

**CALIFORNIA DEPARTMENT OF EDUCATION
PROGRAM REQUIREMENTS FOR CALIFORNIA
STATE PRESCHOOL PROGRAM (CSPP)**

FISCAL YEAR 2020-21

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I. OPERATIONAL REQUIREMENTS

(EC 8201, 8203, 8203.5, 8208[ad], 8235[d], 8235[f], 8261, and 8239)

A. Purpose of Early Learning and Care Services

To provide a comprehensive, coordinated, and cost-effective system of early learning and care services for children from infancy to 13 years of age and their parents, including a full range of supervision, health and support service through full-and part-time programs.

To encourage community-level coordination in support of early learning and care services.

To provide an environment that is healthy and nurturing for all children in early learning and care programs.

To provide the opportunity for positive parenting to take place through understanding of human growth and development.

To reduce strain between parent and child in order to prevent abuse, neglect, or exploitation.

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.

To establish a framework for the expansion of early learning and care services.

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

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 CSPP 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. The California State Preschool Program (CSPP)

(EC 8263 and 8239)

1. CSPP includes, but is not limited to, part-day age and developmentally appropriate programs designed to facilitate the transition to kindergarten for three-and four-year-old children in educational development, health services, social services, nutritional services, parent education and parent participation, evaluation, and staff development (EC 8235[a]).
2. CSPP shall operate as follows:
 - a. Serve age eligible three-and four-year-old children according to criteria set forth below.
 - b. Part-day services that shall be available at least three hours and less than 3 hours and 59 minutes each day, for between 175 and 180 days per year, unless the contract indicates a lower number of days. Services shall include age-appropriate, planned, educational activities throughout each program day that address all developmental domains contained in the California Department of Education's Desired Results Development Profiles (DRDP) and shall not include a scheduled nap period. The families of children enrolled for part-day services shall establish eligibility in accordance with these program requirements.
 - c. Full-day services that shall be available for families as permitted under these program requirements. Contractors providing a full-day services shall operate the number of hours needed to meet the child care needs of the families for a minimum of 246 days per year, unless the early learning and care contract specifies a lower minimum days of operation. Services shall include age-appropriate, planned, educational activities throughout each program day that address all developmental domains contained in the California Department of Education's Desired Results Development Profiles (DRDP). The families of children enrolled for full-day services shall establish eligibility in accordance with these program requirements.

II. ADDITIONAL REQUIREMENTS APPLICABLE TO LOCAL EDUCATION AGENCIES ONLY

(EC sections 8235.5, 8265.2, 8265.5; and 48000; HS & C section 1596.792)

A. Requirements for LEAs Choosing to be Exempt from Licensing

1. LEAs under contract with CDE to provide CSPP services and operating in a school building, as defined by EC 17283, may be exempt from licensing if the program meets the following conditions:
 - a. The program is operated in an LEA facility that meets the requirement of The Field Act, as specified in Article 3 (commencing with Section 17365) of Chapter 3 of Part 10.5 of Division 1 of Title 1 of, and Article 7 (commencing with Section 81130) of Chapter 1 of Part 49 of Division 7 or Title 3 of, the Education Code).
 - b. The facility is constructed consistent with California Building Standard Code pursuant to Title 24 of the California Code of Regulations.
 - c. The facility meets the requirements for kindergarten classrooms in accordance with Chapter 13 (commencing with Section 14000) of Division 1 of Title 5 of California Code of Regulations.
 - d. The program meets all other requirements of California state preschool programs pursuant to Chapter 19 (commencing with Section 17906) of Division 1 of Title 5 of the California Code of Regulations.
2. LEAs that choose to be exempt from licensing shall meet the health and safety requirements set forth in the California Code of Regulations Title 5 when adopted. These regulations require that the CSPP program meets the following requirements, at minimum:
 - a. Outdoor shade that is safe and in good repair.
 - b. Drinking water that is accessible and readily available throughout the day.
 - c. Safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children.
 - d. Restroom facilities that are only available for preschoolers and kindergartners.
 - e. Visual supervision of children at all times.
 - f. Indoor and outdoor space that is properly contained or fenced and provides sufficient space for the number of children using the space at any given time. Playground equipment must be safe, in good repair, and age

appropriate.

