate or high school diploma; employment or seeking employment; seeking permanent housing for family stability/experiencing homelessness; and incapacitation.
2. Subsidized early learning and care services shall only be available to the extent to which:
 - a. The parent meets a need criterion as specified in subdivision (a) that precludes the provision of care and supervision of the family's child for some of the day;
 - b. There is no parent in the family capable of providing care for the family's child during the time care is requested; and
 - c. Supervision of the family's child is not otherwise being provided by school or another person or entity.

G. Documentation of Need: Employment

(EC 8261, 8263, 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.
2. If the parent has an employer, the documentation of need based on employment shall consist of one of the following:
 - a. The pay stubs provided to determine income eligibility that indicates the days and hours of employment;
 - b. When the provided pay stubs do not indicate the days and hours of employment, the contractor shall verify the days and hours of employment by doing one of the following:
 - i. Secure an independent written statement from the employer;

- ii. Telephone the employer and maintain a record;
 - iii. If the provided pay stubs indicate the total hours of employment per pay period and if the contractor is satisfied that the pay stubs have been issued by the employer, specify on the application for services the days and hours of employment to correlate with the total hours of employment and the parent's need;
 - iv. If the variability of the parent's employment is unpredictable and precludes the contractor from verifying specific days and hours of employment or work week cycles, specify on the application for services that the parent is authorized for a variable schedule for the actual hours worked, identifying the maximum number of hours of need based on the week with the greatest number of hours within the preceding four weeks and the verification above.
 - v. If the employer refuses or is non-responsive in providing the requested information, record the contractor's attempts to contact the employer, and specify and attest on the application for services to the reasonableness of the days and hours of employment based on the description of the employment and community practice; or
 - 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, on the application for services:
 - a) Attest to the reasonableness of the parent's assertion; and
 - b) Specify and attest to the reasonableness of the days and hours of employment based on the description of the employment and community practice.
 - c) When the employed parent does not have pay stubs or other record of wages from the employer and has provided self-certification of income as defined in as defined in Implementation Guidance 18078, 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 Implementation Guidance 18084(a)(3) and authorize only the time determined to be reasonable.
3. If the parent is self-employed, the documentation of need based on employment shall consist of the following:

Parent provided information that includes:

- 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;
- b. To demonstrate the days and hours worked, a copy of one or more of the following: appointment logs, client receipts, job logs, mileage logs, a list of clients with contact information, or similar records; and
- c. As applicable, a copy of a business license, a workspace lease, or a workspace rental agreement.
- d. A statement by the contractor assessing the reasonableness of the total number of days and hours requested per week based on the description of the employment and the documentation provided pursuant to this section and Implementation Guidance 18084.
- e. If the parent has unpredictable hours of employment, the contractor shall authorize the parent for a variable schedule not to exceed the number of hours determined to be needed per week.
- f. If the contractor has been unable to verify need based on the documentation provided, the contractor shall take additional action to verify self-employment that includes any one or more of the following:
 - i. If the self-employment occurs in a rented space, contacting the parent's lessor or other person holding the right of possession to verify the parent's renting of the space;
 - ii. If self-employment occurs in variable locations, independently verifying this information by contacting one or more clients whose names and contact information have been voluntarily provided by the parent; or
 - iii. Making other reasonable contacts or requests to determine the amount of time for self-employment.
- g. If the contractor is unable to make a reasonable assessment of the hours needed for self-employment after attempting to verify such hours and documenting the attempts, the contractor may divide the parent's self-employment income as defined in Implementation Guidance 18078 by the applicable minimum wage. The resulting quotient shall be the maximum hours needed for employment per month.
- h. For the instances identified in previous sections above, the parent shall provide a release to enable the contractor to obtain the information it deems necessary to support the parent's asserted days and hours worked per week.

- i. If additional services are requested for travel time or sleep time to support employment, the contractor shall determine, as applicable, the time authorized for:
 - i. 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;
 - ii. 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.

H. Documentation of Need: Employment in Home or Licensed Day Care Home
(EC 8261, 8263, 8265, 5 CCR 18086.1)

The requirements of this section are in addition to those Implementation Guidance 18086.

1. 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 requested subsidized early learning and care 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 child care needs. The contractor shall determine and document whether the parent's employment and identified child care needs preclude the supervision of the family's child.
2. If the parent is a licensed family day care home provider pursuant to California *Health and Safety Code*, Section 1596.78, or an individual license-exempt provider pursuant to *Health and Safety Code*, Section 1596.792, subdivision (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.
3. If the parent is employed as an assistant in a licensed large family day care home, pursuant to California *Health and Safety Code*, Section 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

(EC 8261, 8263, 8265, 5 CCR 18101; Implementation Guidance 18086.5)

- 1. If the basis of need as stated on the application for services is seeking employment, the parent's period of eligibility for early learning and care services is for not less than twelve (12) months.
 - a. Services shall occur on no more than five (5) days per week and for less than thirty (30) hours per week.
- 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 plan to secure, change or increase employment and shall identify a general description of when services will be necessary.

