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# **Individualized Child Care Subsidy Program Handbook for the Counties of San Mateo and San Francisco**





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## **Introduction to the Handbook**

This handbook is designed to be a guide regarding rules and regulations for determining eligibility, need, documentations, duration of qualification, and hours of care under the terms and conditions of the Subsidy Program. If not specified in this handbook, all other regulations from Title 5, Title 22, Program Requirements, Funding Terms and Conditions, Attendance and Fiscal Reporting and Reimbursement Procedures, (Green Book), and Licensing must be followed.

This handbook is divided into two categories:

- **Part 1 – Basic Guidelines** provide a short description of the rules specifically affected by the approved San Mateo and San Francisco Child Care Subsidy Plans.
- **Part 2 – Regulations** cites the Sections of the Education Code that must guide all child care and development contractors and notes in red font where the County Subsidy Plans permit different rules.

## **Summary of the San Mateo and San Francisco Child Care Subsidy Programs**

In 2003, the San Mateo County Child Care Subsidy Pilot was authorized by the passage of Assembly Bill 1326 to design a local subsidy plan specifically tailored to the needs and goals of the community and to pilot the plan provisions from 2004 to 2009.

In 2004, Senate Bill 701 (Migden) authorized the City and County of San Francisco to establish a County Child Care Subsidy Pilot, design a local plan and pilot operation from 2006 until 2011.

The two counties worked together from the beginning. Both were seeking to explore solutions to the problems that California's "one-size-fits-all" child care subsidy system presents to high cost counties such as San Mateo and San Francisco. Their Pilots sought to demonstrate the effects of limited local control and flexibility to meet the goals of increased family self-sufficiency, continuity of care for children and to stabilize a fragile child care infrastructure.

The two Pilot Programs were extended through further legislation and their sunset dates were finally removed in 2014 and 2015, transforming the pilots into ongoing child care subsidy programs.

The two Counties seek to address three fundamental, common concerns:

- that families barely earning enough to meet the high costs of housing in the region nevertheless are considered too high income to qualify for child care subsidies; and
- that the state reimbursement rates to providers contracted to provide high quality child care are so low that providers cannot cover their costs, and therefore, are unable to utilize their full allocation of child care and development funds.
- As a result, fewer children are subsidized and child care spaces are lost to the two counties.

Through a series of changes, the San Mateo and San Francisco Child Care Subsidy Programs seek to achieve these goals:

- Goal 1: Increase the ability of low-income families to move toward self-sufficiency through higher earnings
- Goal 2: Increase the stability of early care and education placements for families and continuity of education and care for children.
- Goal 3: Increase the viability and effectiveness of the San Mateo and San Francisco County Subsidized Child Care System

The two counties face the same kind of local challenges and so have worked together to track the same Pilot outcome measures, procedures, family eligibility and fee scale, and annual report format. The counties have used the same independent evaluation firm to track their progress and report to the legislature and to the California Department of Education.

On November 5, 2016, both Programs requested identical changes to their Individualized Child Care Subsidy Pilot Plans in order to better meet the goals. These changes were approved on February 15, 2017 by the California Department of Education.

### **What does this mean for families in subsidy programs?**

- The income eligibility threshold for entering CSPP, CCTR, CHAN, CAPP, CFCC, and CalWORKs Stages 2 and 3 moves from 70% of SMI to 85% of federally-determined SMI. This means that new families can earn approximately 30% more and still qualify for programs.
- After families are certified as eligible, they will have no less than 24 months of eligibility (unless the need is seeking employment) as long as they abide by the rules of the program and their income does not exceed 85% of State Median Income.
- If the need for child care is based on seeking employment, the eligibility time frame increases from 60 days to 12 months.
- CA State Preschool agencies can serve children who will turn 3 years of age on or before December 2<sup>nd</sup>. Stated another way, children who are 2 years 9 months on September 1st are age eligible for CSPP.

As before, participating Title V Contractors for CSPP and CCTR receive a reimbursement rate that is higher than the Standard Reimbursement Rate. This rate is still far less than the regional average cost of care, but it lessens the gap and will help more children be served.

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## Part 1 – Basic Guidelines

### Determining Eligibility for your Agency

#### FAMILY ELIGIBILITY

Families first must meet agency's specific CDE approved requirements for eligibility. An example is, a contracting agency may have an approved policy that all parent/guardians must be active students at the educational institution associated with the contractor.

#### CHILD ELIGIBILITY

Determine that the child(ren) are of the appropriate age for your agency's program. Under the Program, a child whose 3<sup>rd</sup> birthday is on or between, September 2<sup>nd</sup> through December 2<sup>nd</sup>, of the current fiscal year, can qualify for CSPP.

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### Determining Eligibility for Subsidized Care

After the family and child(ren) have been determined eligible for your program type, follow San Mateo and San Francisco County Subsidy Program/Title 5 regulations for determining eligibility for subsidized care including documentations needed to establish eligibility under one of the following categories, unless otherwise specified.

- Protective Services
  - Current Aid Recipient
  - Income Eligible
  - Homeless
  - Programs for the Severely Handicapped
- 

### Determining Need for Subsidized Care

Once a family has been determined eligible for subsidized care, follow San Mateo and San Francisco County Subsidy Program/ Title 5 regulations for determining need including documentations needed to establish need under one or more of the following categories, unless otherwise specified.

- Protective Services
  - Working
  - Education or Training
  - Seeking Employment
  - Parent/Guardian Incapacity
  - Seeking Permanent Housing
- 

### Applying for CSPP Half-Day Program

Child/Family applying for **CSPP Half-Day Program** will receive no less than a 24-month certification when enrollment process is complete. In order for the child/family to complete the second year of the State Preschool Program within the 24-month certification period, program shall approve for service **on or after** the last week of the State Preschool Program. *(Please note: half day programs are allowed to enroll 120 days prior to the first day of school)*

*For example: If the last week of the State Preschool Program is the third week of June, program should certify the child/family for services on or after the third week of June in order for families to maintain eligibility and enrollment for two full CSPP school years.*

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### **After Initial Certification or Re-Certification**

Once a family has been certified for services, contract service hours and family fee remain the same throughout the full duration of the family's eligibility period; no less than 24-months or 12-months for Seeking Employment.

No changes can be made without the request from the parent unless change is made due to family who have a combined need with seeking employment, see section below regarding this combination.

### **Reporting Changes After Initial Certification or Re-Certification**

Families must report if their income exceeds the 85<sup>th</sup> percentile of SMI. The following income ceilings should be provided to parents/guardians for reporting purposes. Subsidy Program Participation Agreement is to be used for this purpose.

*income ceilings as of July 1, 2017*

Family 1 or 2	Family 3	Family 4	Family 5	Family 6	Family 7	Family 8 or more
\$4,894	\$5,270	\$5,922	\$6,870	\$7,817	\$7,995	\$8,172

Families are not required to report any other change, although they may report information for the purposes of changing their authorization to more closely meet their needs (i.e.: lowering their family fees, requesting additional hours, etc.) When parents request a change in need or income at any time during the period after certification or recertification, contractors should request information to update the family file as follows:

- When a change in hours is requested due to a change in hours of employment, contractor will verify the change with the employer and request documentation for need to correspond with the change in need.
- When an update to the family's gross monthly income is requested (such as a decrease in income and family fee), contractors should request updated income documentation (such as copies of paystubs) to correspond with the change in income.

### ***EMPLOYMENT***

**Set Schedule Employment:** At certification or recertification, the new recertification date will be no less than 24 months. The certificate, which includes schedule of hours and Family Fee will remain the same throughout the 24 months, unless parent requests a change. Parents may report information for the purposes of changing/updating their authorization to more closely meet their needs, i.e. lowering their family fees, requesting additional hours, etc.

**Variable Schedule Employment:** At certification or recertification, the new recertification date will be no less than 24 months. The certificate, which includes schedule of hours and family fee, will remain the same throughout the 24 months, unless parent requests a change. Contractors no longer update variable schedules every 4 months or update income unless parent notifies contractor that a change is needed. When a parent on a variable schedule calls to report a change in hours, the contractor should verify the change by contacting the Employer (via phone or completion of a new employment verification form).

Contractor should request updated need documentation to correspond to the change in need.

### **Family's Right to Voluntarily Report Changes**

Families have the right to voluntarily report changes in accordance with Title 5 § 18084.2, and contractors must follow procedures as described in such section.

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### **Seeking Employment**

Families seeking employment are eligible to receive services for no less than 12 months.

- Service hours may be authorized up to 6.5 hours per day or 32.5 hours a week, no more than five days per week.
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### **Seeking Employment Combined with other Need such as Employment**

At certification or recertification, families who are seeking employment and have another need, such as employment, are eligible for no less than 24 months. However, the authorization for additional hours for seeking employment are limited to 12 months. After the family has used 12-months of care for seeking employment, they must submit an update to authorize for the additional hours that had be certified under seeking employment. If the family is still seeking employment, they will submit a new Seeking Employment form and those additional hours are certified for another 12 months. If at the end of the initial 12 months of seeking employment, the family has a new need such as going to school, the family's service hours will be updated, once verified, and the family will maintain the original re-certification date.

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### **EDUCATION / VOCATIONAL TRAINING**

Parents engaged in education or vocational training are eligible to receive services for no less than 24 months. If during the eligibility period the parent reaches their 6-year limit for receiving services for vocational training or their 24-unit limit after they have earned their bachelor's degree, the parent may still use services up to their re-certification date. Parents can voluntarily report changes to update their school schedule, but documentation will be needed (update) before any change takes place. Contractors **may not** request grades or satisfactory progress after each semester, or request school schedules for upcoming semesters.

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### **PARENTAL INCAPACITY**

Parents with a documented physical or mental incapacity, at initial certification or recertification, are eligible to receive services for no less than 24 months.

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### **SEEKING PERMANENT HOUSING**

Families seeking permanent housing are eligible to receive services for no less than 24 months.

- Service hours may be authorized up to 6.5 hours per day or 32.5 hours a week, no more than five days per week.
-

## Recertification Timelines

All families will have a recertification date at no less than 24 months, except for families whose services hours have been certified under seeking employment. For seeking employment, eligibility time period is 12 months.

For families with ongoing needs, child care can be authorized for no less than 24 consecutive months. If such a family requests a change to better meet their needs before the end of their 24 month eligibility, the contractor will request any information needed, such as documentation of a change in work hours, make an update to the family file and provide a NOA. If a family does not request a change, the certification continues until their recertification at 24 months. If at recertification, families continue to qualify based on eligibility and need, they will receive another 24-month eligibility period.

Families with a need of **Seeking Employment**, will have a recertification date at 12 months and child care can be authorized for 12 months.

- If they report that they need more services because of another need, the contractor will verify the need, make the change to the authorization, and update per the usual process. The recertification date will remain at the original 12-month mark.

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## Moving Child(ren) Between Funding Sources (in same agency) Within Their Certification Period

### For Center Base Programs:

If a child/family must **Transition from one Contract** to another, for example, from CCTR (*Toddler Program*) to CSPP (*Preschool Program*), or from CSPP to CCTR (*School-Age Program*), this does not trigger a recertification. An update will occur noting the contract change. Families will still receive a NOA notifying them that their child has been moved from a toddler class to a preschool class, for an example. However, all certified need and eligibility will remain the same as well as the recertification date, unless the parent voluntarily requests changes. See section **Family's Right to Voluntarily Report Changes**.

### For AP Programs:

If a family or children is transferring between AP programs for services in CalWORKs Stage 2, Stage 3 and CAPP they can be transferred between programs without a recertification. The family will receive a notification advising the parent of the transfer, either with a NOA or a letter, and the family folder will be updated accordingly. All certified need and eligibility will remain the same as well as the recertification date, unless the parent voluntarily requests changes. See section **Family's Right to Voluntarily Report Changes**.



## Part 2 – Regulations

### Introduction to the San Mateo and San Francisco County Subsidy Program/Title 5 Regulations

The following section includes the official California Code of Regulations from the California Office of Administrative Law ([www.oal.ca.gov](http://www.oal.ca.gov)), as well as sections from CDE September 2017 Management Bulletin 17-14; Attachment A: *12-Month Eligibility Implementation Guidance*.

Key modifications to Title 5: Education Regulations, Division 1: California Department of Education, Chapter 19: Child Care and Development Programs, Subchapter 3: General Child Care Programs and Subchapter 4: State Preschool Program are:

- Age requirement for CSPP programs.
  - Time duration of eligibility.
  - Service hours for those who are Seeking Employment or Seeking Housing.
- 

\*\*Please note that “*Strikethroughs*” that are “*italic*” were made in accordance with Program regulations. Added language in “*red*” and “*italic*” were made in accordance with Program regulations. All other notations have been made by CDE.\*\*

## **Beginning of San Mateo and San Francisco County Subsidy Program/Title 5 Regulations**

### **§ 18074. Applicable Regulations.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 2.5. Utilization of the Regional Market Rate Ceiling

Article 1. General Provisions

5 CCR § 18074

#### **§ 18074. Applicable Regulations.**

The regulations contained in this Subchapter, except for those contained in Section 18075.1, shall apply to contractors using the regional market rate ceiling to develop reimbursement agreements with licensed and license-exempt providers of child care and development services to eligible families. Section 18075.1 applies to contractors developing reimbursement agreements with licensed providers only. For the purposes of this subchapter, the term “contractor” shall also apply to county welfare departments operating programs pursuant to Article 15.5, commencing with Section 8350, of Chapter 2 of Division 1 of the Education Code.

Note: Authority cited: Sections 8265 and 8269, Education Code. Reference: Sections 8265 and 8269, Education Code.

### **§ 18074.1. Definition(s).**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 2.5. Utilization of the Regional Market Rate Ceiling

Article 1. General Provisions

5 CCR § 18074.1

#### **§ 18074.1. Definition(s).**

- (a) “Certified need for child care” means the number of days and hours of child care and development services approved and documented by the contractor as sufficient to meet the family's need for child care.
- (b) “Maximum subsidy amount” means the regional market rate ceiling plus any applicable adjustments pursuant to Sections 18075.1 or 18075.2.
- (c) “Regional market rate ceilings” means the maximum amount calculated by the Department that providers in different regions of the state may be reimbursed for the same type of child care for the same age child in accordance with statutory ceilings currently in effect.
- (d) “Subsidized families” means eligible families who are receiving child care and development services and on whose behalf the Department or the California Department of Social Services is providing a reimbursement, in whole or in part.
- (e) “Unsubsidized” means children or families other than those defined in subdivision (d).

Note: Authority cited: Sections 8261, 8263 and 8269, Education Code. Reference: Sections 8263, 8269 and 8461, Education Code.

## **§ 18074.2. Application of Regional Market Rate Ceilings.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 2.5. Utilization of the Regional Market Rate Ceiling

Article 1. General Provisions

### 5 CCR § 18074.2

#### § 18074.2. Application of Regional Market Rate Ceilings.

Contractors shall use the age of the child, the certified need for child care, and the facility type to identify the applicable regional market rate ceiling.

(a) The applicable facility type shall be determined as follows:

(1) Child care center rate ceilings shall be used for those providers who:

(A) Operate licensed centers; or

(B) Are public or private schools operating extended day programs; or

(C) Operate centers on tribal or federal lands; or

(D) Operate recreation programs exempt from licensure pursuant to Health and Safety Code Section 1596.792 and that meet the requirements for participation in the alternative payment program, including:

1. Using sign-in/sign-out documents to record attendance pursuant to Section 18065;

2. Providing adult supervision for all children during all hours of operation; and

3. Ensuring that all employees who have contact with children have completed criminal history background examinations comparable to the criminal history background examinations required by Chapter 3.35 of Division 2 of the Health and Safety Code, commencing with Section 1596.60.

(2) Family child care home rate ceilings shall be used for those providers who:

(A) Operate licensed family child care homes; or

(B) Operate a child care business in a home setting on tribal or federal land.

(3) In-home/exempt rate ceilings shall be used for all other providers. If no ceiling is provided for the applicable reimbursement rate category pursuant to Section 18075, the contractor shall determine a ceiling by multiplying the regional market rate hourly ceiling by the hours of certified need.

(b) For children enrolled in kindergarten who are less than six years of age, the applicable age category shall be determined as follows:

(1) Providers identified in (a)(1) above shall utilize:

(A) The 6+ age category when the child is considered school-age for licensing purposes.

(B) The 2-5 age category when the child is considered preschool age for licensing purposes.

(2) Providers identified in (a)(2) and (a)(3) above shall utilize:

(A) The 6+ age category when the child is six years of age or older.

(B) The 2-5 age category when the child is less than six years of age.

Note: Authority cited: Sections 8265 and 8269, Education Code. Reference: Sections 8265 and 8269, Education Code.

**§ 18074.3. Establishment of Reimbursement Rate. [Repealed]**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 2.5. Utilization of the Regional Market Rate Ceiling

Article 1. General Provisions

5 CCR § 18074.3

**§ 18074.3. Establishment of Reimbursement Rate. [Repealed]**

Note: Authority cited: Sections 8265 and 8269, Education Code. Reference: Sections 8222, 8265, 8266.5, 8269 and 8357, Education Code.

**§ 18074.4. Establishment of Provider Reimbursement Rate Utilizing the Comparable Local Rate. [R...**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 2.5. Utilization of the Regional Market Rate Ceiling

Article 1. General Provisions

5 CCR § 18074.4

**§ 18074.4. Establishment of Provider Reimbursement Rate Utilizing the Comparable Local Rate.**

**[Repealed]**

Note: Authority cited: Sections 8265 and 8269, Education Code. Reference: Sections 8222, 8265, 8266.5, 8269 and 8357, Education Code.

**§ 18074.5. Establishment of Hourly Reimbursement Rate for In-Home/Exempt Providers. [Repealed]**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 2.5. Utilization of the Regional Market Rate Ceiling

Article 1. General Provisions

5 CCR § 18074.5

**§ 18074.5. Establishment of Hourly Reimbursement Rate for In-Home/Exempt Providers. [Repealed]**

Note: Authority cited: Sections 8265 and 8269, Education Code. Reference: Sections 8265 and 8269, Education Code.

## **§ 18074.6. Determination of Reimbursement Amount. [Repealed]**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 2.5. Utilization of the Regional Market Rate Ceiling

Article 1. General Provisions

5 CCR § 18074.6

### **§ 18074.6. Determination of Reimbursement Amount. [Repealed]**

Note: Authority cited: Sections 8265 and 8269, Education Code. Reference: Sections 8265 and 8269, Education Code.

## **§ 18075. Reimbursement Rate Categories.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 2.5. Utilization of the Regional Market Rate Ceiling

Article 1. General Provisions

5 CCR § 18075

### **§ 18075. Reimbursement Rate Categories.**

Contractors shall reimburse providers in accordance with the following rate categories.