B. Uniform Complaint Procedure for Health and Safety Complaints For License-Exempt LEAs

(EC 8235.5, H&S 1596.7925, Title 5 Sections 4622, 4690-4964)

1. LEAs operating CSPPs as exempt from licensing shall use the uniform complaint process adopted pursuant to Section 4690 - 4694 of Division 1 of in Title 5 of the California Code of Regulations to resolve any deficiencies related to preschool health and safety issues for a California state preschool program pursuant to Section 1596.7925 of the Health and Safety Code.
 - a. A complaint may be filed anonymously. A complainant who self-identifies is entitled to a response if the complainant indicates that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. If *EC* Section 48985 is otherwise applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed. All complaints and responses are public records.
 - b. The complaint form shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as the complainant wishes.
 - c. A complaint shall be filed with the preschool program administrator or the administrator's designee. A complaint about problems beyond the authority of the preschool program administrator shall be forwarded in a timely manner, but not to exceed 10 working days, to the appropriate local educational agency official for resolution.
 - d. The preschool program administrator or the designee of the district or county superintendent or charter school administrator or similarly authorized charter school individual, as applicable, shall make all reasonable efforts to investigate any problem within that person's authority. Investigations shall begin within 10 days of the receipt of the complaint. The preschool program administrator or designee of the district or county superintendent or charter school administrator or similarly authorized charter school individual shall remedy a valid complaint within a reasonable time period, but not to exceed 30 working days from the date the complaint was received. The preschool program administrator or designee of the district or county superintendent or charter school administrator or similarly authorized charter school individual shall report to the complainant the resolution of the complaint within 45 working days of the initial filing. If the preschool program administrator makes this report, the preschool program administrator shall also report the same information in the same timeframe to the designee of the district or county

superintendent or charter school administrator or similarly authorized charter school individual At the time the preschool program administrator or designee of the district or county superintendent or charter school administrator or similarly authorized charter school individual provides a report of the resolution of the complaint to the complainant, that person shall also provide a copy of the report to the preschool program's assigned field consultant at the CDE.

2. A complainant not satisfied with the resolution of the preschool program administrator or the designee of the district or county superintendent or charter school administrator or similarly authorized charter school individual has the right to describe the complaint to the governing board or body or authorized designee, as applicable, of the local educational agency at a regularly scheduled hearing of the governing board or body or authorized designee, as applicable, of the local educational agency. A complainant who is not satisfied with the resolution proffered by the preschool program administrator or the designee of the district or county superintendent has the right to file an appeal to the State Superintendent. Failure to file a local appeal does not preclude the filing of a state appeal to the State Superintendent.
3. A local educational agency shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the governing board or body or authorized designee, as applicable, of the local educational agency. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board or body or authorized designee, as applicable, of the local educational agency. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. The complaints and written responses shall be available as public records. School districts and charter schools shall report the same summarized data on a quarterly basis to the county superintendent of schools.
4. In order to identify appropriate subjects of complaint, a notice shall be posted in each California state preschool program classroom operating as exempt from licensing notifying parents, guardians, pupils, and teachers of both of the following:
 - a. The health and safety requirements under Title 5 of the California Code of Regulations that apply to California state preschool programs pursuant to Section 1596.7925 of the Health and Safety Code.
 - b. The location at which to obtain a form to file a complaint. Posting a notice downloadable from the Internet Web site of the department shall satisfy this requirement.
5. A local educational agency shall also, as part of its annual notification

pursuant to Title 5 section 4622, clearly indicate which of its CSPPs are operating as exempt from licensing and which of its CSPPs are operating pursuant to Title 22 licensing requirements.

6. For purposes of this section, “local educational agency” means a school district, county office of education, or charter school.
7. Any child under four years of age shall be served in a California state preschool program facility, licensed in accordance with Title 22 of the California Code of Regulations.

C. Requirements For Blended CSPP/Transitional Kindergarten Classrooms

(EC section 48000(h))

1. A school district or charter school may place four-year-old children, as defined in subdivision (aj) of Section 8208, enrolled in a California state preschool program into a transitional kindergarten program classroom. A school district or charter school that commingles children, regardless of the number of children, from both programs in the same classroom shall meet all of the requirements of the respective programs in which the children are enrolled, and the school district or charter school shall adhere to all of the following requirements, irrespective of the program in which the child is enrolled:
 - a. An early childhood environment rating scale, as specified in Section 18281 of Title 5 of the California Code of Regulations, shall be completed for the classroom.
 - b. All children enrolled for 10 or more hours per week shall be evaluated using the Desired Results Developmental Profile, as specified in Section 18272 of Title 5 of the California Code of Regulations.
 - c. The classroom shall be taught by a teacher that holds a credential issued by the Commission on Teacher Credentialing in accordance with Section 44065 and subdivision (b) of Section 44256 and who meets the requirements set forth in subdivision (g).
 - d. The classroom shall be in compliance with the adult-child ratio as specified in subdivision (c) of Section 8264.8.
 - e. Contractors of a school district or charter school commingling children enrolled in the California state preschool program with children enrolled in a transitional kindergarten program classroom shall report the services, revenues, and expenditures for the California state preschool program children in accordance with Section 18068 of Title 5 of the California Code of Regulations. Those contractors are not required to report services, revenues, and expenditures for the children in the transitional kindergarten program.