J. Documentation of Need: Training Vocational Goals; Service Limitations

(EC 8261, 8263, 8265, Implementation Guidance 18087)

- 1. When the need for services is training toward vocational goals, the parent's period of eligibility for services shall be for not less than twelve (12) months, up to the limitation set forth in subdivision (b). If the parent has reached the limitation described in subdivision (b), the family shall receive services until the end of the fiscal year in which the limit was reached.
- 2. If the basis of need on the application for services is vocational training leading directly to a recognized trade, paraprofession, or profession, early learning and care services shall be limited, except as specified in subdivision (l) to whichever expires first:
 - a. Six years from the initiation of services pursuant to this section; or
 - b. Twenty-four semester units, or its equivalent, after the attainment of a Bachelor's Degree.
- 3. The parent shall provide documentation of the days and hours of vocational training to include:
 - a. A statement of the parent's vocational goal;

- b. The name of the training institution that is providing the vocational training;
 - c. The dates that current quarter, semester, or training period, as applicable, will begin and end;
 - d. A current class schedule that is either an electronic print-out from the training institution of the parent's current class schedule, 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.
 - e. The anticipated completion date of all required training activities to meet the vocational goal; and
 - f. 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 and, as applicable, the Web address of the on-line program. The accrediting body of the training institution shall be among those recognized by the United States Department of Education.
4. Ongoing eligibility for services based on vocational training is contingent upon making adequate progress. At recertification the parent shall provide documentation of the adequate progress from the most recently completed quarter, semester, or training period:
- a. To make adequate progress the parent shall obtain, in the college classes, technical school, or apprenticeship for which subsidized care is provided:
 - i. In a graded program, earn a 2.0 grade point average; or
 - ii. In a non-graded program, pass the program's requirements in a least 50 percent of the classes or meet the training institution's standard for making adequate progress.
 - b. The first time the parent does not meet the condition above, the parent may be recertified and continue to receive ongoing services as described in subdivision (a).
 - c. At the conclusion of this eligibility period, the parent shall, have made adequate progress, in order to be certified for service based on vocational training. If the parent has not made adequate progress, services for this purpose shall be:

- i. Disenrolled; and
 - ii. Services based on vocational training are only available to the parent, to the extent provided on the basis of need, after six months from the date of disenrollment.
- d. To document adequate progress the parent shall provide the contractor with a copy of the parent's official progress report from the most recent completed quarter, semester or training period. The contractor may require the parent to:
- i. Have an official copy of a progress report sent directly from the training institution to the contractor; or
 - ii. Provide a release, as may be required by the training institution, to enable the contractor to verify the parent's progress with the institution.
- e. A parent may change his or her vocational goal, but services shall be limited to the time or units remaining from the initiation of the provision of services for vocational training.
- f. The contractor shall determine the days and hours needed per week, and whether the parent is making progress, based on the documentation. The contractor may request that the parent provide a publication from the training institution describing the classes required to complete the parent's vocational goal.
- g. If additional services are requested for study time or travel time to support the vocational training, the contractor shall determine, as appropriate, the amount of services needed for:
- i. Travel to and from the location at which services are provided and the training location, not to exceed half of the weekly hours authorized for training to a maximum of four hours per day; or
 - ii. Study time, including study time for on-line and televised instructional classes, according to the following:
 - a) Two (2) hours per week per academic unit in which the parent is enrolled;
 - b) On a case-by-case basis and as may be confirmed with the class instructor, additional time not to exceed one hour per week per academic unit in which the parent is enrolled; and
 - c) On a case-by-case basis, no more than the number of class hours per week for non-academic or non-unit bearing training.

- h. The service limitations specified above shall not apply to a parent who demonstrates he or she is:
 - i. As of June 27, 2008, receiving services for vocational training and has attained a Bachelor's Degree;
 - ii. Receiving services from a program operating pursuant to EC 66060 (Campus early learning and care programs);
 - iii. Attending vocational training when the parent has been deemed eligible for rehabilitation services by the California Department of Rehabilitation; or
 - iv. Attending retraining services available through the Employment Development Department of the State or its contractors due to a business closure or mass layoff.
- K. Documentation of Need: ELL Courses, GED/HSE Certificate, or High School Diploma
 - 1. Contractors must be provided with written documentation evidencing the parent's enrollment in a recognized English language learner educational program or a program to attain a high school diploma or high school equivalency or general educational development certificate.
- 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, early learning and care services shall not exceed 50 hours per week.
 - 2. Documentation 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 Implementation Guidance 18078 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, that the parent is incapable of providing care and supervision for the child for part of the day, and, if the parent is physically incapacitated, that identifies the extent to which the parent is incapable of providing care and supervision;
 - 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 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, 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, clarification, or completion of the provided statement.
5. The contractor shall determine the days and hours of service based on the recommendation of the health professional and consistent with the provisions of this article.
6. The period of eligibility for services when the need for services is incapacitation is for not less than twelve (12) months.