(a) Hourly, which shall only be used for the following:

(1) A child's certified need for child care of less than 30 hours per week and less than six hours on any day; or

(2) An unscheduled but documented need of less than six hours per occurrence, such as the parent's need to work overtime, that exceeds the certified need for child care; or

(3) That portion of the certified need for child care that exceeds 52.5 hours per week and is not included in the provider's full-time weekly or full-time monthly rate. This provision applies only if the family utilizes no more than one provider to meet the child's entire need for child care and development services. Additional payment made under the hourly rate for this purpose cannot exceed the provider's full-time weekly or full-time monthly rate.

(b) Daily, which shall only be used for the following:

(1) A certified need for child care of six hours or more per day; or

(2) An unscheduled but documented need of six hours or more per occurrence, such as the parent's need to work on a regularly scheduled day off, that exceeds the certified need for child care.

(c) Part-time weekly, which shall only be used when a certified need for child care less than 30 hours per week.

(d) Full-time weekly, which shall only be used when a certified need for child care is 30 hours or more per week.

(e) Part-time monthly, which shall only be used for the following:

(1) A certified need for child care of less than 30 hours per week and that need occurs in every week of the month; or

(2) A certified need for child care averages less than 30 hours per week when calculated by dividing the total number of hours of need in the month by 4.33, and that need occurs in every week of the month.

(f) Full-time monthly, which shall only be used for the following:

- (1) A certified need for child care of 30 hours or more per week and that need occurs in every week of the month; or
- (2) A certified need for child care averages 30 hours or more per week when calculated by dividing the total number of hours of need in the month by 4.33, and that need occurs in every week of the month.

Note: Authority cited: Sections 8265 and 8269, Education Code. Reference: Sections 8220, 8222 and 8357, Education Code.

### **§ 18075.1. Adjustment for Evenings and/or Weekends for Licensed Providers.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 2.5. Utilization of the Regional Market Rate Ceiling

Article 1. General Provisions

#### 5 CCR § 18075.1

##### § 18075.1. Adjustment for Evenings and/or Weekends for Licensed Providers.

(a) This section applies only to reimbursement to licensed providers, except this section shall not apply to reimbursement provided pursuant to the hourly rate defined in Section 18075(a).

(b) When a licensed provider is meeting the certified need for child care that includes hours during the period from 6:00 p.m. to 6:00 a.m. on any day of the week or from 6 a.m. Saturday to 6:00 a.m. Monday, the contractor shall multiply the regional market rate ceiling for the applicable rate category by the appropriate adjustment factor as follows:

(1) By 1.25 when 50 percent or more of the certified need for child care occurs during this period.

(2) By 1.125 when at least ten percent, but less than 50 percent of the certified need for child care occurs during this period.

(c) Reimbursement to the provider shall be the lesser of the amount the provider charges unsubsidized families for the same hours of child care, or the maximum subsidy amount as determined pursuant to subsection (b) above.

Note: Authority cited: Sections 8265 and 8269, Education Code. Reference: Sections 8220, 8222 and 8357, Education Code.

### **§ 18075.2. Adjustment for Children with Exceptional Needs.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 2.5. Utilization of the Regional Market Rate Ceiling

Article 1. General Provisions

#### 5 CCR § 18075.2

##### § 18075.2. Adjustment for Children with Exceptional Needs.

(a) When child care and development services are provided to a child with exceptional needs, the contractor shall multiply the lesser of the regional market rate ceiling or the rate determined pursuant to Section 18074.3 or 18074.4, whichever is lower, by only one of the following:

(1) By 1.2, when the child has exceptional needs as defined in Education Code Section 8208(l).

(2) By 1.5, when the child is severely disabled as defined in Education Code Section 8208(x).

(b) Contractors shall apply this adjustment only when there is documentation that additional services and/or accommodations for that particular child are being provided, and such services and/or accommodations result in an on-going financial impact on the provider.

Note: Authority cited: Sections 8222, 8265, 8265.5 and 8269, Education Code. Reference: Sections 8208(l) and 8208(x), Education Code.

### **§ 18076. Limitations on Reimbursement.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 2.5. Utilization of the Regional Market Rate Ceiling

Article 1. General Provisions

#### 5 CCR § 18076

##### § 18076. Limitations on Reimbursement.

(a) Single Rate Category. Contractors shall only reimburse providers using a single rate category as defined in Section 18075.

(b) Notwithstanding subsection (a), contractors may provide reimbursement to a provider using both a daily and an hourly rate when:

(1) No single rate established by the provider corresponds to the family's need for care; and

(2) The provider has established a rate in both daily and hourly rate categories pursuant to Section 18074.3; and

(3) Using both rates is consistent with the rates the provider charges unsubsidized families needing similar hours of care.

(c) Notwithstanding subsection (a), when Sections 18075(a)(2), 18075(a)(3), or 18075(b)(2) are applicable, contractors may reimburse providers for those categories in addition to the applicable single category.

(d) Contractors shall not be bound by the regional market rate ceilings when there are, in the region, no more than two child care providers of the type needed by the subsidized family. For the purposes of this subsection, types of providers are licensed child care centers, licensed family child care homes, and exempt providers.

Note: Authority cited: Sections 8265 and 8269, Education Code. Reference: Sections 8222, 8266.5 and 8357, Education Code.

### **§ 18076.1. Other Reimbursable Fees.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 2.5. Utilization of the Regional Market Rate Ceiling

Article 1. General Provisions

#### 5 CCR § 18076.1

##### § 18076.1. Other Reimbursable Fees.

(a) The contractor shall reimburse fees charged by providers such as registration, materials, and insurance, either in a single payment or prorated over a 12-month period, as long as:

(1) The provider documents that the contractual terms used for services to unsubsidized families require payment for such fees; and

(2) The fees or prorated portion thereof, plus the rate established for the provider pursuant to this subchapter, do not exceed the maximum subsidy amount.

Note: Authority cited: Sections 8265 and 8269, Education Code. Reference: Sections 8222, 8266.5 and 8357, Education Code.

## **§ 18076.2. Reimbursable Hours of Care.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 2.5. Utilization of the Regional Market Rate Ceiling

Article 1. General Provisions

### 5 CCR § 18076.2

#### § 18076.2. Reimbursable Hours of Care.

(a) This section does not apply to reimbursement for services provided pursuant to Sections 18075(a)(2), (a)(3), and (b)(2) of this subchapter.

(b) Reimbursable hours for the child's regular provider shall include:

(1) Time that a child's absence is deemed excused pursuant to Section 18066 and the time the child is absent when the contractual terms used by the provider for services to unsubsidized families require payment for such absences. Reimbursement for an excused absence based on the child's illness shall not occur in lieu of providing accommodations for the child pursuant to the applicable provisions of the Americans with Disabilities Act.

(2) Time that the provider has a paid day of non-operation and can provide documentation that the contractual terms used by the provider for services to unsubsidized families require payment for such day(s) of non-operation. The number of reimbursable paid day(s) of non-operation shall be limited to a maximum of ten days per fiscal year per provider.

(c) Reimbursable hours for an eligible alternate provider shall include:

(1) Time that services are provided when the regular provider has a paid day of non-operation, and the parent has to obtain an alternate provider to meet the certified need for child care. Payment to an alternate provider when the regular provider has a paid day of non-operation shall be limited to ten days per child per fiscal year.

(2) Time that child care services are provided by an eligible alternate provider when the child is ill and the parent has to obtain care from an eligible alternate provider. Payment to an alternate provider when the child is ill shall be limited to a maximum of ten days per child per fiscal year. Contractors may reimburse an alternate provider in excess of ten days per year based on the illness of the child if the parent provides a physician verification.

(d) Reimbursable hours do not include:

(1) The scheduled instructional minutes of a public educational program available to a school-age child, or a private school in which the child is enrolled and attending.

(2) Time when the child is receiving any other child care and development services.

(3) Days on which the provider is not open to provide services, except as specified in subsection (b)(2). A contractor shall reimburse an alternate provider when the regular provider is not open to provide services and the subsidized family must obtain an alternate provider during the certified need for child care.

Note: Authority cited: Sections 8265 and 8269, Education Code. Reference: Section 8208(e), 8263, 8266.5 and 8357, Education Code.



### **§ 18076.3. Reimbursement to Multiple Providers.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 2.5. Utilization of the Regional Market Rate Ceiling  
Article 1. General Provisions

#### 5 CCR § 18076.3

##### § 18076.3. Reimbursement to Multiple Providers.

(a) Except for reimbursement pursuant to Section 18076.2(c), contractors shall reimburse only one provider of child care services per child when the hours of operation of the child care provider selected by the parent can accommodate the certified need for child care. Contractors may reimburse more than one provider per child when the hours of operation of the first provider cannot accommodate the certified need for child care.

(b) Notwithstanding subsection (a), when a family's first provider is not a licensed center and the parent also chooses a licensed center for the specific purpose of providing the child with large group school readiness experiences, the contractor may also reimburse the services provided by the licensed center provider.

(c) Contractors who pay multiple providers pursuant to this section shall not pay more than one provider for the same portion of a child's certified need for child care.

Note: Authority cited: Sections 8265 and 8269, Education Code. Reference: Sections 8265 and 8269, Education Code.

### **§ 18077. Scope of Chapter.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 3. General Child Care Programs  
Article 1. General Provisions

#### 5 CCR § 18077

##### § 18077. Scope of Chapter.

Unless otherwise provided in this Division, the regulations in this chapter apply to all contracting agencies authorized to establish, maintain, or operate services pursuant to the Child Care and Development Services Act, Chapter 2, Part 6 of Title 1 of the California Education Code (commencing with Section 8200).

Note: Authority cited: Section 8261 and 8263, Education Code. Reference: Sections 8261 and 8265, Education Code.

### **§ 18078. Definitions.**

Revised by CDE September 2017 via Management Bulletin 17-14:

#### 5 CCR § 18078

##### § 18078. Definitions.

For the purposes of this chapter, the following definitions shall apply:

(a) "Adjusted monthly income" means the total countable income as defined in subdivision (qu) below, minus verified child support payments paid by the parent whose child is receiving child development services, excluding the non-countable income listed below:

(1) Earnings of a child under age 18 years;

- (2) Loans;
- (3) Grants or scholarships to students for educational purposes other than any balance available for living costs;
- (4) Food stamps or other food assistance;
- (5) Earned Income Tax Credit or tax refund;
- (6) GI Bill entitlements, hardship duty pay, hazardous duty pay, hostile fire pay, or imminent danger pay;
- (7) Adoption assistance payments received pursuant to Welfare and Institutions Code section 16115 et seq.;
- (8) Non-cash assistance or gifts;
- (9) All income of any individual counted in the family size who is collecting federal Supplemental Security Income (SSI) or State Supplemental Program (SSP) benefits;
- (10) Insurance or court settlements including pain and suffering and excluding lost wages and punitive damages;
- (11) Reimbursements for work-required expenses such as uniforms, mileage, or per diem expenses for food and lodging;
- (12) Business expenses for self-employed family members;
- (13) When there is no cash value to the employee, the portion of medical and/or dental insurance documented as paid by the employer and included in gross pay; and
- (14) Disaster relief grants or payments, except any portion for rental assistance or unemployment.

~~(b) "Certify eligibility" means the formal process the contractor goes through to collect information and documentation to determine that the family and/or child meets the criteria for receipt of subsidized child development services as specified in Education Code sections 8263(a)(1) and 8263 (a)(2). The signature of the contractor's authorized representative on an application for services attests that the criteria have been met.~~

~~(e**b**) "Child protective services" means children receiving protective services through the local county welfare department as well as children identified by a legal, medical, social service agency or emergency shelter as abused, neglected or exploited or at risk of abuse, neglect or exploitation.~~

~~(e**d**) "Declaration" means a written statement signed by a parent under penalty of perjury attesting that the contents of the statement are true and correct to the best of his or her knowledge.~~

~~(e**d**) "Displace families" means to disenroll families in order to reduce service levels due to insufficient funding or inability of a contractor to operate one or more sites because of reasons stated in Education Code section 8271.~~

~~(e**f**) "Family" means the parents and the children for whom the parents are responsible, who comprise the household in which the child receiving services is living. For purposes of income eligibility and family fee determination, when a child and his or her siblings are living in a family that does not include their biological or adoptive parent, "family" shall be considered the child and related siblings.~~

~~(e**g**) "Fee schedule" means the "Family Fee Schedule," issued by the department pursuant to Education Code section 8447(e). The "fee schedule" is used by child development contractors to assess fees for families utilizing child care and development services.~~

~~(e**g**) "Homeless" means a person or family that lacks a fixed, regular, and adequate night-time residence and has a primary night time residence that is:~~

*\*As of July 1, 2017, all Title 5 programs are to follow the McKinney Vento definition of homeless as instructed by CDE\**

~~(1) A supervised publicly or privately operated shelter, transitional housing, or homeless support program designed to provide temporary living accommodations; or~~

~~(2) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.~~

(ih) ~~“Initial Income eligibility” means the definition set forth in Education Code section 8263.1(a) for the purpose of child care and development services that a family’s adjusted monthly income is at or below 75 percent of the state median income, adjusted for family size.~~

(ji) “Income fluctuation” means income that varies due to:

- (1) Migrant, agricultural, or seasonal work;
- (2) Intermittent earnings or income, bonuses, commissions, lottery winnings, inheritance, back child support payment, or net proceeds from the sale of real property or stock;
- (3) Unpredictable days and hours of employment, overtime, or self-employment.

(j) “Initial certification” 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 child development services as specified in Education Code sections 8263(a)(1)(A) and 8263 (a)(1)(B). The signature of the authorized representative on an application for services certifies that the legal requirements have been met and documented.

(k) “Immediate need” means a situation in which both subdivisions (1) and (2) apply:

- (1) An eligible parent has a need for child care and is employed, participating in a California Work Opportunities and Responsibility to Kids (CalWORKs) work activity, is in training as described in section 18087, or is incapacitated as defined in section 18400(g); and
- (2) The contractor determines that no child care is reasonably available from a licensed, TrustLine registered or TrustLine-exempt provider that meets the parent's need for care.

(l) “Legally qualified professional” means a person licensed under applicable laws and regulations of the State of California to perform legal, medical, health or social services for the general public.

(m) “Ongoing income eligibility” means the definition set forth in Education Code section 8263.1(b).

(~~nn~~) “Parent” means a biological parent, adoptive parent, stepparent, foster parent, caretaker relative, legal guardian, domestic partner of the parent as defined in Family Code section 297, or any other adult living with a child who has responsibility for the care and welfare of the child.

(~~oo~~) “Parental Incapacity” means the temporary or permanent inability of the child's parent(s) to provide care and supervision of the child(ren) for part of the day due to a physical or mental health condition.

(~~pp~~) “Provisional child care provider” means an individual, exempt from licensure pursuant to Health and Safety Code sections 1596.792(d) or (f), who provides child care for a child or children of an eligible parent for a period of up to 30 days when there is an immediate need. The provisional child care provider shall have completed a TrustLine application and submitted fingerprints, in accordance with Health and Safety Code sections 1596.603 and 1596.605.

(~~qq~~) “Recertification” 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 ongoing receipt of subsidized child development services as specified in Education Code sections 8263(a)(1)(A) and 8263 (a)(1)(B). The signature of the authorized representative on an application for services certifies that the legal requirements have been met and documented.

(~~rr~~) “Recipients of service” means families and/or children enrolled in a child care and development program subsidized by the California Department of Education (CDE).

(~~ss~~) “Self-Certification of Income” means a declaration signed by the parent under penalty of perjury identifying:

- (1) To the extent known, the employer and date of hire and stating the rate and frequency of pay, total amount of income received for the preceding month(s), the type of work performed, and the hours and days worked, when an employer refuses or fails to provide requested employment information or when a request for documentation would adversely affect the parent's employment; or
- (2) The amount and frequency of sources of income for which no documentation is possible.

(~~tt~~) “State median income” means the most recent median income for California families as determined by the State Department of Finance.

(su) “Total countable income” means all income of the individuals counted in the family size that includes, but is not limited to, the following:

- (1) Gross wages or salary, advances, commissions, overtime, tips, bonuses, gambling or lottery winnings;
- (2) Wages for migrant, agricultural, or seasonal work;
- (3) Public cash assistance;
- (4) Gross income from self-employment less business expenses with the exception of wage draws;
- (5) Disability or unemployment compensation;
- (6) Workers compensation;
- (7) Spousal support, child support received from the former spouse or absent parent, or financial assistance for housing costs or car payments paid as part of or in addition to spousal or child support;
- (8) Survivor and retirement benefits;
- (9) Dividends, interest on bonds, income from estates or trusts, net rental income or royalties;
- (10) Rent for room within the family's residence;
- ~~(11) Foster care grants, payments or clothing allowance for children placed through child welfare services;~~
- (12) Financial assistance received for the care of a child living with an adult who is not the child's biological or adoptive parent;
- (13) Veterans pensions;
- (14) Pensions or annuities;
- (15) Inheritance;
- (16) Allowances for housing or automobiles provided as part of compensation;
- (17) Portion of student grants or scholarships not identified for educational purposes as tuition, books, or supplies;
- (18) Insurance or court settlements for lost wages or punitive damages;
- (19) Net proceeds from the sale of real property, stocks, or inherited property; or
- (20) Other enterprise for gain.

~~(t) “Update” means the process of revising the application for services between recertifications as specified in section 18103 of this chapter. The application shall be revised by inserting the latest family information that documents the continued need and eligibility for child care and development services.~~

## **§ 18081. Contents of Family Data File.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 3. General Child Care Programs

Article 2. Family Data File

### 5 CCR § 18081

#### § 18081. Contents of Family Data File.

- (a) Contractors shall establish and maintain a family data file for each family receiving child care and development services.
- (b) The family data file shall contain a completed and signed application for services and the following records as applicable to determine eligibility and need in accordance with Education Code section 8263(a)(1) and (a)(2):
  - (1) Documentation of income eligibility, including an income calculation worksheet;
  - (2) Documentation of employment;
  - (3) Documentation of seeking employment;

- (4) Documentation of training;
- (5) Documentation of parental incapacity;
- (6) Documentation of child's exceptional needs;
- (7) Documentation of homelessness;
- (8) Documentation of seeking permanent housing for family stability;
- (9) Written referral from a legally qualified professional from a legal, medical, or social services agency, or emergency shelter for children at risk of abuse, neglect, or exploitation.
- (10) Written referral from a county welfare department, child welfare services worker, certifying that the child is receiving protective services and the family requires child care and development services as part of the case plan.
- (11) If the parent of the child was on cash assistance, the date the parental cash aid was terminated.
- ~~(c) A signed Child Care Data Collection Privacy Notice and Consent Form CD 9600A (Rev. 01/04) shall be included.~~ **Repealed by CDE November 2017 via Management Bulletin 17-20.**
- (d) Notice of Action, Application for Services and/or Recipient of Services shall be included.
- (e) The family data file shall contain all child health and current emergency information required by California Code of Regulations, title 22, Social Security, Division 12, Community Care Facilities Licensing Regulations with the following exception. Immunization records are not required to be in the family data file for children attending a public or private elementary school or for children receiving care in licensed facilities and reimbursed pursuant to Education Code sections 8220 and 8350.