- f. A transitional kindergarten classroom that has in attendance children enrolled in a California state preschool program shall either be licensed or shall meet the requirements pursuant to Article A, Requirements for LEAs Choosing To Be Exempt From Licensing, above.
- g. A school district or charter school that chooses to place California state preschool program children into a transitional kindergarten program classroom shall not also include children enrolled in transitional kindergarten for a second year or children enrolled in kindergarten in that classroom.

III. ELIGIBILITY CERTIFICATION

A. General Requirements

(EC 8201(a), 8235 (a)(b), 8263[a][1][B], 5 CCR 18107)

1. To receive California state preschool program services, except as otherwise provided for in law, children shall be three or four years, as defined in EC 8208 and set forth below.
2. To receive California state preschool part-day and full-day services, families shall meet the requirements set forth in Section III (B) below.
3. In addition to meeting the requirements in 1 above, 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 "Homeless" is exempted from this requirement and shall submit a declaration of intent to reside in California.
4. The determination of eligibility 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 Homeland Security.
5. CSPP eligible four-year-old children are defined as children who have their fourth birthday on or before December 1 of the fiscal year they are being served.
6. 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 have their third birthday on or after December 2 of the fiscal year, may be enrolled in a California state preschool program on or after their third birthday.

B. Eligibility and Need Criteria

Eligibility Criteria For Part-Day CSPP Services (EC Sections 8236, 8236.3, 8261 and 8263, CSPP FRPM Implementation Guidance 18130.3)

Unless otherwise specified in this section, to be eligible for part-day CSPP, a family shall meet the eligibility criteria as follows:

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 child protective services, or are identified as at risk of being abused, neglected, or exploited.

After all otherwise eligible families have been enrolled, a part-day CSPP may enroll:

1. Children from families whose income is no more than 15% above the eligibility income threshold. Children from families enrolled under this exception may not exceed ten percent of the participating CSPP's total contract enrollment.
2. Children with exceptional needs as defined in EC Section 8208. Children enrolled pursuant to this subsection, shall not count towards the ten percent limitation.
3. After all children have been enrolled pursuant to the above subdivisions, part-day CSPP sites operating within the attendance boundaries of a qualified FRPM school may enroll CSPP four-year-old children whose families reside within the attendance boundary of a qualified FRPM school without establishing eligibility.

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

Contractors enrolling families for part-day services shall establish a family's eligibility once at the time of enrollment.

Eligibility and Need Requirements for Full-Day CSPP (EC 8236, 8236.3, 8261, and 8263[a][1][A] and [B], CSPP FRPM Implementation Guidance 18130.4)

1. Unless otherwise specified in this section, to be eligible for full-day CSPP, a family shall meet both eligibility and need criteria as follows:
 - a. Eligibility Criteria
 - i. Family is a current aid recipient
 - ii. Family is income eligible;
 - iii. Family is experiencing homelessness; or
 - iv. Family has children who are recipients of child protective services, or are identified as at risk of being abused, neglected, or exploited.
 - b. Need Criteria [must meet either (i) or (ii)]:
 - i. The child is identified by a legal, medical, social services agency, transitional shelter, emergency shelter, Head Start program or Local Education Agency liaison for children and youths experiencing

homelessness pursuant to 42 US 11432(g)(1)(j)(ii) as :

- a) Receiving child protective services,
 - b) Being neglected, abused, or exploited, or at risk of neglect, abuse or exploitation;
 - c) Experiencing homelessness
- ii. The parent(s) 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; or
 - f) Incapacitated.
- c. After all children have been enrolled pursuant to the eligibility and need criteria above, a full-day CSPP contractor may enroll CSPP three year old and four-year old children from families that meet the eligibility criteria but do not have a need for services.
- d. After all children have been enrolled pursuant to 1.a., b. and c. above, a full-day CSPP site operating within the attendance boundaries of a qualified FRPM school may enroll CSPP four-year-old children whose family resides within the attendance boundary of the qualified FRPM school without establishing eligibility or need as described in 1.a and b above.