M. Documentation of Eligibility: Child's Exceptional Needs

(*EC 8265, 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 *EC 8265.5(b)(4)* or *(b)(5)*, the child with exceptional needs is thirteen through twenty-one years of age, or the contractor is operating a program pursuant to *EC 8250(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 child care 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: Experiencing Homelessness

(*EC 8263, Implementation Guidance 18090*)

1. If the basis of eligibility as specified in *EC 8263(a)(1)(A)* is experiencing homelessness, the family data file shall include documentation of experiencing homelessness. The documentation of experiencing homelessness shall include:

- a. A written referral from an emergency shelter or other legal, medical or social service agency; local educational agency liaison for children and youths experiencing homelessness, designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code, or a Head Start program; or
 - b. A written parental declaration that the family is experiencing homelessness and a statement describing the family's current living situation.
- 2. If experiencing homelessness as specified in *EC 8263(a)(1)(B)* is the basis of need, the child must be identified as experiencing homelessness by one of the following entities:
 - a. A legal, medical or social services agency
 - b. A local educational agency liaison for children and youth experiencing homelessness
 - c. A Head Start Program
 - d. Emergency or transitional shelter

The enrollment of children experiencing homelessness shall occur pending the submittal of all eligibility and need documentation. If the parent has been identified as experiencing homelessness on the application, 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 documentation of eligibility and need 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.

O. Documentation of Need: Seeking Permanent Housing; Service Limitations

(EC 8261, 8263, Implementation Guidance 18091)

- 1. If the basis of need as stated on the application for services is seeking permanent housing for family stability, the parent's initial certification or recertification period for early learning and care services shall be for no less than twelve (12) months. Services shall occur on no more than 5 days per week and for less than 30 hours per week.
- 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 search plan to secure a fixed, regular, and adequate residence and shall identify a general

description of when services will be necessary. If the family is residing in a shelter, services may also be provided while the parent attends appointments or activities necessary to comply with the shelter participation requirements.

P. Documentation of Eligibility/Need: Child Protective Services for Recipients Receiving Services; Children Identified As/Or At Risk of Abuse, Neglect, or Exploitation

(*EC 8263[b][1]*, 5 *CCR 18081[b][10]*, 18092)

The family data file shall contain the following documentation for eligibility and/or need as follows:

1. Child Protective Services for Recipients.

If eligibility and need as specified in *EC 8263(a)(1)(A)* and *(a)(1)(B)* are based on child receiving protective services, the basic data file shall contain a written referral, dated within the six months immediately preceding the date of application for services, from legal, medical, social service agency or emergency shelter. The written referral shall include:

- a. A statement from the county welfare department, child protective services unit certifying that the child is receiving child protective services and that the childcare and that childcare and development services are a necessary component of the child protective services plan; or
- b. A statement by a legally qualified professional that the child is at risk of abuse or neglect and the early learning and care services are needed to reduce or eliminate the risk; and
- c. The probable duration of the child protective services plan or the at risk situation; and
- d. The name, address, telephone number, and signature of the legally qualified professional who is making the referral and information that identifies the agency, LEA, Head Start program or shelter with whom the individual is associated.

2. Children Identified As, Or Children at Risk of Abuse, Neglect, or Exploitation.

If eligibility and need are based on the child being identified as abused, neglected or exploited or at risk of abuse, neglect or exploited, the family data file shall contain: (5 *CCR 18081*)

- a. A written referral from a legally qualified professional from a legal, medical, or social services agency, or emergency shelter, transitional shelter, Head Start program or LEA liaison for children and youth

experiencing homelessness, pursuant to 42 US 11432(g)(1)(j)(ii) certifying that:

- i. The child is identified as being abused, neglected or exploited or is at risk of abuse, neglect, or exploitation and that the family needs early learning and care services; and
- ii. The probable duration of the need for early learning and care services; and
- iii. The name, business address, telephone number, and signature of the legally qualified professional who is making the referral and information that identifies the agency, LEA, Head Start program or shelter with whom the individual is associated.

Q. Documentation of Child Health and Emergency Contact Information

(5 CCR 18081[e])

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.

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 *EC* 8220 and 8350.

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, 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.

R. Notice of Action, Application for Services –Approving or Denying Services

(*EC* 8261, 8263, 5 CCR 18081(d), 18083, 18094, 18095)

After initial certification, the contractor's decision to approve or deny services shall be communicated to the applicant through a written statement referred to as a Notice of Action, Application for Services, in accordance with 5 CCR 18118.

The contractor shall maintain copies of the Notice of Action, Application for Services in the basic data file. The Notice of Action, Application for Services shall include (5 CCR 18094):

1. The applicant's name and address;
2. The contractor's name and address;
3. The name and telephone number of the contractor's authorized representative who made the decision;
4. The date of the notice;
5. The method of distribution of the notice.