Note: Authority cited: Sections 8261, 8261.5, 8263 and 8269, Education Code. Reference: Sections 8261, 8261.5, 8263 and 8269, Education Code; and Sections 16500.5 and 16506, Welfare and Institutions Code.

#### **§ 18082. Certification of Eligibility.**

Barclays Official California Code of Regulations  
 Title 5. Education  
 Division 1. California Department of Education  
 Chapter 19. Child Care and Development Programs  
 Subchapter 3. General Child Care Programs  
 Article 2. Family Data File

#### 5 CCR § 18082

#### § 18082. Certification of Eligibility.

- (a) The contractor shall designate the staff person(s) authorized to certify family/child eligibility; and
- (b) Prior to initial enrollment and at the time of recertification, an authorized representative of the contractor shall certify each family's/child's eligibility for child care and development services after reviewing the completed application and documentation contained in the basic data file.

Note: Authority cited: Sections 8261, 8263 and 8269, Education Code. Reference: Sections 8261, 8263 and 8269, Education Code.

## **§ 18083. Application for Services; Contents.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 3. General Child Care Programs

Article 2. Family Data File

### 5 CCR § 18083

#### § 18083. Application for Services; Contents.

The application for services shall contain the following information:

- (a) The parent's(s') full name(s), address(es) and telephone number(s);
- (b) The names and birth dates of all children under the age of eighteen (18) in the family, whether or not they are served by the program;
- (c) The number of hours of care needed each day for each child;
- (d) The names of other family members in the household related by blood, marriage or adoption;
- (e) The reason for needing child care and development services as specified in Education Code Section 8263(a)(2):
  - (1) Child Protective Services;
  - (2) Employment;
  - (3) Training;
  - (4) Seeking Employment;
  - (5) Incapacitation of the parent;
  - (6) Special Need of the Child; or
  - (7) Seeking Permanent Housing for Family Stability.
- (f) Employment or training information for parent(s) including name and address of employer(s) or training institution(s) and days and hours of employment or training, if applicable;
- (g) Eligibility status as specified in Education Code Section 8263(a)(1):
  - (1) Child Protective Services;
  - (2) Current Aid Recipient;
  - (3) Income Eligible; or
  - (4) Homeless.
- (h) Family size and income, if applicable;
- (i) The parent's signature and date of the signature;
- (j) The signature of the contractor's authorized representative certifying the eligibility.

Note: Authority cited: Sections 8261 and 8263, Education Code. Reference: Sections 8261 and 8263, Education Code.

## **§ 18084. Documentation of Income Eligibility.**

Revised by CDE September 2017 via Management Bulletin 17-14:

### 5 CCR § 18084

#### § 18084. Documentation of Income Eligibility.

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:

- (a) The parent(s) shall document total countable income for all the individuals counted in the family size as follows:
  - (1) 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, ~~an update of the application~~, or the recertification of that establishes eligibility for ongoing services, pursuant to Education Code section 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, ~~an update of the application~~, or the recertification of that establishes eligibility for ongoing services, pursuant to Education Code section 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 return 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 pursuant to section 18078(q), self-certification of any income for which no documentation is possible, and any verified child support payments pursuant to section 18078(a) of this chapter.

(b) The contractor:

(1) Shall retain copies of the documentation of total countable income and adjusted monthly income in the family data file.

(2) When the parent is employed, shall, as applicable, verify the parent's salary/wage; rate(s) of pay; potential for overtime, tips or additional compensation; hours and days of work; variability of hours and days of work; pay periods and frequency of pay, start date for the employee. If the employer refuses or is non-responsive in providing requested information or a request for employer documentation would adversely affect the parent's employment, and if the information provided pursuant to subdivision (a)(3) 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.

(3) When the parent is self-employed, shall obtain and make a record of independent verification regarding the cost for services provided by the parent that may be obtained by contacting clients, reviewing bank statements, or confirming the information in the parent's advertisements or website.

If the income cannot be independently verified, the contractor shall assess whether the reported income is reasonable or consistent with the community practice for this employment.

(4) 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.

(5) 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.

(c) If the family is receiving child care and development services because the child(ren) is/are at risk of abuse, neglect, or exploitation or receiving child protective services, and the written referral required by

sections 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.

#### **§ 18084.1. Documentation of Public Assistance.**

Revised by CDE September 2017 via Management Bulletin 17-14:

5 CCR § 18084.1

§ 18084.1. Documentation of Service Requirement.

At initial certification or recertification contractors shall:

(a) Certify services for not less than ~~twelve (12) months~~ *twenty-four (24) months, except for families seeking employment then certify services for not less than twelve (12) months*;

(b) Consider the family to meet the eligibility and/or need requirements for not less than ~~twelve (12) months~~ *twenty-four (24) months, except for families seeking employment then certify services for not less than twelve (12) months* and provide those services for not less than ~~twelve (12) months~~ *twenty-four (24) months, except for families seeking employment then certify services for not less than twelve (12) months* before having the family's eligibility or need recertified.

#### **§ 18084.2. The Family's Right to Voluntarily Report Changes.**

Revised by CDE September 2017 via Management Bulletin 17-14:

5 CCR § 18084.2

§ 18084.2. The Family's Right to Voluntarily Report Changes.

(a) Upon a family voluntarily reporting changes in accordance with 8263(h)(4) the contractor shall:

(1) Use information as applicable to reduce the family fee, increase the family's services, or extend the period of eligibility.

(2) Collect documentation to support the changes requested,

(3) Not later than 10 business days after receipt of applicable documentation, issue a NOA in accordance with section 18095 and,

(4) Not use any information received to make any other changes to the service agreement.

(b) 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:

(1) Submit a written request that includes:

(A) Days and hours per day requested;

(B) Effective date of proposed reduction of service level; and

(2) Acknowledge in writing that they understand that they may retain their current service level.

(c) Upon receipt of the parent's written request in subsection (b), the contractor shall:

(1) Notify the family in writing of the parents right to continue to bring their child pursuant to the original certified service level, and

(2) Collect documentation to support the changes requested, and

(3) Not later than 10 business days after receipt of applicable documentation, issue a Notice of Action pursuant to section 18095, and

(4) Not use any information received to make any other changes to the service agreement.



### **§ 18084.3. Requirement to Report when Income Exceeds Ongoing Income Eligibility.**

Revised by CDE September 2017 via Management Bulletin 17-14:

5 CCR § 18084.2

§ 18084.3. Requirement to Report when Income Exceeds Ongoing Income Eligibility.

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

(a) 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.

(b) Contractors shall:

(1) 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.

(2) Upon notification of income changes by the family, the contractor shall:

(A) Obtain income documentation, pursuant to section 18084 as applicable;

(B) Calculate the family's adjusted monthly income, pursuant to section 18096;

(C) Assess if the family's adjusted monthly income exceeds the eighty-five percent (85%) of the most recent SMI as published by the SSPI; and

(D) When the family's calculated adjusted monthly income exceeds the eighty-five percent (85%) of the SMI threshold for the verified family size the contractor shall determine if the family is eligible for services based upon other eligibility criteria pursuant to Education Code section 8263(a)(1)(A). If the contractor establishes another basis for eligibility, the contractor shall document the new basis for eligibility and issue a NOA reflecting the change of eligibility.

(E) If the family does not meet another basis for eligibility, the contractor shall issue a Notice of Action to dis-enroll the family, pursuant to section 18095

### **§ 18085. Documentation of Public Assistance.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 3. General Child Care Programs

Article 2. Family Data File

5 CCR § 18085

§ 18085. Documentation of Public Assistance.

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

Note: Authority cited: Sections 8261 and 8263, Education Code. Reference: Sections 8261 and 8263, Education Code.

## **§ 18085.5. Documentation of Need Based on Employment, Seeking Employment, Training, Seeking Hou...**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 3. General Child Care Programs

Article 2. Family Data File

### 5 CCR § 18085.5

§ 18085.5. Documentation of Need Based on Employment, Seeking Employment, Training, Seeking Housing, and Incapacity; In General.

(a) Families who are eligible for subsidized child care and development services based on income, public assistance, or homelessness must document that each parent in the family, pursuant to section 18078(f), meets a need criterion, as specified in Education Code section 8263(a)(2)(B). The need criteria are: vocational training leading directly to a recognized trade, paraprofession, or profession; employment or seeking employment; seeking permanent housing for family stability; and incapacitation.

(b) Subsidized child care and development services shall only be available to the extent to which:

(1) The parent meets a need criterion as specified in subdivision (a) that precludes the provision of care and supervision of the family's child for some of the day;

(2) There is no parent in the family capable of providing care for the family's child during the time care is requested; and

(3) Supervision of the family's child is not otherwise being provided by school or another person or entity.

Note: Authority cited: Sections 8261, 8263 and 8265, Education Code. Reference: Sections 8206, 8261 and 8263, Education Code.

## **§ 18086. Documentation of Employment.**

Revised by CDE September 2017 via Management Bulletin 17-14:

### 5 CCR § 18086

§ 18086. Documentation of Employment.

(a) 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.

(b) If the parent has an employer, the documentation of need based on employment shall consist of one of the following:

(1) The pay stubs provided to determine income eligibility that indicate the days and hours of employment;

(2) 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:

(A) Secure an independent written statement from the employer;

(B) Telephone the employer and maintain a record;

(C) 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;

(D) 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 pursuant to subdivisions (A), (B), or (C) above. ~~Until such time as the employment pattern becomes predictable, need for services shall be updated at least every four months and shall be based on the requirements of subdivision (b) and the child care services utilized;~~

(E) 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

(F) 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) Attest to the reasonableness of the parent's assertion; and

(ii) Specify and attest to the reasonableness of the days and hours of employment based on the description of the employment and community practice.

(3) 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 section 18078(o), the contractor shall assess the reasonableness of the days and hours of employment, based on the description of the employment and the documentation provided pursuant to section 18084(a)(3), and authorize only the time determined to be reasonable.

(c) If the parent is self-employed, the documentation of need based on employment shall consist of the following:

(1) 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.

(2) A statement by the contractor assessing the reasonableness of the total number of days and hours requested per week based on the description of the employment and the documentation provided pursuant to this section and section 18084. 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. ~~Need for services for unpredictable hours shall be updated at least every four months and shall be based on the requirements of subdivision (c).~~ 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:

(A) 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;

(B) 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

(C) Making other reasonable contacts or requests to determine the amount of time for self-employment.

(3) If the contractor is unable to make a reasonable assessment of the hours needed for self-employment after attempting to verify such hours and documenting the attempts, the contractor may divide the parent's self-employment income, as defined in section 18078(q)(4), by the applicable minimum wage. The resulting quotient shall be the maximum hours needed for employment per month.

(d) For the instances identified in subdivision (b)(2)(A) through (E) and (c), 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.

(e) If additional services are requested for travel time or sleep time to support employment, the contractor shall determine, as applicable, the time authorized for:

(1) 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

(2) 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.

### **§ 18086.1. Documentation of Employment in the Home or a Licensed Family Day Care Home; Service ...**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 3. General Child Care Programs

Article 2. Family Data File

#### 5 CCR § 18086.1

#### § 18086.1. Documentation of Employment in the Home or a Licensed Family Day Care Home; Service Limitations.

(a) The requirements of this section are in addition to those stated in section 18086.

(b) If the parent's employment is in the family's home or on property that includes the family's home, the parent must provide justification for requesting subsidized child care and development services based on the type of work being done and its requirements, the age of the family's child for whom services are sought, and, if the child is more than five years old, the specific 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.

(c) If the parent is a licensed family day care home provider pursuant to Health and Safety Code section 1596.78 or an individual license-exempt provider pursuant to Health and Safety Code section 1596.792, subdivisions (d) or (f), the parent is not eligible for subsidized services during the parent's business hours because the parent's employment does not preclude the supervision of the family's child.

(d) If the parent is employed as an assistant in a licensed large family day care home, pursuant to Health and Safety Code section 1596.78(b), and is requesting services for the family's child in the same family day care home, the parent shall provide documentation that substantiates all of the following:

(1) A copy of the family day care home license indicating it is licensed as a large family day care home;

(2) A signed statement from the licensee stating that the parent is the assistant, pursuant to the staffing ratio requirement of California Code of Regulations, title 22, section 102416.5(c);

(3) 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

(4) Payroll deductions withheld for the assistant by the licensee, which may be a pay stub.

Note: Authority cited: Sections 8261, 8263 and 8265, Education Code. Reference: Sections 8206, 8261 and 8263, Education Code.

## § 18086.5. Documentation of Seeking Employment; Service Limitations.

Revised by CDE September 2017 via Management Bulletin 17-14:

5 CCR § 18086.5

### § 18086.5. Documentation of Seeking Employment; Service Limitations.

(a) If the basis of need as stated on the application for services is seeking employment, the parent's period of eligibility for child care and development services is for not less than twelve (12) months. ~~limited to 60 working days during the contract period, except as specified in subdivisions (d) and (e).~~ Services shall occur on no more than five (5) days per week and for ~~less than thirty (30) hours per week~~ **up to 6.5 hours a day or 32.5 hours a week**. The period of eligibility shall start on the day authorized by the contractor and extend for consecutive working days.

(b) 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.

~~(c) The contractor shall determine the number of working days available for seeking employment and the child care schedule, which may be a variable schedule, based on the documentation. During the period of authorization and if necessary to verify need, the contractor may request that the parent provide, no more than once a week, a description of the activities he or she has undertaken during the previous week to seek employment and, as appropriate, may require additional documentation.~~

~~(d) If the Governor declares a state of emergency and if the factual bases for the Governor's declaration indicate that opportunities for employment have temporarily diminished to such a degree that parents cannot be reasonably expected to find employment within 60 working days of diligent searching, the State Superintendent of Public Instruction (SSPI) may investigate to determine whether the 60 working days limitation described in paragraph (a) should be suspended. If the SSPI determines that it is in the public interest to do so, he or she may, by order, suspend the 60 working days limitation on eligibility during the period of the emergency or for a lesser time. The scope of the suspension, including the geographic areas and the persons affected, and its duration, shall be no more than necessary to respond to the emergency as determined in the SSPI's investigation, and shall be specifically described in the SSPI's order. If a parent's services for seeking employment were exhausted after an emergency was declared and before the SSPI suspends the eligibility limitation, the contractor may re-authorize services for seeking employment in accordance with the conditions specified in the SSPI's order.~~

~~(e) If the parent has concurrently received services based on employment or vocational training for at least 20 working days while receiving services for seeking employment, eligibility for seeking employment may be extended for an additional 20 working days. For such a parent, services for this purpose shall not exceed 80 working days during the contract period.~~

~~(f) If services for this purpose are discontinued, the number of working days remaining in the period of eligibility shall be available for a subsequent period of eligibility during the contract period.~~

~~(g) As used in this section, the working days used to determine the period of eligibility shall include the consecutive Mondays through Fridays, excluding any federal holidays.~~

## § 18087. Documentation of Training Toward Vocational Goals.

Revised by CDE September 2017 via Management Bulletin 17-14:

5 CCR § 18087

§ 18087. Documentation of Training Toward Vocational Goals.

(a) 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~~ **twenty-four (24) months**, up to the limitation set forth in subdivision (b). If the parent has reached the limitation described in subdivision (b) **during the certified eligibility period**, the family shall receive services until the ~~end of the fiscal year in which the limit was reached~~ **family's re-certification date**.

(ab) If the basis of need as stated on the application for services is vocational training leading directly to a recognized trade, paraprofession, or profession, child care and development services shall be limited, except as specified in subdivision (l), ~~to whichever expires first~~:

(1) Six years from the initiation of services pursuant to this section; or

(2) Twenty four semester units, or its equivalent, after the attainment of a Bachelor's Degree.

(bc) The parent shall provide documentation of the days and hours of vocational training to include:

(1) A statement of the parent's vocational goal;

(2) The name of the training institution that is providing the vocational training;

(3) The dates that current quarter, semester, or training period, as applicable, will begin and end;

(4) 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:

(A) The classes in which the parent is currently enrolled;

(B) The days of the week and times of day of the classes; and

(C) The signature or stamp of the training institution's registrar.

(5) The anticipated completion date of all required training activities to meet the vocational goal; and

~~(6) Upon completion of a quarter, semester, or training period, as applicable, a report card, a transcript, or, if the training institution does not use formal letter grades, other records to document that the parent is making progress toward the attainment of the vocational goal in accordance with subdivision (f).~~

~~(ed) A parent may voluntarily report changes pursuant to section 18084.2. A parent shall report any change in his or her class schedule related to the days and times of any class, including a withdrawal from a class, within five calendar days of requesting the change from the institution.~~

~~(de) Services may be provided for classes related to the General Education Development (GED) test or English language acquisition if such courses support the attainment of the parent's vocational goal.~~

~~(ef) 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.~~

~~(fg) Continuation of 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:~~

~~(1) To make adequate progress each quarter, semester, or training period, as applicable, the parent shall obtain, in the college classes, technical school, or apprenticeship for which subsidized care is provided:~~

~~(1A) In a graded program, earn a 2.0 grade point average; or~~

~~(2B) 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.~~

~~(g2) The first time the parent does not meet the condition in subdivision (fg)(1), the parent may be recertified and continue to receive ongoing services as described in subdivision (a) for one additional quarter, semester, or training period, as applicable, to improve the parent's progress.~~

~~(3) At the conclusion of that session this eligibility period, the parent shall, in the classes for which subsidized care was provided, have made adequate progress pursuant to subdivision (fg)(1) in order to be recertified for services based on vocational training. If the parent has not made adequate progress pursuant to subdivision (fg)(1), the family services based on vocational training this purpose shall be:~~

~~(1A) Disenrolled/Terminated; and~~

~~(2B) Services based on vocational training are only available to the parent, to the extent provided by subdivision (ab), after six (6) months from the date of disenrollment/termination.~~

~~(h) No later than ten calendar days after the training institution's release of progress reports for the quarter, semester, or vocational training period, as applicable, To document adequate progress, the parent shall provide the contractor with a copy of the parent's official progress report from the most recently completed quarter, semester or training period. As it deems appropriate, tThe contractor may require the parent to:~~

~~(1) Have an official copy of a progress report sent directly from the training institution to the contractor; or~~

~~(2) Provide a release, as may be required by the training institution, to enable the contractor to verify the parent's progress with the institution.~~

(i) 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 as specified in subdivision (ba).