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

1. When need for services is required to be established, services shall only be available to the extent to 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 services are requested; and

- c. Supervision of the family's child is not otherwise being provided by school or another person or entity.
 - 1. When need for services is required to be established, , f families who are eligible for subsidized early learning and care services based on income, public assistance, or homelessness must document that each parent in the family, pursuant to Implementation Guidance 18078, meets a need criterion, as specified in *EC 8263(a)(2)(B)*
- C. Initial Certification of Eligibility and/or Need
- (*EC 8237, 8261, 8261.5, 8263 and 8269; 5 CCR 18081, 18082, 18094, 18095, 18102, 18407[d]*); CSPP FRPM Implementation Guidance 18130.5, 18130.6, 18130.7; 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 *[B]* and Implementation Guidance 18078)
 - 2. The contractor shall designate the staff person authorized to certify eligibility and/or need. Prior to initial certification and recertification, an authorized representative of the contractor shall: (*5 CCR 18082*)
 - a. Certify each family's/child's eligibility and/or need for early learning and care services after reviewing the completed application and documentation contained in the family data file.
 - 3. Part-day CSPP contractors have 120 calendar days prior to the first day of the beginning of the new preschool year to certify eligibility and enroll families into their program.
 - 4. Issue a Notice of Action (NOA), Application for Services pursuant to *5 CCR 18094* upon initial certification.
 - a. Be informed that subsequent to enrollment, a child remains eligible for the portion of the day that is less than four hours and provides age-appropriate, planned, educational activities that address all developmental domains contained in CDE's Desired Results Development Profiles, and does not include a scheduled nap period, for the remainder of the program year.

5. 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.

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 although for part-day CSPP, families will only receive services through the end of the program year; 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 using the following records as applicable to determine eligibility and/or need prior to initial certification and recertification (EC 8263[a][1][A] and [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 homelessness;
 - i. Documentation of seeking permanent housing for family stability;
 - j. Written referral from a legally qualified professional from a legal, medical, social services agency, Head Start Program, transitional shelter, emergency shelter or LEA liaison for homeless children and youth pursuant to 42 US 11432(g)(1)(j)(ii), for children identified as being abuse, neglected or exploited or 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.
 - m. Documentation of current address residing in the school boundary of the qualified FRPM school, if applicable.
3. NOA, 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 CCR 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, 8350. (5 CCR 18081[e])*

IV. FAMILY DATA FILE AND DOCUMENTATION

A. Application for Services

(EC 8250, 8261, and 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. Eligibility status, as applicable, as specified in *EC 8263[a][1][A]* is:
 - a. Child Protective Services;
 - b. Current Aid Recipient;
 - c. Income Eligible; or
 - d. Homelessness (as defined in FT&C).
4. The number of hours per day services will be provided for each child.
5. The reason for needing early learning and care services, as applicable, as specified in *EC 8263(a)(1)(B)*, 5 CCR 18083[e]):
 - a. Child Protective Services; or at risk of abuse, neglect or exploitation
 - b. 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. Seeking Permanent Housing for Family Stability.
 - 6. Employment or training/educational information for parent(s) including name and address of employer(s) and/or training/educational institution(s) and days and hours of employment or training, if applicable.
 - 7. Family size and income, if applicable.
 - 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)
- B. Documentation and Determination of Family Size
- (EC 8250, 8261 and 8263; 5 CCR 18100 and 18083)
- 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 full-day services.

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

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

At the time of initial certification, recertification 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, the contractor 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 the contractor 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. The contractor 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.

D. Calculation of Income

(EC 8261, 8263, 8263.1: Implementation Guidance 18078, 18096, 18084.3)

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" Pursuant to Implementation Guidance 18078.
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 then adding this amount to the other countable income.
 - c. Unpredictable income as referenced in Implementation Guidance 18078 by averaging the income from at least three consecutive months and no more than the preceding 12 months.
3. Exceptions to Calculation for Military Personnel (37 U.S.C. 403)

For programs located on or in close proximity to a military base or base housing for purposes of determining eligibility and income ranking for families whose child is eligible, when an individual counted in the family size is on federal active duty, state active duty, active duty for special work, or Active Guard and Reserve duty in the military, and the families reside on a military base or in military housing, the contractor with prior written approval from the State Superintendent of Public Instruction (SSPI) or his designee may exclude the amount of the basic allowance for housing provided to the

individual.

E. Documentation of Need: Public Assistance

(EC 8261 and 8263; 5 CCR 18085)

If the basis of eligibility as specified in EC 8263(a)(1)(A) is current aid recipient, the parent shall provide documentation of public cash assistance, unless the contractor has and elects to use other means of verification.