If services are approved, the notice shall contain:

1. Basis of eligibility;
2. Daily/hourly fee, if applicable;
3. Duration of the eligibility;
4. Names of children approved to receive services;
5. Hours of service approved for each day.

If the services are denied, the notice shall contain:

1. The basis of denial; and
2. 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 5 CCR 18120, 18121, and the *Due Process* Section.

S. Requirement to Report when Income Exceeds Ongoing Income Eligibility.

(Implementation Guidance Section 18084.3)

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

1. The family shall, within thirty (30) calendar days, report changes to ongoing income that causes their adjusted monthly income, adjusted for family size to exceed ongoing income eligibility.
2. Contractors shall at initial certification and recertification, notify the parent, in writing;

- a. Of the adjusted monthly income amount, based on the family size, that would render the family ineligible for services, based on ongoing income eligibility requirements, and
 - b. Of the requirement to notify the contractor, within thirty (30) calendar days, of any change in ongoing income that causes the family's adjusted monthly income to exceed eighty-five percent (85%) of SMI.
- 3. Upon notification of income changes by the family, the contractor shall:
 - a. Obtain income documentation, pursuant to section 18084 as applicable;
 - b. Calculate the family's adjusted monthly income, pursuant to section 18096;
 - c. Assess if the family's adjusted monthly income exceeds the eighty-five percent (85%) of the most recent SMI as published by the SSPI; and
 - d. When the family's calculated adjusted monthly income exceeds the eighty-five percent (85%) of the SMI threshold for the verified family size the contractor shall determine if the family is eligible for services based upon other eligibility criteria pursuant to Education Code section 8263(a)(1)(A). If the contractor establishes another basis for eligibility, the contractor shall document the new basis for eligibility and issue a NOA reflecting the change of eligibility.
 - e. If the family does not meet another basis for eligibility, the contractor shall issue a Notice of Action to dis-enroll the family, pursuant to section 18095

T. The Family's Right to Voluntarily Report Changes

(Implementation Guidance Section 18084.2)

- 1. Upon a family voluntarily reporting changes in accordance with 8263(h)(4) the contractor shall:
 - a. Use information as applicable to reduce the family fee, increase the family's services, or extend the period of eligibility.
 - b. Collect documentation to support the changes requested,
 - c. Not later than 10 business days after receipt of applicable documentation, issue a NOA in accordance with section 18095 and,
 - d. Not use any information received to make any other changes to the service agreement.

2. A family may at any time voluntarily request a reduction to their service level. Before a contractor may make any reductions to the service level, a parent shall:
 - a. Submit a written request that includes:
 - i. Days and hours per day requested;
 - ii. Effective date of proposed reduction of service level; and
 - iii. Acknowledge in writing that they understand that they may retain their current service level.
3. Upon receipt of the parent's written request in subsection (b), the contractor shall:
 - a. Notify the family in writing of the parents right to continue to bring their child pursuant to the original certified service level, and
 - b. Collect documentation to support the changes requested, and
 - c. Not later than 10 business days after receipt of applicable documentation, issue a Notice of Action pursuant to section 18095, and
 - d. Not use any information received to make any other changes to the service agreement.

U. Recertification

(EC 8261, 8263[b][1][B][C], Implementation Guidance 18103)

After initial certification and enrollment, the contractor shall verify eligibility and need and recertify each family/child once each contract period at intervals not less than twelve (12) months.

V. Notice of Action, Recipient of Services – Recertifying or Updating Services

(EC 8261, 8263[a][1][A] and [B], 5 CCR, 18095)

1. If upon recertification the contractor determines that the need or eligibility requirements are no longer being met, or at any time the fee or amount of service needs to be modified or some other change is made to the family's service agreement, the contractor shall notify the family through a written Notice of Action, Recipient of Services, in accordance with 5 CCR 18119 and the *Due Process* section.
2. The contractor shall maintain copies of all Notices of Action, Recipient of Services in the family's basic data file. The Notice of Action, Recipient of Services shall include:

- a. The type of action being taken;
- b. The effective date of the action;
- 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 5 CCR 18120 and 18121. These instructions shall inform parents how to request a hearing from the contractor and, if necessary, from the CDE Early Education and Support Division.

For full due process and documentation requirements see *Due Process* section.

IV. OTHER REQUIREMENTS

A. Continuity of Services

(EC 8263(c))

To promote the continuity of early learning and care 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 early learning and care programs.