(j) 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.

(k) 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:

(1) 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 (4) hours per day; ~~or and~~

**(In 2015, Alameda County EESD Field Consultant, Margo Hunkins, stated that the word "or" was an error on the part of CDE. Students are allowed travel and study time.)**

(2) Study time, including study time for on-line and televised instructional classes, according to the following:

(A) Two (2) hours per week per academic unit in which the parent is enrolled;

(B) On a case-by-case basis and as may be confirmed with the class instructor, additional time not to exceed one hour per week per academic unit in which the parent is enrolled; and

(C) On a case-by-case basis, no more than the number of class hours per week for non-academic or non-unit bearing training.

(l) The service limitations specified in subdivision (ba) shall not apply to a parent who demonstrates he or she is:

(1) As of June 27, 2008 receiving services for vocational training and has attained a Bachelor's Degree;

(2) Receiving services from a program operating pursuant to Education Code section 66060;

(3) Attending vocational training when the parent has been deemed eligible for rehabilitation services by the California Department of Rehabilitation; or

(4) Attending retraining services available through the Employment Development Department of the State or its contractors due to a business closure or mass layoff.

## § 18088. Documentation of Parental Incapacity; Service Limitations.

Revised by CDE September 2017 via Management Bulletin 17-14:

5 CCR § 18088

### § 18088. Documentation of Parental Incapacity; Service Limitations.

(a) If the basis of need as stated on the application for services is parental incapacity, child care and development services shall not exceed fifty (50) hours per week.

(b) 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 section 18078, and needs services.

(c) The documentation of incapacitation provided by the legally qualified health professional shall include:

(1) 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;

(2) 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; and

~~(3) The probable duration of the incapacitation; and~~

~~(4)~~ (3) 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.

(d) The contractor may contact the legally qualified health professional for verification, clarification, or completion of the provided statement.

(e) 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.

(f) The period of eligibility for services when the need for services is incapacitation is for not less than twelve (12) months *twenty-four (24) months*.

## § 18089. Documentation of the Child's Exceptional Needs.

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 3. General Child Care Programs

Article 2. Family Data File

5 CCR § 18089

### § 18089. Documentation of the Child's Exceptional Needs.

The family data file shall contain documentation of the child's exceptional needs if the contractor is claiming adjustment factors pursuant to Education Code section 8265.5(b)(4) or (b)(5), the child with exceptional needs is 13 through 21 years of age, or the contractor is operating a program pursuant to Education Code section 8250(d). The documentation of exceptional needs shall include:

(a) 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 Education Code section 56026 and California Code of Regulations, title 5, sections 3030 and 3031; and

(b) A statement signed by a legally qualified professional that:

(1) The child requires the special attention of adults in a child care setting; and



(2) Includes the name, address, license number, and telephone number of the legally qualified professional who is rendering the opinion.

Note: Authority cited: Sections 8261 and 8263, Education Code. Reference: Sections 8208, 8250, 8261, 8263 and 56026, Education Code.

### **§ 18090. Documentation of Homelessness.**

Revised by CDE September 2017 via Management Bulletin 17-14:

5 CCR § 18090

#### § 18090. Documentation of Homelessness.

If the basis of eligibility and need as specified in Education Code section 8263(a)(1) is homelessness, the family data file shall include documentation of homelessness. The documentation of homelessness shall include:

(a) A written referral from an emergency shelter or other legal, medical or social service agency; or  
(b) A written parental declaration that the family is homeless and a statement describing the family's current living situation.

(c) The period of eligibility for services when the need for services is homelessness is for not less than ~~twelve (12) months~~ **twenty-four (24) months**, pursuant to Education Code section 8263(h)(1).

**\*As of July 1, 2017, all Title 5 programs are to follow the McKinney Vento definition of homeless as instructed by CDE\***

### **§ 18091. Documentation of Seeking Permanent Housing; Service Limitations.**

Revised by CDE September 2017 via Management Bulletin 17-14:

5 CCR § 18091

#### § 18091. Documentation of Seeking Permanent Housing; Service Limitations.

(a) 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 of eligibility for child care and development services is shall be for no less than ~~twelve (12) months~~ **twenty-four (24) months** limited to ~~60 working days~~ during the contract period, except as specified in subdivision (d). Services shall occur on no more than five ~~(5) days per week~~ and for ~~less than thirty (30) hours per week~~ **up to 6.5 hours a day or 32.5 hours a week**. The period of eligibility shall start on the day authorized by the contractor and extend for consecutive working days.

(b) 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.

(c) At any time between the initial certification or recertification period a parent may voluntarily request an increase to their certified child care schedule based on provided documentation of employment or on other basis for need as applicable, pursuant to section 18084.2.

~~(c) The contractor shall determine the number of weeks available for seeking permanent housing and the child care schedule, which may be a variable schedule, based on the documentation. During the period of authorization and if necessary to verify need, the contractor may request that the parent provide, no more than once a week, either a declaration signed under penalty of perjury describing the activities the parent has undertaken during the previous week to seek permanent housing or a signed statement from the~~

shelter, transitional housing agency, or homeless support program regarding the parent's search progress to date.

~~(d) If the parent does not expect to secure housing prior to the end of the eligibility period:~~

~~(1) The parent may request an extension in a declaration of need signed under penalty of perjury that includes an update of the parent's search plan and either a description of the activities undertaken during the previous week to seek permanent housing or a signed statement from the shelter, transitional housing agency, or homeless support program indicating the parent's continued need for services; and~~

~~(2) The contractor may authorize an extension of search eligibility for up to 20 additional working days.~~

~~(e) If services for this purpose are discontinued, the number of working days remaining in the period of eligibility shall be available for a subsequent period of eligibility during the contract period.~~

~~(f) As used in this section, the working days used to determine the period of eligibility shall include the consecutive Mondays through Fridays, excluding any federal holidays.~~

## **§ 18092. Documentation of Child Protective Services.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 3. General Child Care Programs

Article 2. Family Data File

### 5 CCR § 18092

#### § 18092. Documentation of Child Protective Services.

If eligibility and need as specified in Education Code Sections 8263(a)(1) and (a)(2) are based on child protective services, the basic data file shall contain a written referral, dated within the six (6) months immediately preceding the date of application for services, from a legal, medical, social service agency or emergency shelter. The written referral shall include either:

(a) A statement from the local county welfare department, child protective services unit certifying that the child is receiving child protective services and that child care and development services are a necessary component of the child protective services plan; or

(b) A statement by a legally qualified professional that the child is at risk of abuse or neglect and the child care and development services are needed to reduce or eliminate that risk; and

(c) The probable duration of the child protective service plan or the at risk situation, **24 months**; and

(d) The name, address, telephone number and signature of the legally qualified professional who is making the referral.

Note: Authority cited: Sections 8261 and 8263, Education Code. Reference: Sections 8261 and 8263, Education Code.

## **§ 18092.5. Documentation of At Risk of Abuse, Neglect, or Exploitation. [Repealed]**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 3. General Child Care Programs

Article 2. Family Data File

### 5 CCR § 18092.5

#### § 18092.5. Documentation of At Risk of Abuse, Neglect, or Exploitation. [Repealed]

Note: Authority cited: Sections 8261 and 8263, Education Code. Reference: Sections 8208(k) and 8263, Education Code.

## **§ 18093. Certification of Federal Eligibility for the Federal Based Migrant Program.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 3. General Child Care Programs

Article 2. Family Data File

### 5 CCR § 18093

#### § 18093. Certification of Federal Eligibility for the Federal Based Migrant Program.

Prior to enrolling a child in the Federal Based Migrant Program, the contractor shall certify that the child meets eligibility requirements of the Education Consolidation Improvement Act (E.C.I.A.), Chapter 1 Migrant funds. The certification documentation shall include:

- (a) The child's full name, date of birth and birthplace;
- (b) The parent(s) full name(s);
- (c) The child's most recent address and date of departure;
- (d) The child's current address and the date of arrival;
- (e) Information about the employment of the parent(s) which identifies such employment as:
  - (1) seasonal or temporary and
  - (2) relating to fishing or agriculture;
- (f) The purpose of the child's last move which qualifies the child for migrant services as defined in 34 Code of Federal Regulations, Section 201.3 (b);
- (g) A statement signed by the parent(s) certifying that the child has moved with the family in order for the parent(s) to seek temporary or seasonal agriculturally related work;
- (h) A statement signed by the contractor's authorized representative certifying that the child meets the eligibility criteria necessary to receive services funded by E.C.I.A., Chapter 1 Migrant funds; and
- (i) Documentation that the parent has given consent for the child to participate in the program.

Note: Authority cited: Sections 8261 and 8263, Education Code. Reference: Sections 8233, 8261 and 8263, Education Code and 34 Code of Federal Regulations, Part 201.

## **§ 18094. Notice of Action, Application for Services.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 3. General Child Care Programs

Article 2. Family Data File

### 5 CCR § 18094

#### § 18094. Notice of Action, Application for Services.

(a) The contractor's decision to approve or deny services shall be communicated to the applicant through a written statement referred to as a Notice of Action, Application for Services, in accordance with Section 18118 of this Division. The contractor shall maintain copies of the Notice of Action, Application for Services in the basic data file. The Notice of Action, Application for Services shall include:

- (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.
- (b) 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;
- (c) If the services are denied, the notice shall contain:
- (1) The basis of denial; and
  - (2) Instructions for the parent(s) on how to request a hearing if they do not agree with the contractor's decision as stated in the Notice of Action, Application for Services in accordance with procedures specified in Sections 18120 and 18121 of this Division.

Note: Authority cited: Sections 8261 and 8263, Education Code. Reference: Section 8263, Education Code.

## **§ 18095. Notice of Action, Recipient of Services.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 3. General Child Care Programs

Article 2. Family Data File

### 5 CCR § 18095

#### § 18095. Notice of Action, Recipient of Services.

If upon recertification or update of the application, the contractor determines that the need or eligibility requirements are no longer being met, or the fee or amount of service needs to be modified, the contractor shall notify the family through a written Notice of Action, Recipient of Services in accordance with Section 18119 of this Division. The contractor shall maintain copies of all Notices of Action, Recipient of Services in the family's basic data file. The Notice of Action, Recipient of Services shall include:

- (a) The type of action being taken;
- (b) The effective date of the action;
- (c) The name and address of the recipient;
- (d) The name and address of the contractor;
- (e) The name and telephone number of the contractor's authorized representative who is taking the action;
- (f) The date the notice is mailed or given to the recipient;
- (g) The method of distribution to the recipient;
- (h) A description of the action;
- (i) A statement of the reason(s) for the changes;
- (j) A statement of the reason(s) for termination, if applicable; and
- (k) Instructions for the parent(s) on how to request a hearing if they do not agree with the contractor's decisions as stated in the Notice of Action, Recipient of Services in accordance with procedures specified in Sections 18120 and 18121 of this Division. These instructions shall inform parents how to request a hearing from the contractor and, if necessary, from the Child Development Division as described in Sections 18120 and 18121 of this Division.

Note: Authority cited: Sections 8261 and 8263, Education Code. Reference: Section 8263, Education Code.

**§ 18096. Calculation of Income.**

Revised by CDE September 2017 via Management Bulletin 17-14:

5 CCR § 18096

§ 18096. Calculation of Income.

The contractor shall calculate total countable income based on income information reflecting the family's current income:

- (a) 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 pursuant to section 18078~~(qu)~~.
- (b) When income fluctuates because of:
  - (1) Agricultural work as referenced in section 18078(ji)(1), by averaging income from the twelve (12) months preceding the initial certification, an update of the application, or the recertification, or when the family reports income in excess of 85% of SMI in accordance with section 18084.3 that establishes eligibility for services.
  - (2) Intermittent income as referenced in section 18078(ji)(2), by averaging the intermittent income from the preceding twelve (12) months by dividing by twelve (12) and add this amount to the other countable income.
  - (3) Unpredictable income as referenced in section 18078(ji)(3), by averaging the income from at least three consecutive months and no more than twelve (12) months preceding the initial certification, an update of the application, or the recertification, or when the family reports income in excess of 85% of SMI in accordance with section 18084.3. that establishes eligibility for services.

## § 18100. Documentation and Determination of Family Size.

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 3. General Child Care Programs

Article 3. Enrollment

### 5 CCR § 18100

#### § 18100. Documentation and Determination of Family Size.

(a) A parent shall provide the names of the parents and the names, gender and birthdates of the children identified in the family. This information shall be documented on a confidential application for child care and development services and used to determine family size. The parent shall provide supporting documentation regarding the number of children and parents in the family.

(1) The number of children shall be documented by providing at least 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.

(2) When only one parent has signed the application and the information provided pursuant to subdivision (a)(1) indicates the child(ren) in the family has another parent whose name does not appear on the application, then the “Contractors should require that the parent claiming single parent status check the box in Section I of the EESD-9600, initial in Section V that they self-certify their single parent status under penalty of perjury and sign the application.” *Revised by CDE August 2016 via Management Bulletin 16-14.* ~~presence or absence of that parent shall be documented by providing any one of the following documents, as applicable: “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)]”~~ *Revised by CDE August 2016 via Management Bulletin 16-14.*

- ~~(A) Records of marriage, divorce, domestic partnership or legal separation;~~
- ~~(B) Court ordered child custody arrangements;~~
- ~~(C) Evidence that the parent signing the application is receiving child support payments from that person, has filed for child support with the appropriate local agency, or has executed documents with that agency declining to file for child support;~~
- ~~(D) Rental receipts or agreements, contracts, utility bills or other documents for the residence of the family indicating that the parent is the responsible party; or~~
- ~~(E) Any other documentation, excluding a self-declaration except as provided in subdivision (a)(3), to confirm the presence or absence of a parent of a child in the family.~~

~~(3) If, due to the recent departure of a parent from the family, the remaining applicant parent cannot provide any documentation pursuant to subdivision (a)(2), the applicant parent may submit a self-declaration signed under penalty of perjury explaining the absence of that parent from the family. Within six months of applying or reporting this change in family size, the parent must provide documentation pursuant to subdivision (a)(2).~~

~~(b) If the information provided by the parent is insufficient, the contractor shall request any additional documentation necessary from subdivision (a) above to verify the family composition and family size.~~

(c) 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 Education Code section 8263(a)(2).

(d) Upon the transfer of a family from CalWORKs Stage 1 to CalWORKs Stage 2 or Stage 3, the CalWORKs Stage 2 or Stage 3 contractor shall accept the CalWORKs Stage 1 agency's determination of family size until the family is re-certified.

Note: Authority cited: Sections 8261 and 8263, Education Code. Reference: Section 8263, Education Code.

## **§ 18101. Parents Seeking Employment; Eligibility and Service Limitation. [Renumbered]**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 3. General Child Care Programs

Article 3. Enrollment

### 5 CCR § 18101

#### § 18101. Parents Seeking Employment; Eligibility and Service Limitation. [Renumbered]

Note: Authority cited: Sections 8261 and 8263, Education Code. Reference: Section 8263, Education Code.

## **§ 18102. Notice to Families of Their Responsibility to Notify Contractor of Changes to Family C...**

Revised by CDE September 2017 via Management Bulletin 17-14:

### 5 CCR § 18102

~~§ 18102. Notice to Families of Their Responsibility to Notify Contractor of Changes to Family Circumstances. REPEAL~~

~~At the time the contractor certifies or recertifies eligibility of a family/child for child care and development services, the contractor shall inform the family of the family's responsibility to notify the contractor within five calendar days of any changes in family income, family size, or the need for services as specified in Education Code section 8263(a)(2).~~

## **§ 18103. Recertification.**

Revised by CDE September 2017 via Management Bulletin 17-14:

### 5 CCR § 18103

#### § 18103. Recertification.

~~(a) After initial certification and enrollment, the contractor shall verify need and eligibility and need and recertify each family/child as follows: once each contract period at intervals not less than twelve (12) months **once every twenty-four (24) months, except for when the only need is seeking employment, then recertification is no less than 12 months.**~~

~~(1) Families receiving services because the child is at risk of abuse, neglect or exploitation shall be recertified at least once every six (6) months;~~

~~(2) Families receiving services because of actual abuse, neglect or exploitation shall be recertified at least every six (6) months and, at the time of recertification, the contractor shall document that the family is participating in a protective services plan in accordance with the requirements of their local county welfare~~

department, child protective services unit to alleviate the circumstances causing the abuse, neglect or exploitation;

(3) All other families shall be recertified at least once each contract period and at intervals not to exceed twelve (12) months;

(b) Contractors shall update the family's application to document continued need and eligibility as specified in Education Code section 8263(a)(1) and (a)(2) and determine any change to fee assessment, if applicable, as follows:

(1) For migrant and other seasonally employed families, the application shall be updated within thirty (30) days whenever there is a change in family size or need as specified in section 18083(e) of this Division if need is based on training or incapacity of the parent;

(2) For all other families, the application shall be updated within thirty (30) days whenever there is a change in family size, income, public assistance status or need as specified in section 18083(e) of this Division;

(3) The requirement for updating the files does not apply to families receiving services because the child is abused, neglected or exploited or at risk of abuse, neglect, or exploitation.

### **§ 18104. Limited Term Service Leave Requirements.**

Revised by CDE September 2017 via Management Bulletin 17-14:

5 CCR § 18104

~~§ 18104. Limited Term Service Leave Requirements. REPEAL~~

~~(a) If the family will temporarily not have a need for subsidized child care and development services as specified in Education Code section 8263(a)(2), the contractor may grant the family a limited term service leave. Reasons for a limited term service leave shall include medical leave and family leave, and may include, but are not limited to, break in employment, school break, the child's visit with the non-custodial parent that is not ordered by the court, or family vacation in excess of best interest days as specified in section 18066(f). Family leave means a leave:~~

~~(1) For the birth and care of the newborn child of the parent,~~

~~(2) For placement with the parent of a child for adoption or foster care, and~~

~~(3) To care for the parent's child, spouse, or parent who has a health condition.~~

~~(b) If the contractor offers limited term service leaves, the contractor:~~

~~(1) Shall provide equal access to limited term service leaves; and~~

~~(2) May set a limit on the number of leaves to be granted in a contract year based on an assessment of contract resources pursuant to section 18054.~~

~~(c) If the contractor grants a limited term service leave:~~

~~(1) The family shall not be disenrolled from the program;~~

~~(2) The service agreement with the parent shall indicate that no services will be provided during the limited term service leave; and~~

~~(3) The contractor shall not report the child as enrolled nor claim reimbursement from the California Department of Education while the child is on a limited term service leave.~~

~~(d) A limited term service leave shall not exceed 12 consecutive weeks in duration, except as specified in subdivisions (e) and (f).~~

~~(e) A limited term service leave from employment or training shall not exceed 16 consecutive weeks in duration if the leave is for:~~

~~(1) A medical or family leave; or~~

~~(2) A period when the vocational training program is not in spring, fall, or winter sessions.~~

~~(f) A limited term service leave may be granted for any portion of the contract period in which a child is attending an After School Education and Safety Program, pursuant to Education Code sections 8482 et seq., or a federal 21st Century Community Learning Centers program, as referenced in Education Code sections 8484.7 et seq.~~



#### **§ 18105. Admission Policies and Procedures; Interview.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 3. General Child Care Programs  
Article 4. Admission Policies and Procedures

##### 5 CCR § 18105

#### § 18105. Admission Policies and Procedures; Interview.

- (a) Contractors shall develop written admission policies and procedures which shall be made available to the public.
- (b) The admission procedures established shall conform to requirements in Title 22 California Code of Regulations, Section 101319.