F. Documentation of Need Based on Employment, Seeking Employment, Training, Seeking Housing and Incapacity

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

1. Families who are eligible for subsidized early learning and care services based on income, public assistance, or homelessness must document that each parent in the family, meets a need criterion, as specified in EC 8263(a)(2)(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/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) above 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 and 8263; 5 CCR 18086)

1. If the basis of need as stated on the application for services is employment of the parent, 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 indicate 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;
 - c. 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.
 - d. 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
 - e. 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:
 - i. When the employed parent does not have pay stubs or other record of wages from the employer and has provided a self-certification of income as defined in 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 in 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 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 the 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, by the applicable minimum wage. (Implementation Guidance 18078). 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; or
 - 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 the Home or a Licensed Family Day Care Home: Service Limitations

(EC 8261, 8263, and 8265; 5 CCR 18086.1)

The requirements of this section are in addition to those stated in 5 CCR 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 requesting early learning and care program 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 the 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 (HSC)* Section 1596.78, or an individual license-exempt provider pursuant to the California *HSC* Section 1596.792, subdivisions (d) or (f), the parent is not eligible for early learning and care program 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 the California *HSC* 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, and 8265; 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 toward Vocational Goals; Service Limitations

(EC 8261, 8263, and 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 to a recognized trade, para-profession, or profession, early learning and care services shall be limited, except 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 early learning and care program services 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 at 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 form 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 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;
 - 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: Educational Programs; 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
(*EC* 8261, 8263 and 8265; 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 Child's Exceptional Needs

(*EC 8261 and 8263; 5 CCR 18089*)

The family data file shall contain documentation of the child's exceptional needs.

1. If the contractor is claiming adjustment factors pursuant to *EC 8265.5*
2. If the child with exceptional needs is thirteen through twenty-one years of age.
3. If the contractor is operating a program pursuant to *EC 8250(d)*.
4. If the family above income threshold is enrolling a child with exceptional needs in accordance with *EC 8235(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* and *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 8261, and 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

homelessness. The documentation of experiencing homelessness shall include:

- a. A written referral from an emergency shelter or other legal, medical, social service agency local educational agency liaison for children and youth 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 homeless children and youth
 - c. A Head Start Program
 - d. Emergency or transitional shelter
 3. 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 will 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 and 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
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* 8261, 8263[a][1][A] and [B], 8263[b][1]; 5 *CCR* 18081[b][10] and 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 a child receiving child protective services, the family data file shall contain a written referral, dated within the six months immediately preceding the date of application for services. The written referral shall include:

- a. A statement from the local county welfare department, child protective services unit certifying that the child is receiving child protective services and the early learning and care services are a necessary component of the child protective services plan; or
- b. The probable duration of the child protective services plan or the at-risk situation; and
- c. The name, address, telephone number, and signature of the legally qualified professional who is making the referral.

2. Child is identified as, or is at risk of abuse, neglect, or exploitation

If eligibility and need are based on the child being identified as abused, neglected, exploited, or at risk of abuse, neglect, or exploitation, 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 a Local Education Agency (LEA) liaison for homeless children and youth pursuant to 42 US 11432(g)(91)(j)(ii) certifying that:
 - i. The child is identified as being abused, neglected, 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])

- 1. The family data file shall contain all child health and current emergency information required by *California Code of Regulations* Title 22 Social Security, Division 12, Section 101221 Community Care Facilities Licensing Regulations.
- 2. Immunization records are not required to be in the family data file for children attending a public or private elementary school or for children receiving care in licensed facilities and reimbursed pursuant to *EC* 8220 and 8350.
- 3. The enrollment of homeless children shall occur pending the submittal of all immunization documentation. If the parent has been identified as homeless 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 and 8263; 5 CCR 18081, 18083, 18094, and 18095)

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

The contractor shall maintain copies of the NOA, Application for Services in the basic data file. The NOA, 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 NOA, Application for Services in accordance with procedures specified in 5 CCR 18120 and 18121 and the Due Process section.

S. Requirement to Report when Income Exceeds Ongoing Income Eligibility

(Implementation Guidance 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 NOA 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 NOA pursuant to section 18095, and
- d. Not use any information received to make any other changes to the service agreement.

U. Recertification

(EC 8261 and 8263[b][1][B] and [C]; Implementation Guidance 18103[a])

After initial certification and enrollment, the contractor shall verify eligibility and recertify each family/child receiving services 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 and 8263[a][1][A] and [B]; 5 CCR 18095 and 18119)

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 NOA, Recipient of Services, in accordance with 5 CCR 18119 and the *Due Process* section.
2. The contractor shall maintain copies of all NOAs, Recipient of Services in the family's basic data file. The NOA, 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 NOA, 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 Early Education and Support Division, as described in 5 *CCR* 18120 and 18121.

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

V. 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.

VI. ADMISSION POLICIES AND PROCEDURES

A. General Admission Procedures

(*EC 8236, 8261, and 8263; 5 CCR 18105*)

Contractors shall develop written admission policies and procedures that shall be made available to the public. The admission procedures established shall conform to requirements in 22 *CCR 101218*.