V. ADMISSION, POLICIES AND PROCEDURES

(EC 8236, 8261, 8263[b], 5 CCR 18105, 18106)

A. General Admission Procedures

(EC 8236, 8261, 8263, 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, Waiting List and Displacement

(EC 8261, 8263(b), 5 CCR 18106)

Admission Priorities

1. First Priority:

- a. Contractors shall give first priority to families whose children are recipients of child protective services, or who are identified as neglected, abused or exploited or at risk of being neglected, abused, or exploited.
- b. 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: (EC 8263[b][2])

- 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 a schedule adopted by the State Superintendent of Public Instruction shall be admitted first. Public assistance grants are counted as income.
- c. When two or more families have the same income ranking, the family that has a child with exceptional needs shall be admitted first.
- d. If there is no family of the same income ranking with a child with exceptional needs, 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. (5 CCR 18106[d])
4. In accordance with *EC 8263(b)(3)*, the CDE 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 CDE and approved prior to implementation.

Waiting Lists and Displacement (*EC 8227(e)*, 8236, 8261, 8263.3(b), 8263, 5 CCR 18106)

If it is necessary to displace families, families shall be displaced in reverse order of admission priorities. (5 CCR 18106[f])

VI. FAMILY FEES

A. Fee Schedule

(*EC 8263, EC 8273.2, 5 CCR 18108, 18109*)

Contractors shall use the most recently approved fee schedule prepared and issued by the CDE when determining whether a family fee is applicable and the amount of a family's fee.

Family fees shall be assessed at initial enrollment, recertification, or when a parent requests a reduction to the family fee and provides documentation to support. (*EC 8273[f]* and *EC 8263(h)(4)*)

B. Fee Assessment; Explanation to Parents

(*5 CCR 18109*)

The following factors shall be used in determining the fee to be assessed for each family:

1. The adjusted monthly family income
2. Family size;
3. The fee shall be assessed and collected based on the family's child who is enrolled for the longest period (most hours).
4. 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.
5. No adjustment shall be made for excused or unexcused absences.
6. The fee shall be the full portion of the family's cost for services.
7. The certified family need for full-time or part-time services

If the family has more than one child in an early learning and care program, the fee shall be assessed and collected based on the family's child who is enrolled for the longest period (most hours). 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 rate, whichever is least. No adjustment shall be made for excused or unexcused absences. No recalculation of a family fee shall occur if attendance varies from certified need unless a change in need for care is assessed through recertification or a parent voluntarily requests fee be decreased.

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. The contractor shall provide the family a copy of and explain to the parent(s) the contractor's policies regarding fee assessment and collection and the possible consequences for delinquent payment of fees. (5 CCR 18109[b][c])

For child protective services and at risk children that do not have a fee exemption in families whose total countable income is over 70 percent of the state median income based on the family fee schedule, the family will pay the amount of fees assessed to a family whose adjusted monthly income is 70 percent of the state median income.

C. Exceptions for Fee Assessment

(EC 8273.1, 5 CCR 18110)

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

1. Families with an income level that, in relation to family size, is less than the first entry in the fee schedule;
2. Families receiving CalWORKs cash aid;
3. Families whose children are enrolled in part-day CSPP;
4. Families whose children are eligible for services pursuant to EC 8263(b)(1)(B) may be exempt from family fees for up to three months if the case plan/referral so specifies; and
5. Families whose children are eligible for services pursuant to EC 8263(b)(1)(C) may be exempt from family fees for up to twelve months if the case plan/referral so specifies.

Note: Pursuant to EC 8273.1, the total period of exemption from family fees pursuant to subsections (4) and (5) above shall not exceed 12 months.

D. No Additional Payments or Costs/Exceptions

(EC] 8273.3, 5 CCR 18111)

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 prohibition includes activities or services that would increase the family's cost of participation including meals, and recreation and field trips. 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. (5 CCR 18111[a])

The contractor may require parents to provide diapers. The contractor providing field trips may charge parents the cost of the field trip or may charge parents an additional fee. 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. A contractor that charges 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. (EC 8273.3[a])

A contractor may charge parents for field trips or require parents to provide diapers, subject to all of the following conditions: (EC 8273.3[b])

1. 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:
 - a. Whether or not, and how much, to charge for field trip expenses;
 - b. Whether or not to require parents to provide diapers.
2. The maximum total charges per child in a contract year does not exceed \$25.
3. 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 (EC 8273.3(b)(B)(3) and (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.

Expenses incurred and income received for field trips shall be reported to the CDE. Income received shall be reported as restricted income.

E. Credit for Fees Paid to Other Service Providers

(EC 8269, 8273, 5 CCR 18112)

This section shall apply to early learning and care services provided by someone other than the contractor. When a contractor cannot meet all of a family's needs for child care 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 early learning and care services. (5 CCR 18112[a])

The contractor shall apply the fee credit to the family's subsequent fee billing period. The family shall not be allowed to carry over the fee credit beyond the family's subsequent fee billing period. (5 CCR 18112[b])

The contractor shall obtain copies of receipts or canceled checks for the other early learning and care services from the parent. The copies of the receipts or canceled checks shall be maintained in the contractor's fee assessment records. (5 CCR 18112[c])

F. Receipt for Payment of Fee

(EC, 8269, 8273 and 5 CCR 18113)

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

G. Advance Payment of Fees; Delinquent Fees; Notice of Delinquency

(EC 8269 and 8273 and 5 CCR 18114)

Contractors shall adopt a policy for the collection of fees in advance of providing services. The written policy shall be provided to families at the time of initial enrollment into the program.