Note: Authority cited: Sections 8261 and 8263, Education Code. Reference: Sections 8203 and 8263, Education Code.

#### **§ 18106. Admission Priorities; Waiting List; and Displacement.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 3. General Child Care Programs  
Article 4. Admission Policies and Procedures

##### 5 CCR § 18106

#### § 18106. Admission Priorities; Waiting List; and Displacement.

- (a) Within the first priority for services stated in Education Code section 8263(b)(1), children receiving protective services through the local county welfare department shall be enrolled before children identified as at risk of being neglected or abused.
- (b) Except for situations where not all of the children in a family are certified based on child protective services, or the child's special need, a family that has a child or children enrolled in a program shall be allowed to enroll additional children provided there exists an appropriate program opening such as infant care or services to school age care children in which to enroll the child.
- (c) When not all of the children in a family are certified based on child protective services, or the child's special need, the other children or the parents in the family must meet both eligibility and need criteria as specified in Education Code section 8263(a)(1) and (a)(2) prior to enrollment and shall be admitted in accordance with priorities specified in Education Code section 8263(b).
- (d) Contractors shall not deny service to nor assign a lower priority to a family that needs less than full-time services.
- (e) Contractors shall maintain a current waiting list in accordance with admission priorities. Contractors may satisfy the requirement for maintaining a waiting list by participating in a county child care centralized eligibility list. Contractors shall contact applicants in order of priority from the waiting list as vacancies occur.
- (f) If it is necessary to displace families, families shall be displaced in reverse order of admission priorities.

Note: Authority cited: Sections 8261 and 8263, Education Code. Reference: Section 8263, Education Code.

## § 18107. Residency Requirements.

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 3. General Child Care Programs

Article 4. Admission Policies and Procedures

5 CCR § 18107

### § 18107. Residency Requirements.

(a) In addition to other applicable eligibility requirements as specified elsewhere in this Division, to be eligible for child care and development services the child must live in the State of California while services are being received.

(b) Any evidence of a street address or post office address in California will be sufficient to establish residency. A person identified as homeless pursuant to section 18078(h)(2) is exempted from this requirement and shall submit a declaration of intent to reside in California.

(c) The governing board of any school district, community college or county superintendent of schools may accommodate children residing outside its district boundaries in accordance with Education Code section 8322(a).

(d) The determination of eligibility for child care and development services shall be without regard to the immigration status of the child or the child's parent(s), unless the child or the child's parent(s) are under a final order of deportation from the United States Department of Justice.

Note: Authority cited: Section 8263, Education Code. Reference: Section 8263, Education Code.

## § 18108. Fee Schedule.

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 3. General Child Care Programs

Article 5. Parent Fees

5 CCR § 18108

### § 18108. Fee Schedule.

Contractors shall use ~~a fee schedule prepared and issued by the Child Development Division~~ ***the most recent San Mateo and San Francisco County Subsidy Program Family Fee Schedule.***

Note: Authority cited: Section 8263, Education Code. Reference: Sections 8263 and 8265, Education Code.

## **§ 18109. Fee Assessment; Explanation to Parents.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 3. General Child Care Programs

Article 5. Parent Fees

### 5 CCR § 18109

#### § 18109. Fee Assessment; Explanation to Parents.

(a) The contractor shall utilize the following factors in determining the fee to be assessed for each family:

(1) The adjusted monthly family income;

~~(2) Family size; families having fewer than three (3) members shall be regarded as a family of three (3).~~

(3) The fee shall be assessed and collected based on the family's child who is enrolled for the longest period.

(4) The fee assessed and collected shall be either the fee indicated on the fee schedule, the actual costs of services or the contract maximum daily/hourly rate, whichever is least.

(5) No adjustment shall be made for excused or unexcused absences.

(6) The fee shall be the full portion of the family's cost for services.

(b) The contractor shall maintain a record of each family's fee assessment, the effective date(s) of each fee increase or decrease, the dates and amounts of fees collected and any amounts which are delinquent.

(c) The contractor shall explain to the parent(s) the contractor's policies regarding fee assessment and collection and the possible consequences for delinquent payment of fees.

Note: Authority cited: Section 8263, Education Code. Reference: Sections 8263 and 8265, Education Code.

## **§ 18110. Exceptions to Fee Assessment.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 3. General Child Care Programs

Article 5. Parent Fees

### 5 CCR § 18110

#### § 18110. Exceptions to Fee Assessment.

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

(a) Because of a need for child protective services;

(b) In the State Preschool Program;

(c) In the Federal Based Migrant program;

(d) In the Severely Handicapped program; or

(e) With an income level that, in relation to family size, is less than the first entry in the fee schedule.

Note: Authority cited: Sections 8250 and 8263, Education Code. Reference: Sections 8250 and 8263, Education Code.

## **§ 18111. No Additional Payments or Costs; Exceptions.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 3. General Child Care Programs

Article 5. Parent Fees

### 5 CCR § 18111

#### § 18111. No Additional Payments or Costs; Exceptions.

(a) Except as provided in Subsection (b) 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, 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.

(b) A contractor or a provider of service need not make a refund as specified in subdivision (a) above when the family is enrolled in an Alternative Payment program and the parent(s) has voluntarily placed the child with a service provider that requires all parent(s) to provide a sack lunch or supplies such as diapers.

Note: Authority cited: Section 8263, Education Code. Reference: Sections 8263 and 8265, Education Code.

## **§ 18112. Credit for Fees Paid to Other Service Providers.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 3. General Child Care Programs

Article 5. Parent Fees

### 5 CCR § 18112

#### § 18112. Credit for Fees Paid to Other Service Providers.

This section shall apply to child care and development services provided by someone other than the contractor:

(a) When a contractor cannot meet all of a family's needs for child care for which eligibility and need as specified in Education Code Section 8263(a)(1) and (a)(2) have been established, the contractor shall grant a fee credit equal to the amount paid to the other provider(s) of these child care and development services.

(b) 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.

(c) The contractor shall obtain copies of receipts or cancelled checks for the other child care and development services from the parent. The copies of the receipts or cancelled checks shall be maintained in the contractor's fee assessment records.

Note: Authority cited: Section 8263, Education Code. Reference: Sections 8263 and 8265, Education Code.

### **§ 18113. Receipt for Payment of Fee; Retention of Copy for Records.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 3. General Child Care Programs

Article 5. Parent Fees

#### 5 CCR § 18113

#### § 18113. Receipt for Payment of Fee; Retention of Copy for Records.

(a) 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.

(b) The contractor shall retain a copy of the receipt in its fee assessment records.

Note: Authority cited: Section 8263, Education Code. Reference: Sections 8263 and 8265, Education Code.

### **§ 18114. Advance Payment of Fees; Delinquent Fees; Notice of Delinquency.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 3. General Child Care Programs

Article 5. Parent Fees

#### 5 CCR § 18114

#### § 18114. Advance Payment of Fees; Delinquent Fees; Notice of Delinquency.

(a) 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.

(b) For contractors providing direct services to children, fees shall be considered delinquent after seven (7) calendar days from the date the fees were due.

(c) For contractors providing services through Alternative Payment programs, fees shall be considered delinquent on the date they are notified by the provider that fees have not been paid.

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

(1) The total amount of unpaid fees;

(2) The fee rate;

(3) The period of delinquency; and

(4) That services shall be terminated two (2) weeks from the date of the Notice unless all delinquent fees are paid before the end of the two (2)-week period.

Note: Authority cited: Section 8263, Education Code. Reference: Sections 8263 and 8265, Education Code.

### **§ 18115. Plan for Payment of Delinquent Fees.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 3. General Child Care Programs  
Article 5. Parent Fees

5 CCR § 18115

#### **§ 18115. Plan for Payment of Delinquent Fees.**

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

Note: Authority cited: Section 8263, Education Code. Reference: Sections 8263 and 8265, Education Code.

### **§ 18116. Consequences of Nonpayment of Delinquent Fees.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 3. General Child Care Programs  
Article 5. Parent Fees

5 CCR § 18116

#### **§ 18116. Consequences of Nonpayment of Delinquent Fees.**

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

Note: Authority cited: Section 8263, Education Code. Reference: Sections 8263 and 8265, Education Code.

### **§ 18117. Confidentiality of Records.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 3. General Child Care Programs  
Article 5. Parent Fees

5 CCR § 18117

#### **§ 18117. Confidentiality of Records.**

(a) The use or disclosure of all information pertaining to the child and his/her family shall be restricted to purposes directly connected with the administration of the program.

(b) The contractor shall permit the review of the basic data file by the child's parent(s) or parent's authorized representative, upon request and at reasonable times and places.

Note: Authority cited: Section 8261, Education Code. Reference: Section 8261, Education Code.

## **§ 18118. Approval or Denial of Child Care and Development Services.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 3. General Child Care Programs

Article 6. Due Process Requirements

### 5 CCR § 18118

#### § 18118. Approval or Denial of Child Care and Development Services.

The contractor shall mail or deliver a completed Notice of Action, Application for Services to the parents within thirty (30) calendar days from the date the application is signed by the parent(s) in accordance with Sections 18094 and 18095 of this Division.

Note: Authority cited: Section 8261, Education Code. Reference: Section 8261, Education Code.

## **§ 18119. Changes Affecting Service.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 3. General Child Care Programs

Article 6. Due Process Requirements

### 5 CCR § 18119

#### § 18119. Changes Affecting Service.

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

(b) The contractor shall mail or deliver the notice of action to the parents at least fourteen (14) calendar days before the effective date of the intended action whenever:

(1) The contractor has factual information that confirms the death of the parent or the child;

(2) The contractor receives notification from the parent that the parent no longer wants the service;

(3) The agreement for services was a limited term authorization which has come to the end of the term, and at the time of approval of the limited term authorization, the parent was informed in writing of the date services would terminate; or

(4) The parent does not provide eligibility or need information after a written request by the contractor.

Note: Authority cited: Sections 8261 and 8263, Education Code. Reference: Sections 8261 and 8263, Education Code.

## **§ 18120. Clients Request for a Hearing; Rules and Procedures.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 3. General Child Care Programs

Article 6. Due Process Requirements

### 5 CCR § 18120

#### § 18120. Clients Request for a Hearing; Rules and Procedures.

- (a) If the parent disagrees with an action, the parent(s) may file a request for a hearing with the contractor within fourteen (14) calendar days of the date the Notice of Action was received.
- (b) 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.
- (c) Within ten (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).
- (d) 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.
- (e) 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.
- (f) Only persons directly affected by the hearing shall be allowed to attend.
- (g) The contractor shall arrange for the presence of an interpreter at the hearing, if one is requested by the parent(s).
- (h) The hearing officer shall explain to the parent(s) the legal, regulatory, or policy basis for the intended action.
- (i) 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).
- (j) The hearing officer shall mail or deliver to the parent(s) a written decision within ten (10) calendar days after the hearing.

Note: Authority cited: Section 8261, Education Code. Reference: Section 8261, Education Code.



## **§ 18121. Appeal Procedure for Child Development Division Review.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 3. General Child Care Programs

Article 6. Due Process Requirements

### 5 CCR § 18121

#### § 18121. Appeal Procedure for Child Development Division Review.

- (a) If the parent disagrees with the written decision from the contractor, the parent has fourteen (14) calendar days in which to appeal to the Child Development Division.
- (b) If the parent(s) do(es) not submit an appeal request to the Child Development Division within fourteen (14) calendar days, the parents' appeal process shall be deemed abandoned and the contractor may implement the intended action.
- (c) The parent(s) shall specify in the appeal request the reason(s) why he/she believes the contractor's decision was incorrect.
- (d) A copy of the contractor's notice of intended action and written decision shall be submitted by the parent(s) with the appeal request.
- (e) Upon receipt of an appeal request, the Child Development Division may request copies of the basic data file and other relevant materials from the contractor. The Child Development Division may also conduct any investigations, interviews or mediation necessary to resolve the appeal.
- (f) The decision of the Child Development Division shall be mailed or delivered to the parent(s) and to the contractor within thirty (30) calendar days after receipt of the appeal request.

Note: Authority cited: Section 8261, Education Code. Reference: Section 8261, Education Code.

## **§ 18122. Contractor Compliance with Child Development Division Decision; Reimbursement for Serv...**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 3. General Child Care Programs

Article 6. Due Process Requirements

### 5 CCR § 18122

#### § 18122. Contractor Compliance with Child Development Division Decision; Reimbursement for Services

##### During the Appeal Process.

- (a) The contractor shall comply with the decision of the Child Development Division immediately upon receipt thereof.
- (b) The contractor shall be reimbursed for child care and development services delivered to the family which is appealing during the appeal process.
- (c) If a contractor's determination that a family is ineligible is upheld by the Child Development Division, services to the family shall cease upon receipt of the Child Development Division's decision by the contractor.

Note: Authority cited: Section 8261, Education Code. Reference: Section 8261, Education Code.

## **§ 18130. Scope of Chapter: Applicable Regulations.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 4. State Preschool Program

Article 1. Scope of Chapter

### 5 CCR § 18130

#### § 18130. Scope of Chapter: Applicable Regulations.

(a) The regulations contained in this Chapter shall apply only to contractors funded for the State Preschool Program.

(b) Except as otherwise provided in this Chapter, contractors funded for the State Preschool program shall also comply with regulations contained in Chapters 1, 2, 12, 14 and 15 in whole, and Sections 18077, 18078 (a)(d)(h)(1), 18081 (a)(b)(1), 18082, 18083 (a)(b)(h)(i)(j), 18084, 18094, 18095, 18100, 18105, 18107, 18117 and 18118 through 18122 of Chapter 3 and Section 18290(c)(e) of Chapter 13 of this Division.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8203 and 8235, Education Code.

## **§ 18131. Enrollment Priorities for State Preschool Programs.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 4. State Preschool Program

Article 2. Enrollment Priorities

### 5 CCR § 18131

#### § 18131. Enrollment Priorities for State Preschool Programs.

(a) The first priority for services shall be given to four-year-old or three-year-old neglected or abused children who are recipients of child protective services or recipients who are at risk of being neglected or abused, upon written referral from a legal, medical, or social service agency, without regard to income.

(b) The second priority shall be given to eligible four-year-old children in the following order:

(1) Children who were enrolled in the State Preschool Program as a three-year-old, without regard to income ranking.

(2) Children whose families have the lowest income ranking based on the most recent income ranking schedule adopted by the State Superintendent of Public Instruction (SSPI) at the time of enrollment. The Child Care and Development Income Rankings (revised 12/2007) is hereby incorporated by reference.

(3) When two or more families have the same income ranking, according to the most recent income ranking schedule, the child with exceptional needs as defined in Education Code section 8208(l) shall be admitted first.

(4) If there are no families with children with exceptional needs, the contractor may establish the following priorities in an order determined by the contractor.

(A) Children who are identified as limited English or non-English proficient.

(B) Children from families whose special circumstances may diminish the children's opportunities for normal development.

(c) After all eligible four-year-old children are enrolled, three-year-old children may be enrolled based on the priorities described in subdivision 18131(b)(2) through (4).

(d) The family data file shall include documentation to support the determination that the child meets the priority for service. If the priority for service is the child's exceptional need, the family data file shall include documentation as specified in section 18089(f) of this division.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8208, 8235, 8236, 8263 and 56443, Education Code.

### **§ 18131.1. Collaborative Full-Day Services.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 4. State Preschool Program

Article 2. Enrollment Priorities

#### 5 CCR § 18131.1

##### § 18131.1. Collaborative Full-Day Services.

(a) When collaborative full-day services are provided with State Preschool contract funds, when the State Preschool 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 State Preschool contractor shall:

(1) Search the county centralized eligibility list (CEL) 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 CEL, the Head Start enrollment priorities;

(2) Give first priority for services to eligible children based on section 18131(a); and

(3) Give second priority for services to children drawn from the CEL search and any other eligible children from families with incomes not to exceed the exceptions specified in section 18133, who meet Head Start enrollment priorities, as these children shall be deemed as meeting the priorities specified in section 18131(b) and (c).

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8208, 8235 and 56443, Education Code.

### **§ 18132. Certification of Eligibility; Waiting List.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 4. State Preschool Program

Article 2. Enrollment Priorities

#### 5 CCR § 18132

##### § 18132. Certification of Eligibility; Waiting List.

(a) The contractor shall certify eligibility no more than thirty (30) calendar days prior to the first day of the beginning of the new preschool year, *or if providing part-day services in CSPP, contractor can certify eligibility up to 120 days prior to the first day of the preschool year (information found in CDE, Program Requirements for CSPP FY2016-2017 and in Management Bulletin 14-02).*

(b) After full enrollment is attained, the contractor shall prepare a waiting list based on the enrollment priorities set forth in Section 18131 of this Division.

Note: Authority cited: Section 8263, Education Code. Reference: Sections 8235 and 8263, Education Code.

### **§ 18133. Exceptions to Enrollment Priorities; Ten Percent (10%) Limitation.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 4. State Preschool Program

Article 2. Enrollment Priorities

#### 5 CCR § 18133

##### § 18133. Exceptions to Enrollment Priorities; Ten Percent (10%) Limitation.

(a) If no eligible children are on the waiting list, the contractor may enroll children who are not otherwise eligible for participation. This includes children who exceed the age limitations and children from families whose income exceeds the current income ceiling issued by the Child Development Division by fifteen percent (15%) or less of the adjusted monthly income for income eligible families of the same size.

(b) Children enrolled pursuant to subsection (a) above shall comprise a maximum of ten percent (10%) of the total enrollment.

(c) The contractor shall maintain the following information in the basic data file of children enrolled pursuant to this section:

- (1) Evidence that shows the contractor has made a diligent search for eligible children;
- (2) The child's family income; and
- (3) The specific reason(s) for enrolling each child.

(d) To the greatest extent possible, the contractor shall assign children enrolled pursuant to this section to all of the State Preschool program classes within the contractor's jurisdiction.