B. Admission Priorities, Waiting List and Displacement

(*EC 8227[e], 8236 8261, 8263 and 8263.3[b]; 5 CCR 18106*)

Contractors shall maintain a current waiting list in accordance with admission priorities. Contractors may satisfy this requirement by participating in a county child care centralized eligibility list. When filling vacancies, contractors shall contact applicants in order of priority from the waiting list. Families shall be enrolled in accordance with admission priorities above.

If it is necessary to displace families, families shall be displaced pursuant to *EC 8263.3(b)*

1. Part-day CSPP Admission Priorities (*EC 8261, 8235, 8236 and, 8263(b); 5 CCR 18106*)

- a. First priority: Contractors shall give first priority for services to CSPP three- and four-year-old children who are recipients of child protective services, or who have been determined to be neglected, abused, or exploited or at risk thereof. 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.
- b. Second priority: (*EC 8263[b][2]*) Contractors shall give second priority for services to eligible CSPP four-year-old children, not enrolled in Transitional Kindergarten, in the following order:
 1. Eligible children who were enrolled in CSPP as a three year old
 2. Children whose families have the lowest income ranking based on the most recent Schedule of Income Ceiling eligibility table as published by the SSPI at the time of enrollment.
 3. When two or more families have the same income ranking, according to the most recent Schedule of Income Ceiling eligibility table, the child with exceptional needs as defined in EC section 8208 shall be admitted first.

4. If there are no families with children with exceptional needs, the family that has been on the waiting list for the longest time shall be admitted first.
- c. Third priority: Contractors shall give third priority for services to eligible CSPP three-year old children, in the following order:
 1. Children whose families have the lowest income ranking based on the most recent Schedule of Income Ceiling eligibility table as published by the SSPI at the time of enrollment.
 2. When two or more families have the same income ranking, according to the most recent Schedule of Income Ceiling eligibility table, the child with exceptional needs as defined in EC section 8208 shall be admitted first.
 3. If there are no families with children with exceptional needs, the family that has been on the waiting list for the longest time shall be admitted first.
 - d. (d) After all otherwise eligible children have been enrolled, the contractor may enroll the following children in the order listed:
 1. Children from families whose income is no more than 15% above the eligibility income threshold may be enrolled. Children from families enrolled under this exception may not exceed ten percent of the participating CSPP's total contract enrollment. Priority shall be given to four-year-olds before three-year-olds.
 2. Children with exceptional needs as defined in EC Section 8208 may be enrolled, regardless of family's income. Children enrolled pursuant to this subsection, shall not count towards the ten percent limitation. Priority shall be given to four-year-olds before three-year-olds.
 3. For CSPP sites operating within the attendance boundaries of a qualified FRPM school, the contractor may, enroll CSPP four-year-old children whose families reside within the attendance boundary of the qualified FRPM elementary school without establishing eligibility pursuant to EC sections 8263(a)(1)(A) and (B). These families shall, to the extent possible, be enrolled in income ranking order, lowest to highest.
 - e. 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])
 - f. 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.

2. Full-day CSPP Admission Priorities [EC sections XXX]

- a. First priority: Contractors shall give first priority for services to CSPP three- and four-year-old children who are recipients of child protective services, or who have been determined to be neglected, abused, or exploited or at risk thereof. 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.
- b. Second priority: (*EC* 8263[b][2]) Contractors shall give second priority for services to eligible CSPP four-year-old children, not enrolled in Transitional Kindergarten, in the following order:
 1. Eligible children who were enrolled in CSPP as a three year old
 2. Children whose families have the lowest income ranking based on the most recent Schedule of Income Ceiling eligibility table as published by the SSPI at the time of enrollment.
 3. When two or more families have the same income ranking, according to the most recent Schedule of Income Ceiling eligibility table, the child with exceptional needs as defined in *EC* section 8208 shall be admitted first.
 4. If there are no families with children with exceptional needs, the family that has been on the waiting list for the longest time shall be admitted first.
- c. Third priority: Contractors shall give third priority for services to eligible CSPP three-year old children, in the following order:
 1. Children whose families have the lowest income ranking based on the most recent Schedule of Income Ceiling eligibility table as published by the SSPI at the time of enrollment.
 2. When two or more families have the same income ranking, according to the most recent Schedule of Income Ceiling eligibility table, the child with exceptional needs as defined in *EC* section 8208 shall be admitted first.
 3. If there are no families with children with exceptional needs, the family that has been on the waiting list for the longest time shall be admitted first.
- d. After all otherwise eligible children have been enrolled, the contractor may enroll the following children in the order listed:
 1. The contractor may, pursuant to *EC* section 8263(a)(2), enroll CSPP three- and four-year old children from families that meet

eligibility criteria without establishing a need for services pursuant to *EC* Section 8263(a)(1)(B). Within this priority, contractors shall enroll families in income ranking order, lowest to highest, and within income ranking order, enroll four-year-olds before three-year-olds.