For contractors providing direct services to children, fees shall be considered delinquent after seven calendar days from the date the fees were due.

A Notice of Action, Recipient of Services shall be used to inform the family of the following:

1. The total amount of unpaid fees;
2. The fee rate;
3. The period of delinquency;
4. That services shall be terminated two weeks from the date of the Notice unless all delinquent fees are paid before the end of the two-week period.

H. Plan for Payment of Delinquent Fees; Consequences of Nonpayment of Delinquent Fees

(EC 8269, 8273, 5 CCR 18115, 18116)

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.

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

VII. CONFIDENTIALITY OF RECORDS

(*EC 8261, 8358.5, 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.

VIII. DUE PROCESS REQUIREMENTS

(*EC 8261 and 8263; 5 CCR 18094*)

A. Notice of Action, Application for Services; Notice of Approval or Denial

(*5 CCR 18094*)

The contractor's decision to approve or deny services shall be communicated to the applicant by mailing or delivering a completed written statement referred to as a Notice of Action, Application for Services within 30 calendar days from the date the application is signed by the parent(s). The Notice of Action, Application for Services shall include:

1. The applicant's name and address
2. The contractor's name and address
3. The name and telephone number of the contractor's authorized representative who made the decision
4. The date of the notice
5. The method of distribution of the notice

If services are approved, the notice shall also contain:

1. Basis of eligibility
2. Daily/hourly fee, if applicable
3. Duration of the eligibility
4. Names of children approved to receive services
5. Hours of service approved for each day

If the services are denied, the notice shall contain:

1. The basis of denial; and
2. 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 5 CCR 18120 and 18121.

B. Notice of Action, Recipient of Services

(*EC 8261 and 8263; 5 CCR 18095*)

If upon recertification or during the period of eligibility, the contractor determines that the income eligibility requirements are no longer being met, or the fee or amount of service needs to be modified, or other changes are made to the service agreement, the contractor shall notify the family through a written Notice of Action, Recipient of Services in accordance with 5 CCR 18119. The contractor shall maintain copies of all Notices of Action, Recipient of Services in the family's data file.

The Notice of Action, Recipient of Services shall include:

1. The type of action being taken;
2. The effective date of the action;
3. The name and address of the recipient;
4. The name and address of the contractor;
5. The name and telephone number of the contractor's authorized representative who is taking the action;
6. The date the notice is mailed or given to the recipient;
7. The method of distribution to the recipient;
8. A description of the action;
9. A statement of the reason(s) for the changes;
10. A statement of the reason(s) for termination, if applicable; and
11. 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 5 CCR 18120 and 5 CCR 18121).

C. Changes Affecting Services to the Service Agreement

(EC 8263(c); 5 CCR 18119)

The contractor shall complete a Notice of Action, Recipient of Services when changes are made to the service agreement. Such changes may include, but are not limited to, a decrease in parent fees, an increase or decrease in the amount of services, or termination of service.

The contractor shall mail or deliver the Notice of Action to the parents at least 14 calendar days before the effective date of the intended action whenever:

1. The contractor has factual information that confirms the death of the parent or the child;
2. The contractor receives notification from the parent that the parent no longer wants the service;
3. The agreement for services was a limited term authorization which has come to the end of the term, and at the time of approval of the limited term authorization, the parent was informed in writing of the date the services would be terminate; or
4. The parent does not provide eligibility or need information after written request by the contractor.

If the Notice of Action is mailed, the 14 calendar day period is extended by 5 calendar days, which establishes a presumption that the parent received the Notice of Action. [Code of Civil Procedure section 1013(a)]

D. Parent(s) Request for a Hearing and Procedures

(EC 8261; 5 CCR 18120)

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. 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.

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).

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.

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. Only persons directly affected by the hearing shall be allowed to attend.

The contractor shall arrange for the presence of an interpreter at the hearing, if one is requested by the parent(s).

The hearing officer shall explain to the parent(s) the legal, regulatory, or policy basis for the intended action.

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)

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 CDE.

E. Appeal Procedure for CDE Review

(EC 8261; 5 CCR 18121)

If the parent disagrees with the written decision from the contractor, the parent has 14 calendar days in which to appeal to the CDE. 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.

The parent(s) shall specify in the appeal request the reason(s) why he/she believes the contractor's decision was incorrect. A copy of the contractor's notice of intended action and written decision shall be submitted by the parent(s) with the appeal request.

Upon receipt of an appeal request, the CDE may request copies of the family data file and other relevant materials from the contractor. The CDE may also conduct any investigations, interviews or mediation necessary to resolve the appeal.