Note: Authority cited: Section 8263, Education Code. Reference: Sections 8235 and 8263, Education Code.

### **§ 18134. Exceptions to Calculation of Adjusted Monthly Income (as Defined in Section 18078) for...**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 4. State Preschool Program

Article 2. Enrollment Priorities

#### 5 CCR § 18134

##### § 18134. Exceptions to Calculation of Adjusted Monthly Income (as Defined in Section 18078) for Military Personnel.

Program vacancies shall be filled first by children pursuant to all statutorily mandated priorities. 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 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 may, with prior written approval from the State Superintendent of Public Instruction or his or her designee, exclude the amount of the basic allowance for housing provided to the individual pursuant to 37 USC 403.

Note: Authority cited: Sections 8261 and 8263, Education Code. Reference: Sections 8235, 8236, 8263 and 8263.1, Education Code.

**§ 18135. Volunteers; Staffing Ratios.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 4. State Preschool Program

Article 3. Other Requirements

5 CCR § 18135

§ 18135. Volunteers; Staffing Ratios.

If the contractor cannot recruit a sufficient number of parents or volunteers, the contractor shall hire teacher aides for each class to the extent required to meet adult/child ratios as set forth in Section 18290 of this Division.

Note: Authority cited: Section 8287, Education Code. Reference: Sections 8235 and 8288, Education Code.

**§ 18136. Minimum Hours and Days of Operation.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 4. State Preschool Program

Article 3. Other Requirements

5 CCR § 18136

§ 18136. Minimum Hours and Days of Operation.

The contractor shall operate classes a minimum of three (3) hours per day, excluding home-to-school transportation time, for a minimum of 175 days per year, unless the child development contract specified a lower minimum days of operation.

Note: Authority cited: Sections 8261, Education Code. Reference: Sections 8235 and 8265, Education Code.

5 CA ADC T. 5, Div. 1, Chap. 19, Refs & Annos BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 5. School-Age Parenting and Infant Development Programs\* [Repealed]

5 CCR T. 5, Div. 1, Chap. 19, Refs & Annos

### **§ 18175. Applicable Regulations.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 6. Campus Child Care Program

5 CCR § 18175

#### **§ 18175. Applicable Regulations.**

Except as provided in Education Code Section 8225(b), contractors funded by the Campus Child Care Program shall also comply with the regulations set forth in Chapters 1, 2, 3, 12, 13, 14 and 15 of this Division.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8225 and 8263, Education Code.

### **§ 18180. Scope of Chapter: Applicable Regulations.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 7. Federal Based Migrant Program  
Article 1. Scope of Chapter

5 CCR § 18180

#### **§ 18180. Scope of Chapter: Applicable Regulations.**

(a) The regulations contained in this Chapter shall apply only to contractors funded through the Federal Based Migrant program.

(b) Except as otherwise provided in this Chapter, contractors funded by the Federal Based Migrant program shall also comply with regulations contained in Chapters 1, 2, 12, 13, 14 and 15 in whole and Sections 18077, 18078(d), 18081 (a) (b) (c) and (d), 18093, 18094, 18095, 18103, 18105, 18110, 18117, 18118, 18119, 18120, 18121 and 18122 of Chapter 3 of this Division.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8233 and 8261, Education Code; 34 Code of Federal Regulations, Part 201; and 20 United States Code, Parts 2761, 2762, 2763.

### **§ 18181. Definitions.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 7. Federal Based Migrant Program  
Article 2. Eligibility and Enrollment Priorities

5 CCR § 18181

#### **§ 18181. Definitions.**

Definitions contained in 34 Code of Federal Regulations Section 201.3 apply.

Note: Authority cited: Section 8261, Education Code. Reference: 34 Code of Federal Regulations, Section 201.3.

**§ 18182. Enrollment Priorities.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 7. Federal Based Migrant Program  
Article 2. Eligibility and Enrollment Priorities

5 CCR § 18182

§ 18182. Enrollment Priorities.

(a) The following are the enrollment priorities for the Federal Based Migrant program:

- (1) First Priority: Currently migratory child.
- (2) Second Priority: Formerly migratory child.

(b) A newborn infant whose family's residence has not changed since birth is not considered to be a currently migratory child.

(c) Contractors operating in a federally funded public migrant housing center shall reserve the first fourteen (14) days of their initial enrollment period for residents of the public housing center.

Note: Authority cited: Sections 8261 and 8263, Education Code. Reference: Section 8231, Education Code; and 34 Code of Federal Regulations Part 201.31.

**§ 18183. Eligibility Certification for Federal Based Migrant Programs.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 7. Federal Based Migrant Program  
Article 2. Eligibility and Enrollment Priorities

5 CCR § 18183

§ 18183. Eligibility Certification for Federal Based Migrant Programs.

Federal eligibility shall be determined before the child is enrolled or served in the program.

Note: Authority cited: Sections 8261 and 8263, Education Code. Reference: Section 8263, Education Code; and 34 Code of Federal Regulations Part 201.30.

**§ 18184. Migrant Student Record Transfer System.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 7. Federal Based Migrant Program  
Article 2. Eligibility and Enrollment Priorities

5 CCR § 18184

§ 18184. Migrant Student Record Transfer System.

The contractor shall register all children enrolled on the Migrant Student Record Transfer System (MSRTS).

Note: Authority cited: Section 8261, Education Code. Reference: Section 8231, Education Code; and 34 Code of Federal Regulations, Part 201.32.

**§ 18190. Scope of Chapter: Applicable Regulations.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 7.5. State Based Migrant Program  
Article 1. Scope of Chapter

5 CCR § 18190

§ 18190. Scope of Chapter: Applicable Regulations.

(a) The regulations contained in this Chapter shall apply only to contractors funded by the State Based Migrant program.

(b) Except as otherwise provided in this Chapter, contractors funded by the State Based Migrant program shall also comply with regulations contained in Chapters 1, 2, 12, 13, 14, 15 in whole and Chapter 3, except for Section 18106, of this Division.

Note: Authority cited: Sections 8261 and 8263, Education Code. Reference: Sections 8231, 8232, 8233 and 8261, Education Code.

**§ 18191. Eligibility Criteria.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 7.5. State Based Migrant Program  
Article 2. Eligibility and Enrollment Priorities

5 CCR § 18191

§ 18191. Eligibility Criteria.

In addition to meeting the criteria for being an agricultural worker family as specified in Education Code Section 8231(a), the family shall also meet eligibility and need criteria specified in Education Code Section 8263(a)(1) and (a) (2).

Note: Authority cited: Sections 8261 and 8263, Education Code. Reference: Sections 8231 and 8263, Education Code.

**§ 18192. Priorities for Enrollment; Waiting List; Displacement Order.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 7.5. State Based Migrant Program  
Article 2. Eligibility and Enrollment Priorities

5 CCR § 18192

§ 18192. Priorities for Enrollment; Waiting List; Displacement Order.

(a) Children of eligible migrant agricultural worker families shall be enrolled in the order of priorities specified in Education Code Section 8231(b).

(b) Contractors operating in federally funded public migrant housing centers shall reserve the first fourteen (14) days of their enrollment period for residents of the public migrant housing center.



(c) The contractor shall maintain a waiting list in accordance with the enrollment priorities specified in Education Code Section 8231(b).

(d) If it is necessary to displace families, families shall be displaced in reverse order of enrollment priorities.

Note: Authority cited: Sections 8261 and 8263, Education Code. Reference: Sections 8231 and 8263, Education Code.

**§ 18200. Scope of Chapter: Applicable Regulations. [Repealed]**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 8. School Age Community Child Care Services Program (Latch Key) [Repealed]

Article 1. Scope of Chapter [Repealed]

5 CCR § 18200

§ 18200. Scope of Chapter: Applicable Regulations. [Repealed]

Note: Authority cited: Section 8461, Education Code. Reference: Section 8463, Education Code.

**§ 18201. Waiting List; Priorities for Enrollment. [Repealed]**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 8. School Age Community Child Care Services Program (Latch Key) [Repealed]

Article 2. General Provisions [Repealed]

5 CCR § 18201

§ 18201. Waiting List; Priorities for Enrollment. [Repealed]

Note: Authority cited: Section 8461, Education Code. Reference: Section 8468.5, Education Code.

**§ 18202. Age Limitation. [Repealed]**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 8. School Age Community Child Care Services Program (Latch Key) [Repealed]

Article 2. General Provisions [Repealed]

5 CCR § 18202

§ 18202. Age Limitation. [Repealed]

Note: Authority cited: Section 8461, Education Code. Reference: Section 8468.5, Education Code.

**§ 18203. Staff Qualifications - Program Director for School Age Programs. [Repealed]**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 8. School Age Community Child Care Services Program (Latch Key) [Repealed]

Article 2. General Provisions [Repealed]

5 CCR § 18203

§ 18203. Staff Qualifications - Program Director for School Age Programs. [Repealed]

Note: Authority cited: Sections 8287 and 8461, Education Code. Reference: Section 8463, Education Code.

**§ 18204. Adult/Child Ratios in Group Child Development Programs. [Repealed]**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 8. School Age Community Child Care Services Program (Latch Key) [Repealed]

Article 2. General Provisions [Repealed]

5 CCR § 18204

§ 18204. Adult/Child Ratios in Group Child Development Programs. [Repealed]

**§ 18205. Staff Qualifications - Site Supervisor. [Repealed]**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 8. School Age Community Child Care Services Program (Latch Key) [Repealed]

Article 2. General Provisions [Repealed]

5 CCR § 18205

§ 18205. Staff Qualifications - Site Supervisor. [Repealed]

Note: Authority cited: Sections 8287 and 8461, Education Code. Reference: Section 8463(l), Education Code.

**§ 18206. Staff Qualifications - Teacher. [Repealed]**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 8. School Age Community Child Care Services Program (Latch Key) [Repealed]

Article 2. General Provisions [Repealed]

5 CCR § 18206

§ 18206. Staff Qualifications - Teacher. [Repealed]

Note: Authority cited: Sections 8287 and 8461, Education Code. Reference: Section 8463(l), Education Code.

### **§ 18207. Staff Qualifications - Teacher Aide. [Repealed]**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 8. School Age Community Child Care Services Program (Latch Key) [Repealed]

Article 2. General Provisions [Repealed]

5 CCR § 18207

§ 18207. Staff Qualifications - Teacher Aide. [Repealed]

Note: Authority cited: Sections 8287 and 8461, Education Code. Reference: Section 8463(l), Education Code.

### **§ 18208. Ratios Based on Average Attendance. [Repealed]**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 8. School Age Community Child Care Services Program (Latch Key) [Repealed]

Article 2. General Provisions [Repealed]

5 CCR § 18208

§ 18208. Ratios Based on Average Attendance. [Repealed]

### **§ 18210. Scope of Chapter: Applicable Regulations.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 9. Severely Handicapped Program

5 CCR § 18210

§ 18210. Scope of Chapter: Applicable Regulations.

(a) The regulations contained in this Chapter shall only apply to contractors funded through the Severely Handicapped program.

(b) Except as otherwise provided in this Chapter contractors funded by the Severely Handicapped program shall also comply with regulations contained in Chapters 1, 2, 12, 14, 15 in whole and Sections 18077, 18078 (h) , 18081 (a) (b) (5) (c) (d), 18082, 18083 (a) (b) (c) (h) (i) (j), 18094, 18095, 18105, 18107, 18110 and 18117 through 18122 of Chapter 3 and Sections 18290 and 18291 of Chapter 13 of this Division.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8208, 8250 and 56026, Education Code.

### **§ 18211. Eligibility.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 9. Severely Handicapped Program

5 CCR § 18211

#### **§ 18211. Eligibility.**

In order to be eligible for services through the Severely Handicapped program, the child must have a physical, mental or emotional handicap of such severity that the child cannot be adequately or appropriately served in regular child care and development program as determined by the individualized Education Plan (IEP) required by Section 18212 of this Division.

Note: Authority cited: Sections 8261, Education Code. Reference: Section 8250, Education Code.

### **§ 18212. Additional Basic Data File Requirements.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 9. Severely Handicapped Program

5 CCR § 18212

#### **§ 18212. Additional Basic Data File Requirements.**

The child's basic data file shall include an Individualized Education Plan (IEP) as specified in Section 56026 of the Education Code and Sections 3030 and 3031 of Title 5 California Code of Regulations.

Note: Authority cited: Section 8261, Education Code. Reference: Section 8250, Education Code.

### **§ 18213. Minimum Hours of Operation.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 9. Severely Handicapped Program

5 CCR § 18213

#### **§ 18213. Minimum Hours of Operation.**

The contractor shall provide child development services a minimum of three and a half (3 1/2) hours per day.

Note: Authority cited: Sections 8261 and 8269, Education Code. Reference: Section 8250, Education Code.

## **§ 18220. Scope of Subchapter: Applicable Regulations.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 10. Alternative Payment Program

Article 1. Scope of Subchapter

### 5 CCR § 18220

#### § 18220. Scope of Subchapter: Applicable Regulations.

(a) The regulations contained in this subchapter shall only apply to contractors authorized to establish, maintain, or operate Alternative Payment programs as defined in section 18013(e) of this chapter.

(b) Except as otherwise provided in this chapter, contractors funded to provide Alternative Payment program services shall also comply with regulations contained in subchapters 1, 2, 3, and 15 in whole and sections 18271(a), (c), 18274, 18277 and 18279 of subchapter 12 of this chapter.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8203 and 8261, Education Code.

## **§ 18220.2. Definitions.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 10. Alternative Payment Program

Article 1.5. General Provisions

### 5 CCR § 18220.2

#### § 18220.2. Definitions.

(a) "Probation" means the period of time that a licensed child care facility is required to comply with specific terms and conditions set forth by the California Department of Social Services in order to stay or postpone revocation of the facility's license.

(b) "Revocation" means an administrative action taken by the California Department of Social Services to void or rescind the license of a child care facility because of serious or chronic violations of licensing laws or regulations by the facility.

(c) "Temporary suspension" means an administrative action taken by the California Department of Social Services that immediately suspends a facility license.

Note: Authority cited: Section 8261, Education Code. Reference: Section 8212, Education Code; and Sections 1596.773, 1596.885 and 1596.886, Health and Safety Code.

### **§ 18220.6. Provider Rate. Family Co-Payment.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 10. Alternative Payment Program  
Article 2. Policies and Procedures

#### 5 CCR § 18220.6

##### § 18220.6. Provider Rate. Family Co-Payment.

- (a) A family may choose a child care provider regardless of the provider's rate.
- (b) When a provider's rate and other allowable charges exceed the maximum subsidy amount, the family shall be responsible for paying the provider the difference between the provider's rate and the maximum subsidy amount. This shall be considered the family's co-payment. The contractor shall not be responsible for collecting the family's co-payment.

Note: Authority cited: Sections 8265 and 8269, Education Code. Reference: Section 8265 and 8269, Education Code.

### **§ 18221. Information on Contractor Policies.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 10. Alternative Payment Program  
Article 2. Policies and Procedures

#### 5 CCR § 18221

##### § 18221. Information on Contractor Policies.

The contractor shall develop and implement a written policy statement. The policy statement shall include information regarding:

- (a) A description of the program's purpose, design, and organization framework;
- (b) Priorities for enrollment;
- (c) Family eligibility requirements;
- (d) Conditions for participation;
- (e) Reimbursement of providers which may include a limitation of 1.5 standard deviations from the mean market rate for the type of care provided as established by the most recent survey of the local resource and referral agency;
- (f) Requirements for provider participation;
- (g) Range of services available including limitations, if any, on payment for in-home care; and
- (h) Parent fee collection policy and procedures including direct payment of fees to the provider, if allowable.

Note: Authority cited: Section 8261, Education Code. Reference: Section 8203, Education Code.

## **§ 18222. Information to Be Given to Parents.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 10. Alternative Payment Program

Article 2. Policies and Procedures

### 5 CCR § 18222

#### § 18222. Information to Be Given to Parents.

(a) The contractor shall provide parents with the following information upon enrollment in the program:

- (1) The policy statement specified in Section 18221 of this Division;
- (2) Information regarding the confidentiality of records;
- (3) Information regarding grievance procedures for parents; and
- (4) Information regarding the rights of parents to change child care settings.

(b) If the parent(s) speaks a language other than English or is (are) hearing impaired, the information shall be provided through written materials or by Presentation of an interpreter in a language the parent understands.

Note: Authority cited: Section 8261, Education Code, Reference: Section 8203, Education Code.

## **§ 18223. Procedures for Provider Participation.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 10. Alternative Payment Program

Article 2. Policies and Procedures

### 5 CCR § 18223

#### § 18223. Procedures for Provider Participation.

The contractor shall develop and implement written policies and procedures for provider participation which include the following:

- (a) Maximizing parental choice with consideration of the contractor's ability to pay for the services within the funding provided in the annual child development contract.
- (b) Acceptance, rejection and termination of provider affiliation with the program.
- (c) Grievance procedures for parents and providers in the program.

Note: Authority cited: Section 8261, Education Code. Reference: Section 8203, Education Code.

## **§ 18224. Written Materials to Be Given to Providers.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 10. Alternative Payment Program

Article 2. Policies and Procedures

### 5 CCR § 18224

#### § 18224. Written Materials to Be Given to Providers.

(a) The contractor shall give to all providers the following information:

- (1) A copy of the contractor's policy statements as specified in Sections 18221 (e), (f) and (h), 18223 and 18226 of this Division;
- (2) A statement prohibiting the provider from engaging in religious instruction or worship while providing child care and development services;
- (3) A statement prohibiting the provider from engaging in any form of discrimination;
- (4) A schedule for the payment of services which shall be signed by the provider; and
- (5) Instructions on enrollment and attendance recordkeeping requirements.

(b) If a provider speaks a language other than English or is hearing impaired, the information shall be provided either through written materials or by presentation of an interpreter in the language that the provider understands.

Note: Authority cited: Section 8261, Education Code. Reference: Section 8203, Education Code.

## **§ 18224.2. Receipt of Notification of Temporary Suspension or License Revocation from Resource**

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Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 10. Alternative Payment Program

Article 2.5. Receipt of Notification of Temporary Suspension Order, License Revocation, or Probation.  
Notification of Parents and Facilities

### 5 CCR § 18224.2

#### § 18224.2. Receipt of Notification of Temporary Suspension or License Revocation from Resource and Referral Program. Notification of Parents and Facilities.

(a) When an Alternative Payment program is notified by the Resource and Referral program that a licensed child care facility's license has been temporarily suspended or revoked, the Alternative Payment program shall do the following within two business days of receiving the notification:

- (1) Terminate payment to the licensed child care facility for services provided as of the effective date of the temporary suspension or license revocation. The facility will be reimbursed for services provided prior to that date;
- (2) Notify the licensed child care facility and the parents funded by the Alternative Payment program and enrolled in the facility in writing that the payment has been terminated and the reason for the termination; and

(b) To extent feasible, the Alternative Payment program shall provide the notice to the parent in the primary language of the parent.