2. For CSPP sites operating within the attendance boundaries of a qualified FRPM school, the contractor may, enroll CSPP four-year-old children whose families reside within the attendance boundary of the qualified FRPM elementary school without establishing eligibility or a need for services pursuant to *EC* section 8263(a)(1)(A) and (B). These families shall, to the extent possible, be enrolled in income ranking order, lowest to highest.

- e. 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])

C. Head Start Collaborative Full-Day Programs

(5 *CCR* 18131.1)

When the CSPP contractor is also a Head Start grantee or delegate agency or has a signed collaboration agreement with a Head Start grantee or delegate agency, the contractor shall:

Search their waiting list for eligible children whose family income is at or below the Head Start income guidelines, who need full-day services, and, if the information is included in the waiting list, the Head Start enrollment priorities;

1. Give first priority for services to eligible children based on section above; and
2. Give second priority for services to children drawn from the waiting list search and other eligible children from families with incomes not to exceed the exceptions specified in 5 *CCR* 18133, who meet Head Start enrollment priorities, as these children shall be deemed as meeting the priorities.

D. Waiting List and Displacement of Families

(*EC* 8227(e), 8236, 8261 8263 and 8263.3[b]; 5 *CCR* 18106)

Contractors shall maintain a current waiting list in accordance with admission priorities. Contractors may satisfy this requirement by participating in a county child care centralized eligibility list, where applicable. When filling vacancies, contractors shall contact applicants in order of priority from the waiting list as vacancies occur. Families shall be enrolled in accordance with admission priorities above.

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

E. Policies to Prevent Suspension, Expulsion and Denial of Services to Preschool Children

(EC 8239.1)

1. A contracting agency shall not expel or disenroll a child because of a child's behavior except as authorized.
2. If a child exhibits persistent and serious challenging behaviors, the contracting agency shall expeditiously pursue and document reasonable steps, including, but not limited to, consulting with the child's parents or legal guardians and teacher, to maintain the child's safe participation in the program. The contracting agency shall inform the parents or legal guardians of a child exhibiting persistent and serious challenging behaviors of the process described in this section.
3. If the child has an individualized family service plan or individualized education program, the contracting agency, with written parental consent, shall contact the agency responsible for the individualized family service plan or individualized education program to seek consultation on serving the child.
4. If the child does not have an individualized family service plan or individualized education program, the contracting agency shall consider, if appropriate, completing a universal screening of the child, including, but not limited to, screening the child's social and emotional development, referring the child's parents or legal guardians to community resources, and implementing behavior supports within the program before referring the child's parents or legal guardians to the local agency responsible for implementing the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).
5. If a contracting agency has expeditiously pursued and documented reasonable steps to maintain the child's safe participation in the program and determines, in consultation with the parents or legal guardians of the child, the child's teacher, and, if applicable, the local agency responsible for implementing the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), that the child's continued enrollment would present a continued serious safety threat to the child or other enrolled children, it shall refer the parents or legal guardians to other potentially appropriate placements, the local child care resource and referral agency, or any other referral service available in the local community. The contracting agency may then disenroll the child.
6. A contracting agency shall have up to 180 days to complete the process described in this section.

VII. 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

(*EC 8273 and 8273.2; 5 CCR 18108, 18109; Implementation Guidance 18084 [c]*)

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 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.
4. No adjustment shall be made for excused or unexcused absences.
5. The fee shall be the full portion of the family's cost for services.
6. The certified family need for full-time or part-time services.

If the family has more than one child in any early learning and care program, the fee shall be assessed and collected based on the 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 85 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 total countable income is 85 percent of the state median income.

C. Exceptions to Fee Assessment

(EC 8273.1; 5 CCR 18110)

No family fees shall be collected from the following types of families:

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. Contractors 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 and 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 in *EC 8263 (a)(1)(A)* and (B) 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 and 8273; 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.

An NOA, 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 and 8273; 5 CCR 18115 and 18116)

The contractor shall accept a reasonable plan from the parent(s) for the 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.

VIII. CONFIDENTIALITY OF RECORDS

(EC 8261, 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.

IX. DUE PROCESS REQUIREMENTS

A. NOA, 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 written NOA, Application for Services within 30 calendar days from the date the application is signed by the parent(s).

The NOA, 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. For families being certified to receive part-day services, the NOA may be issued up to 120 calendar days prior to the first day of the beginning of the new program year;
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;
2. Instructions for the parent(s) on how to request a hearing if they do not agree with the contractor's decision in accordance with procedures specified in 5 CCR 18120 and 18121.

B. NOA, 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 NOA, Recipient of Services in accordance with 5 CCR 18119. The contractor shall maintain copies of all NOAs, Recipient of Services in the family's data file.