The decision of the CDE shall be mailed or delivered to the parent(s) and to the contractor within thirty (30) calendar days after receipt of the appeal request.

F. Contractor Compliance with the CDE Decision; Reimbursement for Services during the Appeal Process

(EC 8261; 5 CCR 18122)

The contractor shall comply with the decision of the CDE immediately upon receipt thereof. The contractor shall be reimbursed for early learning and care services delivered to the family which is appealing during the appeal process. If a contractor's determination that a family is ineligible is upheld by the CDE, services to the family shall cease upon receipt of the CDE's decision by the contractor.

IX. STAFFING QUALIFICATIONS

A. Program Director

(EC 8208(v), 8244, and 8360.1)

If the contractor operates at two or more sites, the contractor shall employ a program director who has administrative and programmatic responsibility for the program. The program director shall meet the requirements specified in Staffing Qualifications.

The CDE may waive the qualifications for program director upon a finding of one of the following:

1. The applicant is making satisfactory progress toward securing a permit issued by the Commission on Teacher Credentialing authorizing supervision of an early learning and care program operating in two or more sites or fulfilling the qualifications for program directors in severely handicapped programs
2. 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
3. Any other reason established by the rule by the SSPI. (EC 8244)

B. Site Supervisor

(EC 8208(aa), 5 CCR 18295)

At each site there shall be a person designated as the site supervisor who has operational program responsibility for the program. A site supervisor shall meet the staffing qualifications specified on the CDE Website at the following link:

<https://www.cde.ca.gov/sp/cd/ci/staffqualifications.asp>

The CDE shall grant a waiver of this requirement upon a contractor's demonstration of the existence of compelling need. Factors the CDE shall consider in determining compelling need are as follows.

1. Evidence that the contractor's recruitment efforts have not been successful in obtaining qualified applicants
2. Evidence of the contractor's inability to offer competitive salaries
3. Evidence of potential or current staff's lack of reasonable access to training resources which offer required course work

C. Teacher

(EC 8208[af], 8360; 5 CCR 80109[c])

Teachers shall meet the requirements specified in Staffing Qualifications on the CDE Web site at the following link:

<http://www.cde.ca.gov/fg/aa/cd/staffingqatt.asp>

X. STAFFING RATIOS

(5 CCR 18290, 18291 and 18292)

Contractors shall maintain at least the following minimum ratios in all centers:

Infants (birth to eighteen months old) – 1:3 adult-child ratio, 1:18 teacher-child ratio

Toddlers (eighteen months to thirty-six months old) – 1:4 adult-child ratio, 1:16 teacher-child ratio

Preschool (thirty-six months to enrollment in kindergarten) – 1:8 adult-child ratio, 1:24 teacher-child ratio

Children enrolled in kindergarten through thirteen years old – 1:14 adult-child ratio, 1:28 teacher-child ratio.

Compliance with these ratios shall be determined based on actual attendance.

Commingling of age categories. Whenever groups of children of two age categories are commingled and the younger age group exceeds 50 percent of the total number of children present, the ratios for the entire group must meet the ratios required for the younger age group. If the younger age group does not exceed 50 percent of the total number of the children present, the teacher-child and adult-child ratios shall be computed separately for each group. (5 CCR 18291)

Except as otherwise provided in the California Code of Regulations, Title 22, Community Care Licensing Standards, the program may exceed teacher-child and adult-child ratios by 15 percent for a period of time not to exceed 120 minutes in any one day. (5 CCR 18292)

XI. RECORDS ON FILE CONCERNING LICENSED SERVICE PROVIDERS

(EC 8261; 5 CCR 18231)

Contractors providing services through family child care home providers shall maintain the following records concerning licensed service providers:

- A. A statement of the service provider's current fees with information regarding the provider's usual and customary services provided for those fees.
- B. A statement signed by the provider that the early learning and care services being provided do not include religious instruction or worship.
- C. A document that contains the rate and schedule of payment for approved services that is signed by both the service provider and the contractor.
- D. A copy of the facility license that shows the authorized capacity of the facility.
- E. The name, address and telephone number of the service provider.
- F. The age group(s) served by the provider.
- G. 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.

XII. INFORMATION TO SHARE WITH THE PARENTS

Each child care facility shall permanently post, in a prominent location, information about the registered sex offender database that is available on the Megan's Law Website, <https://www.meganslaw.ca.gov/>, and give families one of the two licensing forms (LIC 995 or 995A, Notification of Parents' Rights) provided by the State Department of Social Services.

GENERAL CHILD CARE AND DEVELOPMENT PROGRAM QUALITY REQUIREMENTS

I. PROGRAM PHILOSOPHY, GOALS AND OBJECTIVES

(EC 8261; 5 CCR 18271)

Each contractor shall comply with program quality requirements (5 CCR 18270) and 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. The goals and objectives shall address the program quality requirements and shall reflect the cultural and linguistic characteristics of the families served by the contractor.