(c) The Alternative Payment program shall document action taken pursuant to subdivisions (1) and (2) above. The Alternative Payment program shall retain the documentation and make it available to the California Department of Education upon request.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8212 and 8220, Education Code; and Sections 1596.773 and 1596.886, Health and Safety Code.

#### **§ 18224.4. Receipt of Notification of Probationary Status of Facility from Resource and Referra...**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 10. Alternative Payment Program

Article 2.5. Receipt of Notification of Temporary Suspension Order, License Revocation, or Probation.

Notification of Parents and Facilities

##### 5 CCR § 18224.4

§ 18224.4. Receipt of Notification of Probationary Status of Facility from Resource and Referral Program.  
Notification of Parents and Facilities.

(a) The regulations contained in this Subchapter apply to providers already on probation as of January 1, 2005, and to providers that are placed on probation on or after January 1, 2005.

(b) When an Alternative Payment program is notified by the Resource and Referral program that a facility has been placed on probation, the Alternative Payment program shall provide, within two business days, written notice to the parents funded by the Alternative Payment program and enrolled in the facility that the facility has been placed on probation and that the parents have an option to make different child care arrangements or may remain with the facility without risk of subsidy payments being terminated.

(c) To extent feasible, the Alternative Payment program shall provide the notice to the parent in the primary language of the parent.

(d) The Alternative Payment program shall document notification provided pursuant to subdivision (b) above. The Alternative Payment program shall retain the documentation and make it available to the California Department of Education upon request.

Note: Authority cited: Section 8261, Education Code. Reference: Section 8212, Education Code; and Section 1596.773, Health and Safety Code.

#### **§ 18224.6. Notification of Ineligible Status of a License-Exempt Provider.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 10. Alternative Payment Program

Article 3. Services and Payments

##### 5 CCR § 18224.6

§ 18224.6. Notification of Ineligible Status of a License-Exempt Provider.

(a) A license-exempt provider shall not be eligible to receive reimbursement for child care and development services when an Alternative Payment program is notified by the California Child Care Resource and Referral Network that the provisional child care provider's:

(1) TrustLine case has been closed; or

- (2) TrustLine application has been denied; or
  - (3) TrustLine application has not been approved within the 30-day period pursuant to section 18078(o).
- (b) A license-exempt provider shall not continue to receive reimbursement for child care services when an Alternative Payment Program:
- (1) Is notified by the California Child Care Resource and Referral Network that the provider's TrustLine registration has been revoked; or
  - (2) Receives reliable and documented information that a license-exempt provider has:
    - (A) Active or contagious tuberculosis; or
    - (B) Been convicted of any crime involving violence against, or abuse or neglect of, children.
  - (c) Upon receipt of any of the information in subdivision (b), the Alternative Payment program shall terminate reimbursement to the provider for services provided as of the effective date on the TrustLine revocation notice or the date on which the Alternative Payment Program received reliable and documented information of active or contagious tuberculosis or of a conviction of any crime involving violence against, or abuse or neglect of, children. The provider will be reimbursed for services provided through the effective day of the TrustLine revocation or the day of receipt of documentation of active or contagious tuberculosis, or a conviction of any crime involving violence against, or abuse or neglect of, children.
  - (d) Upon receipt of the information in either subdivision (a) or (b), the Alternative Payment Program shall do all of the following:
    - (1) Notify in writing both the provider and the parent of the child receiving services that the payment has been denied or terminated, as applicable, and the reasons for the denial or termination; and
    - (2) Refer the parent to the local Resource and Referral Program for assistance with finding a new provider; and
    - (3) Document the action and retain the documentation and make it available to the CDE upon request.
- When this action affects the provider of a current CalWORKs cash aided parent, the program shall inform the local county welfare department if services cannot be transferred to another provider without a gap in services.

Note: Authority cited: Sections 8261 and 8269, Education Code. Reference: Sections 8202, 8212, 8220 and 8220.5, Education Code; Sections 1596.607, 1596.608, 1596.66, 1596.67, 1596.796 and 1596.877, Health and Safety Code.

**§ 18225. Plan for Continuity of Service and Expenditures.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 10. Alternative Payment Program

Article 3. Services and Payments

5 CCR § 18225

§ 18225. Plan for Continuity of Service and Expenditures.

The contractor shall develop and implement a plan to ensure that services are provided to families enrolled in the program continuously throughout the contract period.

Note: Authority cited: Section 8261, Education Code. Reference: Section 8203, Education Code.

**§ 18226. Plan for Provider Payments.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 10. Alternative Payment Program  
Article 3. Services and Payments

5 CCR § 18226

§ 18226. Plan for Provider Payments.

The contractor shall develop and implement a plan for timely payment to providers. The plan shall include a description of parent fee collection methods in accordance with the policy required by Section 18221 (h) of this Division.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8203 and 8261, Education Code.

**§ 18227. Eligible Providers for Alternative Payment Program.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 10. Alternative Payment Program  
Article 3. Services and Payments

5 CCR § 18227

§ 18227. Eligible Providers for Alternative Payment Program.

In addition to any other requirements that may be applicable, to be eligible for reimbursement, a provider must be one of the following:

- (a) A child care center that is:
  - (1) Licensed, pursuant to Chapter 3.35 of Division 2 of the Health and Safety Code, commencing with section 1596.70; or
  - (2) A center operated on tribal or federal lands; or
  - (3) A center or program exempt from licensure, pursuant to Health and Safety Code section 1596.792(g), (h), (i), (j), (k), or (l), or section 1596.793, that meets the following requirements for reimbursement from an Alternative Payment program:
    - (A) Uses sign-in/sign-out documents to record attendance pursuant to section 18065 for all children; and
    - (B) Provides adult supervision for all children during all hours of operation; and
    - (C) Submits a signed statement to the program director certifying that all employees who have contact with children have completed criminal history background examinations comparable to the criminal history background examinations required by Chapter 3.35 of Division 2 of the Health and Safety Code, commencing with section 1596.60.
- (b) A family child care home that is:
  - (1) Licensed, pursuant to Health and Safety Code, commencing with section 1596.70; or
  - (2) Providing child care services in a home setting on tribal or federal land.
- (c) An individual exempt from licensure, pursuant to Health and Safety Code sections 1596.792(d) or (f), who does not have active tuberculosis and has not been convicted of any crime involving violence against, or abuse or neglect of, children and is:

- (1) Pursuant to Health and Safety Code section 1596.66(a), an aunt, uncle, or grandparent of the child receiving services; or
- (2) A registered TrustLine provider, pursuant to Health and Safety Code section 1596.605; or
- (3) A provisional child care provider pursuant to section 18078(o) who becomes TrustLine registered within 30 calendar days as provided in section 18227.1.

Note: Authority cited: Sections 8261 and 8269, Education Code. Reference: Sections 8202 and 8203, Education Code; Sections 1596.66, 1596.72, 1596.73 and 1596.796, Health and Safety Code.

### **§ 18227.1. Provisional Child Care.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 10. Alternative Payment Program

Article 3. Services and Payments

#### 5 CCR § 18227.1

##### § 18227.1. Provisional Child Care.

- (a) A family may select a provisional child care provider as defined in section 18078(o) if there is an immediate need for child care.
- (b) A family may use a provisional child care provider during a single 30 calendar day period. The first day on which child care services are provided marks the beginning of this 30 day period.
- (c) At the conclusion of 30 consecutive calendar days the provisional child care provider must become TrustLine registered and, if so, may be reimbursed for child care services performed or the parent shall select an eligible provider who can meet the parent's need for care.

Note: Authority cited: Sections 8261 and 8269, Education Code. Reference: Sections 8202 and 8203, Education Code; Sections 1596.603, 1596.605 and 1596.66, Health and Safety Code.

### **§ 18228. Offset of Parent Fees Paid to Providers.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 10. Alternative Payment Program

Article 3. Services and Payments

#### 5 CCR § 18228

##### § 18228. Offset of Parent Fees Paid to Providers.

- (a) If the contractor's policy allows parents to make direct payments of their fees to the provider, the provider shall submit a copy of the parent's receipt to the contractor.
- (b) The contractor shall offset the amount of the fee paid by the parent in calculating the payment due to the provider.
- (c) The contractor shall report the amount of fee collected and retained by the provider as "income" on the attendance and expenditure reports as specified in Section 18068 of this Division.
- (d) The contractor shall report its payment to the provider along with the amount of fees paid directly by the parent which serve in lieu of payment from the contractor to the provider as "expense" on the attendance and expenditure reports as specified in Section 18068 of this Division.

Note: Authority cited: Sections 8261 and 8269, Education Code, Reference: Sections 8261 and 8265, Education Code.

**§ 18229. Basic Data File; Receipt of Supportive Services.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 10. Alternative Payment Program

Article 3. Services and Payments

5 CCR § 18229

§ 18229. Basic Data File; Receipt of Supportive Services.

The documents required by Education Code Section 8266.5 shall be maintained in the family's basic data file.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8266.5, Education Code.

**§ 18230. Records on File Concerning In-Home Service Providers.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 10. Alternative Payment Program

Article 4. Records

5 CCR § 18230

§ 18230. Records on File Concerning In-Home Service Providers.

If the contractor's policies allow payment for in-home care, the contractor shall maintain in its file the following records concerning in-home care providers:

- (a) A description of the caregiver's qualifications and work experience obtained during a personal interview with the care-giver.
- (b) A declaration by the care giver that he or she is in good health.
- (c) A signed statement from the parent verifying that the parent has interviewed and approved of the caregiver.
- (d) A California driver's license number or other valid and recognized form of identification to verify that the caregiver is at least eighteen (18) years of age.

Note: Authority cited: Sections 8261 and 8269, Education Code. Reference: Section 8203, Education Code.

## **§ 18231. Records on File Concerning Service Providers.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 10. Alternative Payment Program

Article 4. Records

### 5 CCR § 18231

#### § 18231. Records on File Concerning Service Providers.

The contractor shall maintain in its files the following records concerning each service provider:

- (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 child care and development 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; and
- (f) The age group(s) served by the provider.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8261 and 8266.5, Education Code.

## **§ 18240. Scope of Subchapter: Applicable Regulations.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 11. Resource and Referral Program

Article 1. Scope of Subchapter

### 5 CCR § 18240

#### § 18240. Scope of Subchapter: Applicable Regulations.

- (a) The regulations contained in this subchapter shall apply only to contractors funded to provide Resource and Referral Program services.
- (b) Except as otherwise provided in this chapter, contractors funded to provide Resource and Referral Program services shall also comply with regulations contained in subchapters 1, 2, and 15 in whole and sections 18271(a), (c), 18274, 18277 and 18279 of subchapter 12 of this chapter.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8212, 8213 and 8226, Education Code.

## **§ 18240.5. Definitions.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 11. Resource and Referral Program

Article 1. Scope of Subchapter

5 CCR § 18240.5

§ 18240.5. Definitions.

(a) "Probation" means the period of time that a licensed child care facility is required to comply with specific terms and conditions set forth by the California Department of Social Services in order to stay or postpone revocation of the facility's license.

(b) "Revocation" means an administrative action taken by the California Department of Social Services to void or rescind the license of a child care facility because of serious or chronic violations of licensing laws or regulations by the facility.

(c) "Temporary suspension" means an administrative action taken by the California Department of Social Services that immediately suspends a facility license.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8212 and 8226, Education Code; and Sections 1596.773, 1596.885 and 1596.886, Health and Safety Code.

## **§ 18241. Service Area.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 11. Resource and Referral Program

Article 2. Resource and Referral Service

5 CCR § 18241

§ 18241. Service Area.

(a) The contractor shall identify in its application for funding the specific geographical area in which the contractor proposes to operate referral services.

(b) The proposed service area shall be approved by the Child Development Division.

(c) The contractor shall not provide resource and referral services outside of its approved service area.

Note: Authority cited: Section 8261, Education Code. Reference: Section 8212, Education Code.

**§ 18242. No Fees Charged for Referral Services.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 11. Resource and Referral Program  
Article 2. Resource and Referral Service

5 CCR § 18242

§ 18242. No Fees Charged for Referral Services.

The contractor shall not charge a fee for resource and referral services funded by the California Department of Education except for the recovery of printing and duplication costs, the costs of damaged or lost materials from the lending library or late fees. This does not preclude contractors from entering into separate contracts for resource and referral services with other entities such as cities, counties or private industry which may allow for the collection of fees for the service provided.

Note: Authority cited: Section 8261, Education Code. Reference: Section 8214, Education Code.

**§ 18243. Resources Available for Service Providers.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 11. Resource and Referral Program  
Article 2. Resource and Referral Service

5 CCR § 18243

§ 18243. Resources Available for Service Providers.

The contractor shall contact each licensed facility in the contractor's service area at least annually to inform the provider of the available resources provided by the contractor.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8212 and 8214, Education Code.

**§ 18244. Written Referral Policies.**

5 CA ADC § 18244 BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 11. Resource and Referral Program  
Article 2. Resource and Referral Service

5 CCR § 18244

§ 18244. Written Referral Policies.

- (a) The contractor shall develop and implement written referral policies.
- (b) The written referral policies shall include the following information:
  - (1) A statement that referral services are available to all persons requesting them regardless of income level or other eligibility requirements;
  - (2) A statement that information received from the parent(s) is confidential; and
  - (3) The conditions under which referrals to a provider may be discontinued.



(c) The written referral policies shall be available to parents and providers upon request.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8212 and 8214, Education Code.

#### **§ 18245. Maximizing Parental Choice.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 11. Resource and Referral Program

Article 2. Resource and Referral Service

5 CCR § 18245

#### **§ 18245. Maximizing Parental Choice.**

The contractor shall assist parents in choosing child care services by providing parents with the following:

(a) Information regarding how to select child care services which will meet the needs of the parent(s) and the child(ren).

(b) A range of possible child care alternatives from which the parents may choose.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8212 and 8214, Education Code.

#### **§ 18246. Confidentiality of Information.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 11. Resource and Referral Program

Article 2. Resource and Referral Service

5 CCR § 18246

#### **§ 18246. Confidentiality of Information.**

The use or disclosure of information held by the contractor pertaining to the child or the child's family shall be restricted to purposes directly related to the administration of the program. Data collection and dissemination of information shall be handled in such a manner as to ensure confidentiality of the names and addresses of individual clients.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8203 and 8261, Education Code.

#### **§ 18247. Complaint Procedures.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 11. Resource and Referral Program

Article 2. Resource and Referral Service

5 CCR § 18247

#### **§ 18247. Complaint Procedures.**

(a) The contractor shall develop and implement written complaint procedures which specify:

(1) The procedures for the documentation and resolution of complaints; and

(2) The procedures for referring reports of licensing violations to appropriate agencies.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8203 and 8212, Education Code.

### **§ 18248. Removal from Referral List; Notification of Temporary Suspension, License Revocation, ...**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 11. Resource and Referral Program

Article 2. Resource and Referral Service

#### 5 CCR § 18248

§ 18248. Removal from Referral List; Notification of Temporary Suspension, License Revocation, or Probation.

(a) If the contractor is notified by the California Department of Social Services that a child care facility has been issued a temporary suspension order, had its license revoked, or has been placed on probation, the contractor shall, within two business days:

(1) Remove that facility from the referral list;

(2) Notify the following entities within the contractor's jurisdiction that a particular facility has been given a temporary suspension, had its license revoked, or has been placed on probation:

(A) Alternative Payment programs that operate under article 3 of the Education Code, commencing with section 8220;

(B) CalWORKs child care and development programs that operate under article 15.5 of the Education Code, commencing with section 8350, including county welfare departments that operate child care and development programs for families participating in CalWORKs Stage 1.

(3) The contractor shall notify the facility in writing that referrals have been discontinued. The notice shall include the reason(s) for the decision and shall inform the facility of the California Department of Social Services' process for appealing.

(b) The contractor shall document action taken pursuant to subdivision (a) above. The contractor shall retain the documentation and make it available to the California Department of Education upon request.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8203, 8212 and 8226, Education Code; and Section 1596.853, Health and Safety Code.

### **§ 18249. Reinstatement of Provider or Facility at Conclusion of Probation or Temporary Suspensi...**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 11. Resource and Referral Program

Article 2. Resource and Referral Service

#### 5 CCR § 18249

§ 18249. Reinstatement of Provider or Facility at Conclusion of Probation or Temporary Suspension.

(a) The California Department of Social Services shall notify the contractor of the final resolution of any action about which notification is provided pursuant to section 18248(a) above.

(b) When the California Department of Social Services informs the contractor that the facility is no longer on probation, or that the temporary suspension of the facility license has been lifted without revocation, the contractor shall return the facility to the referral list within two business days and resume referrals to that

facility, except when the facility is subject to conditions under which referrals to the facility may be discontinued, pursuant to section 18244(b)(3).

(c) The contractor shall document action taken pursuant to subdivisions (a) and (b) above. The contractor shall retain the documentation and make it available to the California Department of Education upon request.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8212 and 8226, Education Code; and Section 1596.853, Health and Safety Code.

### **§ 18270. Scope of Chapter.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 12. Program Quality  
Article 1. Scope of Chapter

#### 5 CCR § 18270

#### § 18270. Scope of Chapter.

Except as otherwise provided in this division, all contractors shall comply with the requirements of this chapter.

Note: Authority cited: Section 8261, Education Code. Reference: Section 8203, Education Code.

### **§ 18270.5. Definitions.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 12. Program Quality  
Article 2. General Program Requirements

#### 5 CCR § 18270.5

#### § 18270.5. Definitions.

(a) "Agency Self-Evaluation Report" is a form issued by the department in February 2002, that is incorporated by reference.

(b) "Developmental profile" means a record of a child's physical, cognitive, social, and emotional development that is used to inform teachers and parents about a child's developmental progress in meeting desired results. In center-based programs, teacher and parent observations shall be included as part of the information used to complete the child's developmental profile. In family child care home networks, the observations of agency staff, in consultation with providers, and parents shall be included as part of the information used to complete the child's developmental profile.

(c) "Desired Results Developmental Profile" is a document issued by the department February 28, 2002 to record the information in the developmental profile defined in subsection 18270.5(b), that is incorporated by reference.

(d) "Desired Results Parent Survey" is a document issued by the department in June 2000, that is incorporated by reference.

(e) "Education program" means the environment, activities, and services provided to the children.

(f) “Environment rating scale” means an instrument that measures program quality by rating the education program as defined in Section 18273, the staff development program as defined in Section 18274, and parent involvement and education as defined in Section 18275. Environment rating scales include one or more of the following:

(1) “ECERS-R” means the document entitled, Early Childhood Environment Rating Scale, Revised Edition, 1998, that is incorporated by reference.