The NOA, 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;
11. Instructions for the parent(s) on how to request a hearing if they do not agree with the contractor's decisions in accordance with procedures specified in 5 CCR 18120 and 18121.

C. Changes Affecting Services

(EC 8261, 8263(c); 5 CCR 18119)

The contractor shall complete a NOA, 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 services.

The contractor shall mail or deliver the NOA to the parents at least 14 calendar days before the effective date of the intended action. (If the NOA is mailed, the 14 calendar day period is extended by 5 calendar days, which establishes a presumption that the parent received the NOA.). [Code of Civil Procedure section 1013(a)]

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 within the same contracting agency or to another agency that administers state or federally funded early learning and care programs.

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 NOA 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(s) disagree(s) with the written decision from the contractor, the parent has 14 calendar days in which to appeal to the CDE.

The appeal must be received within 14 calendar days of the date on the contractor's written decision. If the parent(s) do(es) not submit an appeal request to the CDE 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's 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.

X. 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 on the CDE Web site at the following link:

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

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 Superintendent of Public Instruction pursuant to EC 8244.

B. Site Supervisor

(EC 8208(aa), and 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 Web site 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:

Evidence that the contractor's recruitment efforts have not been successful in obtaining qualified applicants.

1. Evidence of the contractor's inability to offer competitive salaries.
2. 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)

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

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

XI. STAFFING RATIOS

(5 CCR 18290, 18291, and 18292)

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

- A. Preschool (36 months to enrollment in kindergarten)
- B. 1:8 adult -child ratio
- C. 1:24 teacher-child ratio

Compliance with these ratios shall be determined based on actual attendance. 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 fifteen percent (15%), for a period of time not to exceed 120 minutes in any one day. (5 CCR 18292)

XII. 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.

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.

XIII. 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.

CALIFORNIA STATE PRESCHOOL PROGRAM QUALITY REQUIREMENTS

I. Program Philosophy, Goals And Objectives

(EC 8261; 5 CCR 18271)

Each contractor shall have a written philosophical statement and goals and objectives that support that philosophy. The governing body of each contractor shall approve the program philosophy, goals and objectives. The goals and objectives shall address the requirements contained in all of the sections of this article and shall reflect the cultural and linguistic characteristics of the families served by the contractor.

II. Developmental Profile

(EC 8203, 8261; 5 CCR 18272)

- A. The contractor shall complete the age-appropriate Desired Results Developmental Profile, as defined in 5 CCR 18270.5(c), for each child who is enrolled in the program for at least ten (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 thereafter.
- C. The contractor shall use the developmental profiles to plan and conduct age and 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.
- E. If a child has a disability, and/or has an Individualized Education Program, the developmental profile shall be completed with any necessary accommodations and adaptations. Notwithstanding, (A) above, a developmental profile is required for a child with an Individualized Education Program even if that child is enrolled for less than 10 hours per week.

III. Education Program

(EC 8261; 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 art, music, movement, and dialogue.
 - 3. Promoting interaction and language use among children and between children and adults; and
 - 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.
- G. Contractors providing center-based services may schedule up to two days of staff training (16 hours), 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 8261; 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.
- C. Parent meetings with program staff.
- D. An open door policy that encourages parents to participate in the daily activities whenever possible, and
- 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 8261; 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; and
- C. Conducts follow-up procedures with the parent to ensure that the needs have been met.

VII. Community Involvement

(EC 8261; 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. Providing information to the community regarding the services available.
- C. Contractors may utilize media or other forms of communication in the community.

VIII. Nutrition

(EC 8261; 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 Nutrition program.

IX. Program Self-Evaluation Process

(EC 8261; 5 CCR 18270.5[i] and 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 FPM/CMR.

2. An assessment of the program by parents using the Desired Results Parent Survey, as defined in 5 CCR 18270.5(d).
 3. An assessment of the program by staff and board members as evidenced by written documentation.
 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 defined in 5 CCR 18270.5, together with all other self-evaluation findings.
 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 specified in 5 CCR 18279(B)(4) above.
 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 pursuant to 5 CCR 18279(B)(5) above are addressed in a timely and effective manner.
- C. The contractor shall use the Agency Self-Evaluation Report, as defined in 5 CCR 18270.5, to submit a summary of the findings of the program self-evaluation to the CDE by June 1 of each year.
- 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, as defined in 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. Environment Rating Scales

(EC 8261; 5 CCR 18281)

- A. Center-based programs and family child care home networks shall complete an environment rating scale as defined in 5 CCR 18270.5(f) that are appropriate for

the type of setting and age of children served to measure program quality:

1. Every 3 years as part of the program compliance review, and
 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.