II. DEVELOPMENTAL PROFILE

(EC 8203.5(b); 5 CCR 18272)

- A. Center-based and Family Child Care Home Education Network 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.
- B. The Desired Results Developmental Profile required above shall be completed for each child within 60 calendar days of enrollment and at least once every 6 months for infants, toddlers, preschoolers and school-age children.
- C. The contractor shall use the developmental profiles to plan and conduct age developmentally appropriate activities.
- D. 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. (EC 8203(b)).
- E. If a child has a disability, and/or has been identified as having exceptional needs, the developmental profile will be completed with any necessary accommodations and adaptations. Notwithstanding Section II. A 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.

III. EDUCATION PROGRAM

(EC 8203; 5 CCR 18273)

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

- A. The program approach is developmentally, linguistically and culturally appropriate.
- B. The program is inclusive of children with special needs.
- C. The program encourages respect for the feelings and rights of others.
- D. The program supports children's social and emotional development by:
 - 1. Building trust.
 - 2. Planning routines and transitions so they can occur in a timely, predictable, and unhurried manner.
 - 3. Helping children develop emotional security and facility in social relationships.
- E. The program provides for the development of each child's cognitive and language skills by:
 - 1. Using various strategies, including experimentation, inquiry, observation, play, and exploration.
 - 2. Ensuring opportunities for creative self-expression through activities such as music, movement, and dialogue.
 - 3. Promoting interaction and language use among children and between children and adults.
 - 4. Supporting emerging literacy and numeracy development
- F. 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.
- G. The program promotes and maintains practices that are healthy and safe.

IV. STAFF DEVELOPMENT PROGRAM

(EC 8261; 5 CCR 18274)

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

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 early learning and care programs, licensing regulations relating to early learning and care programs, recognition and reporting of suspected abuse of children in early learning and care programs, managing challenging behaviors and preventing expulsion of children, and addressing items on the program's Quality Rating and Improvement System (QRIS) Quality plan.

V. PARENT INVOLVEMENT AND EDUCATION

(EC 8203; 5 CCR 18275)

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

- A. 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
- B. At least two individual conferences with the parent(s) per year. For school age programs, such conferences may be informal
- C. Parent meetings with program staff
- D. An open door policy that encourages parents to participate in the daily activities whenever possible
- E. A parent Advisory Committee that advises the contractor on issues related to services to families and children
- F. Sharing information between staff and parents concerning their child's progress

VI. HEALTH AND SOCIAL SERVICES

(EC 8203; 5 CCR 18276)

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

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

VII. COMMUNITY INVOLVEMENT

(EC 8203; 5 CCR 18277)

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

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

VIII. NUTRITION

(EC 8203; 5 CCR 18278)

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. 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.

IX. PROGRAM SELF-EVALUATION PROCESS

(EC 8261; 5 CCR 18270.5, 18279)

- A. Each contractor shall develop and implement an annual plan for its program self-evaluation process.
- B. The annual plan shall include the following:
 - 1. A self-evaluation based on the use of the Coordinated Compliance Review as defined in the Compliance Review of Contractors (5 CCR 18023(a)(2)) and the compliance review instrument FPM/CMR.

2. An assessment of the program by parents using the Desired Results Parent Survey. (5 CCR 18270.5(d))
 3. An assessment of the program staff and board members as evidenced by written documentation. (5 CCR 18279 (b)(3))
 4. An analysis of the FPM/CMR findings, including the Desired Results Developmental Profiles, the environment rating scales, and the Desired Results Parent Survey, each of which are part of the Program Self-Evaluation Report and are combined, together with all other self-evaluation findings. (5 CCR 18279 (b)(4))
 5. 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 Coordinated Compliance Review findings. (5 CCR 18279 (b)(5))
 6. 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 are addressed in a timely and effective manner. (5 CCR 18279(b)(6))
- C. The contractor shall use the Agency Self-Evaluation Report, as defined in 5 CCR 18270.5(a), to submit a summary of the findings of the program self-evaluation to the CDE by June 1 of each year. (5 CCR 18279 (c))
- D. The contractor shall modify its program to address any areas identified during the self-evaluation as needing improvement.

X. PARENT SURVEY

(EC 8261; 5 CCR 18280)

- A. Each contractor shall annually distribute the Desired Results Parent Survey (5 CCR 18270.5(d)) to parents, collect the surveys from parents, and analyze the results.
- B. 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.
- C. The contractor shall use the results and analysis of the parent survey as part of its annual self-evaluation process.

XI. ENVIRONMENTAL RATING SCALE

(EC 8261; 5 CCR 18281)

- A. Center-based programs and family child care home networks shall complete an environment rating scale (5 *CCR* 18270.5(d)) that are appropriate for the type of setting and age of children served, to measure program quality:
 - 1. Every three years as part of the program compliance review
 - 2. Annually as part of the self-evaluation process
- B. For each environment rating scale completed, the contractor shall achieve a minimum average score of “Good” on each subscale.