(2) “ITERS” means the document entitled, Infant-Toddler Environment Rating Scale, 1990, that is incorporated by reference.

(3) “FDCRS” means the document entitled, Family Day Care Rating Scale, 1989, that is incorporated by reference.

(4) “SACERS” means the document entitled, School-Age Care Environment Rating Scale, 1996, that is incorporated by reference.

(g) “Parent involvement and education” means those activities specifically designed to include parents in the education of their children, help parents participate in the program, and enhance their understanding of child development.

(h) “Parent survey” means a questionnaire completed by the parent to assess the child care program or services that the child and family receive. The parent survey asks for information about how the program helps parents support their child's learning and development and meets the family's needs.

(i) “Program self-evaluation process” means those activities and procedures used by the contractor to evaluate its program quality and compliance with applicable laws, regulations, and contractual provisions.

(j) “Staff development program” means those activities that address the needs, interests, and skills of program staff or service providers to improve program quality.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8203 and 8261, Education Code.

## **§ 18271. Program Philosophy, Goals and Objectives.**

[Barclays Official California Code of Regulations](#)

[Title 5. Education](#)

[Division 1. California Department of Education](#)

[Chapter 19. Child Care and Development Programs](#)

[Subchapter 12. Program Quality](#)

[Article 2. General Program Requirements](#)

### 5 CCR § 18271

#### § 18271. Program Philosophy, Goals and Objectives.

(a) Each contractor shall have a written philosophical statement and goals and objectives which support that philosophy. The governing body of each contractor shall approve the program philosophy, goals and objectives.

(b) The goals and objectives shall address the requirements contained in all of the sections in this article.

(c) The goals and objectives shall reflect the cultural and linguistic characteristics of the families served by the contractor.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8203 and 8261, Education Code.

## **§ 18272. Developmental Profile.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 12. Program Quality

Article 2. General Program Requirements

5 CCR § 18272

### § 18272. Developmental Profile.

(a) Center-based and Family Child Care Home Education Network contractors shall complete the age-appropriate Desired Results Developmental Profile, as defined in subdivision 18270.5(c) of this chapter, for each child who is enrolled in the program for at least 10 hours per week.

(b) The Desired Results Developmental Profile required in subdivision (a) shall be completed for each child within 60 calendar days of enrollment and at least once every six months for infants, toddlers, preschoolers and school-age children.

(c) The contractor shall use the developmental profiles to plan and conduct age and developmentally appropriate activities.

(d) If a child has exceptional needs, the developmental profile shall be completed with any necessary accommodations and adaptations. Notwithstanding subdivision (a), a developmental profile is required for a child with exceptional needs even if that child is enrolled less than 10 hours per week.

Note: Authority cited: Section 8261, Education Code. Reference: Section 8203, Education Code.

## **§ 18273. Education Program.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 12. Program Quality

Article 2. General Program Requirements

5 CCR § 18273

### § 18273. Education Program.

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

(1) The program approach is developmentally, linguistically, and culturally appropriate.

(2) The program is inclusive of children with special needs.

(3) The program encourages respect for the feelings and rights of others.

(4) The program supports children's social and emotional development by:

(A) Building trust;

(B) Planning routines and transitions so they can occur in a timely, predictable, and unhurried manner; and

(C) Helping children develop emotional security and facility in social relationships.

(5) The program provides for the development of each child's cognitive and language skills by:

(A) Using various strategies, including experimentation, inquiry, observation, play, and exploration;

(B) Ensuring opportunities for creative self-expression through activities such as art, music, movement, and dialogue;

(C) Promoting interaction and language use among children and between children and adults; and

(D) Supporting emerging literacy and numeracy development.

(6) The program promotes each child's physical development by providing sufficient time, indoor and outdoor space, equipment, materials, and guidelines for active play and movement.

(7) The program promotes and maintains practices that are healthy and safe.

Note: Authority cited: Section 8261, Education Code. Reference: Section 8203, Education Code.

#### **§ 18274. Staff Development Program.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 12. Program Quality

Article 2. General Program Requirements

#### 5 CCR § 18274

##### § 18274. Staff Development Program.

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 pursuant to subsection (a) of this section.

(f) An internal communication system that provides each staff member with the information necessary to carry out his or her assigned duties.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8203, 8208, 8244, 8261 and 8360.1, Education Code.

#### **§ 18275. Parent Involvement and Education.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 12. Program Quality

Article 2. General Program Requirements

#### 5 CCR § 18275

##### § 18275. Parent Involvement and Education.

(a) Each contractor shall include in its program a parent involvement and education component.

(b) The parent involvement and education component shall include the following:

(1) An orientation for parents that includes topics such as program philosophy, program goals and objectives, program activities, eligibility criteria and priorities for enrollment, fee requirements, and due process procedures;

(2) At least two (2) individual conferences with the parent(s) per year. For school age programs, such conferences may be informal;

(3) Parent meetings with program staff,

(4) An open door policy that encourages parents to participate in the daily activities whenever possible; and  
(5) A parent Advisory Committee that advises the contractor on issues related to services to families and children.

(c) Sharing information between staff and parents concerning their child's progress.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8203 and 8261, Education Code.

### **§ 18276. Health and Social Services.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 12. Program Quality

Article 2. General Program Requirements

5 CCR § 18276

§ 18276. Health and Social Services.

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

(1) Identifies the needs of the child and the family for health or social services;

(2) Refers a child and/or family to appropriate agencies in the community based on the health or social service needs; and

(3) Conducts follow-up procedures with the parent to ensure that the needs have been met.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8203 and 8261, Education Code.

### **§ 18277. Community Involvement.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 12. Program Quality

Article 2. General Program Requirements

5 CCR § 18277

§ 18277. Community Involvement.

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. This includes the solicitation of donated goods and services.

(b) Providing information to the community regarding the services available. Contractors may utilize media or other forms of communication in the community.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8203 and 8261, Education Code.

**§ 18278. Nutrition.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 12. Program Quality  
Article 2. General Program Requirements

5 CCR § 18278

§ 18278. Nutrition.

- (a) 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.
- (b) 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 Care Food or the National School Lunch program.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8203 and 8261, Education Code.

**§ 18279. Program Self-Evaluation Process.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 12. Program Quality  
Article 2. General Program Requirements

5 CCR § 18279

§ 18279. Program Self-Evaluation Process.

- (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 CCR, as defined in subsection 18023(a)(2) of this Chapter.
  - (2) An assessment of the program by parents using the Desired Results Parent Survey, as defined in subsection 18270.5(d) of this Chapter.
  - (3) An assessment of the program by staff and board members as evidenced by written documentation.
  - (4) An analysis of the CCR findings, including the Desired Results Developmental Profiles, the environment rating scales, and the Desired Results Parent Survey, each of which are defined in Section 18270.5 of this Chapter; 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 subsection (b)(4).
  - (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 subsection (b)(5) are addressed in a timely and effective manner.
- (c) The contractor shall use the Agency Self-Evaluation Report, as defined in subsection 18270.5(a) of this Chapter, to submit a summary of the findings of the program self-evaluation to the California Department of Education 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.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8203 and 8261, Education Code.



### **§ 18280. Parent Survey.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 12. Program Quality  
Article 2. General Program Requirements

5 CCR § 18280

#### **§ 18280. Parent Survey.**

- (a) Each contractor shall annually distribute the Desired Results Parent Survey, as defined in subsection 18270.5(d) of this Chapter, 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.

Note: Authority cited: Section 8261, Education Code. Reference: Section 8203, Education Code.

### **§ 18281. Environment Rating Scales.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 12. Program Quality  
Article 2. General Program Requirements

5 CCR § 18281

#### **§ 18281. Environment Rating Scales.**

- (a) Center-based programs and family child care home networks shall complete an environment rating scale as defined in subsection 18270.5(f) of this Chapter, that is appropriate for the type of setting and age of children served, to measure program quality:
- (1) Every three (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.

Note: Authority cited: Section 8261, Education Code. Reference: Section 8203, Education Code.

### **§ 18290. Staffing Ratios for Child Care and Development Programs.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19. Child Care and Development Programs  
Subchapter 13. Staffing Ratios

5 CCR § 18290

#### **§ 18290. Staffing Ratios for Child Care and Development Programs.**

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

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

- (b) Toddlers (18 months to 36 months old)-1:4 adult-child ratio, 1:16 teacher-child ratio.
- (c) Preschool (36 months to enrollment in kindergarten)-1:8 adult-child ratio, 1:24 teacher child ratio.
- (d) Children enrolled in kindergarten through 14 years old-1:14 adult-child ratio, 1:28 teacher-child ratio.
- (e) Compliance with these ratios shall be determined based on actual attendance.

Note: Authority cited: Section 8288, Education Code. Reference: Section 8288, Education Code.

**§ 18291. Commingling of Age Categories.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 13. Staffing Ratios

5 CCR § 18291

§ 18291. Commingling of Age Categories.

(a) Whenever groups of children of two (2) age categories are commingled and the younger age group exceeds fifty percent (50%) of the total number of children present, the ratios for the entire group must meet the ratios required for the younger age group.

(b) If the younger age group does not exceed fifty percent (50%) of the total number of the children present, the teacher-child and adult-child ratios shall be computed separately for each group.

Note: Authority cited: Section 8288, Education Code. Reference: Section 8288, Education Code.

**§ 18292. Staffing Ratio Variance.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 13. Staffing Ratios

5 CCR § 18292

§ 18292. Staffing Ratio Variance.

Except as otherwise provided in this Division or Title 22 California Code of Regulations, Community care Licensing Standards the program may exceed teacher-child and adult-child ratios prescribed by Section 18290 by fifteen percent (15%) for a period of time not to exceed one hundred twenty (120) minutes in any one day.

Note: Authority cited: Section 8288, Education Code. Reference: Section 8288, Education Code.

## **§ 18295. Waiver of Qualifications for Site Supervisor; Conditions.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 14. Waiver of Qualifications for Site Supervisor

5 CCR § 18295

### **§ 18295. Waiver of Qualifications for Site Supervisor; Conditions.**

(a) The Child Development Division shall grant a waiver of Education Code section 8208(z) upon a contractor's demonstration of the existence of compelling need. Factors the Child Development Division shall consider in determining compelling need are as follows:

(1) Evidence that the contractor's recruitment efforts have not be successful in obtaining qualified applicants;

(2) Evidence of the contractor's inability to offer competitive salaries;

(3) Evidence of potential or current staffs lack of reasonable access to training resources which offer required course work.

(b) A waiver may be granted if the contractor can provide evidence of either (a)(1), (2) or (3) of this section.

(c) Waivers granted shall remain in effect for the period of time specified by the Child Development Division.

(d) The site supervisor shall, at a minimum, meet the qualifications specified in title 22 California Code of Regulations, Community Care Licensing Standards for "program director."

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8208(z) and 8287, Education Code.

## **§ 18300. Scope of Chapter.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 15. Appeal and Dispute Resolution Procedures

5 CCR § 18300

### **§ 18300. Scope of Chapter.**

The regulations in this Chapter apply to all agencies contracting with the California Department of Education for provision of services pursuant to the Child Care and Development Services Act Chapter 2 Part 6 of Title 1 of the California Education Code (commencing with section 8200).

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8401 and 8402, Education Code.

## **§ 18301. Termination, Suspension, and Major Reductions in Contract.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 15. Appeal and Dispute Resolution Procedures

5 CCR § 18301

§ 18301. Termination, Suspension, and Major Reductions in Contract.

(a) Pursuant to the requirements of Education Code sections 8400 through 8409, an independent appeal procedure shall be available to any contractor whose contract is terminated or suspended, or whose total reimbursable contract amount is reduced by four percent (4%) or \$25,000, whichever is less.

(b) Such appeals shall be heard by independent hearing officers in accordance with procedures established by the Office of Administrative Hearings as specified in Title I California Code of Regulations, Sections 201 through 207.

(c) Termination or suspension of a contract during the contract period may occur when:

(1) A contractor fails to correct items of fiscal or programmatic noncompliance within six (6) months of receiving a conditional contract which includes an addendum stating the specific items of noncompliance and the corrective actions necessary to come into compliance; or

(2) A contractor engages in serious misconduct posing an immediate threat to health and safety or to State funds for any of the reasons listed in Education Code section 8406.7; or

(3) A contractor fails or refuses to make available for examination or copying by an authorized employee of the Department any records or documents that the contractor is required to retain pursuant to this Division, upon a request by that employee to examine or copy such records or documents; or

(4) A contractor refuses to permit an authorized employee of the Department to enter a facility operated by the contractor during the days and/or hours of operation on file with the Department, for the purpose of reviewing administrative operations of the contractor or for observing child care and development services provided by the contractor pursuant to this Division.

(d) Any action by the Child Development Division to terminate or suspend a contract or to reduce the total reimbursable contract amount, as stated in Education Code section 8402(a) through (c), shall be preceded by a notice stating the specific reasons for the action and describing the contractor's appeal rights.

(e) Unless the termination or suspension is for reason(s) specified in Subsection (c) (2) above, the contractor may continue to operate during the appeal process.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8400-8409, Education Code.

## **§ 18302. Contractor's Responsibility After Notice of Termination or Notice of Decision to M...**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 15. Appeal and Dispute Resolution Procedures

5 CCR § 18302

§ 18302. Contractor's Responsibility After Notice of Termination or Notice of Decision to Make No Offer of Continued Funding.

After receiving notice of the Child Development Division's decision to terminate the contract or to make no offer of continued funding, the contractor shall submit copies to or make available for copying by the Child Development Division all of the following:

- (a) A current inventory of equipment purchased in whole or in part with contract funds;
- (b) The names, addresses and telephone numbers of all families served by the contract, all staff members funded by the contract; and
- (c) Monthly enrollment and attendance reports until the contract is actually terminated or until the final month for which the contractor retains a contract.
- (d) Family child care home contractors and Alternative Payment programs shall also submit the names, addresses and telephone numbers of all providers of subsidized services under the contract.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8261 and 8402, Education Code.

## **§ 18303. Administrative Review of Changes in Contract Status.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 15. Appeal and Dispute Resolution Procedures

5 CCR § 18303

§ 18303. Administrative Review of Changes in Contract Status.

- (a) Contract performance shall be reviewed at least annually by Child Development Division (CDD) staff who shall determine by April 1 of each year whether to offer continued funding on a clear contract, continued funding on a conditional basis or to make no offer of continued funding.
- (b) If the staff recommends conditional status or no offer of continued fund-ing, the contractor shall be notified in writing of the reasons for the proposed change in contract status by April 7. The notice of proposed action shall be sufficiently specific to allow the contractor to respond to the factual basis for the proposed action.
- (c) if the contractor disagrees with the proposed action:
  - (1) The contractor's response shall be received by the CDD within ten calendar days of receipt of the notice of proposed action;
  - (2) The contractor's response shall include any written materials in support of its position; and
  - (3) If the contractor intends to make an oral presentation, the response shall so specify.
- (d) If the action is being appealed, the staff recommendation and the contractor's response shall be reviewed by an administrative review panel convened by the Director of the CDD within seven calendar days of receipt of the contractor's response. The review panel will consist of representatives of CDD management and the California Department of Education's (CDE) Local Assistance Bureau, Legal Office,

Office of External Audits and Contracts Office and a representative of a child care and development service provider familiar with the type(s) of program(s) operated by the contractor. Upon review of the written submissions, the panel will do one of the following:

- (1) Issue a final decision holding or modifying the proposed change in status if no oral presentation has been requested; or
  - (2) Schedule a time and place for an oral presentation by the contractor.
  - (3) Issue a final decision to not change the contract status.
- (e) If an oral presentation has been requested, the contractor will be notified by telephone of the time and place of the presentation. The oral presentation will be scheduled no later than fourteen calendar days from receipt of the contractor's response.
- (f) At the oral presentation, the contractor or the contractor's representative will have an opportunity to explain any material submitted in its response. While the contractor may present any information or arguments that are relevant to the proposed action, the review panel may set reasonable limits on the scope of the presentation.
- (g) Within seven calendar days after the oral presentation, the review panel shall issue and mail to the contractor a decision upholding, reversing or modifying the proposed change in contract status. The decision of the review panel shall be the final action of the CDE with regard to that contract.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8406 and 8406.6, Education Code.

#### **§ 18304. Conditional Status Imposed During the Contract Period.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 15. Appeal and Dispute Resolution Procedures

#### 5 CCR § 18304

##### § 18304. Conditional Status Imposed During the Contract Period.

- (a) If the contractor demonstrates fiscal or programmatic noncompliance during the contract period, based on such information as an annual audit report, a contract compliance review, a program quality review, or a change in licensing status, the Child Development Division may place the contract on conditional contract status for the remainder of the contract period.
- (b) The contractor shall receive notice and may request an administrative review of the proposed action as set forth in Section 18303 of this Division, in the event such a change in contract status is recommended by staff of the Child Development Division.
- (c) If the contract is placed on conditional status during the last ninety (90) days of the contract period and the contractor is offered continued funding, the contract for the subsequent contract period will also be on conditional status.

Note: Authority cited: Section 8261, Education Code. Reference: Section 8406.6, Education Code.

### **§ 18305. Conditional Status Addendum.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 15. Appeal and Dispute Resolution Procedures

5 CCR § 18305

#### **§ 18305. Conditional Status Addendum.**

A conditional status contract shall contain a bill of particulars specified in Education Code section 8406.6 called a Conditional Status Addendum explaining the contract conditions. The Addendum shall include the following:

- (a) The specific item(s) of noncompliance which the contractor must correct;
- (b) The specific corrective action(s) which must be taken;
- (c) The time period within which the contractor must complete the corrections;
- (d) Notice that failure to make required corrections will result in termination of the contract or no offer of continued funding.
- (e) If the contractor is placed on conditional status during the contract period:
  - (1) A Conditional Status Addendum will be issued by the California Department of Education and
  - (2) The Conditional Status Addendum shall be considered a part of the annual child development contract and binding on the contractor.

Note: Authority cited: Section 8261, Education Code. Reference: Section 8406.6, Education Code.

### **§ 18306. Monthly Reports; Inventory of Equipment.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 15. Appeal and Dispute Resolution Procedures

5 CCR § 18306

#### **§ 18306. Monthly Reports; Inventory of Equipment.**

A contractor on conditional contract status shall submit:

- (a) Monthly enrollment and attendance reports to the California Department of Education, Local Assistance Bureau.
- (b) The first monthly report shall include a current inventory of equipment purchased in whole or in part with contract funds.

Note: Authority cited: Section 8261, Education Code. Reference: Section 8406.6, Education Code.

## **§ 18307. Duration of Conditional Contract Status.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 15. Appeal and Dispute Resolution Procedures

5 CCR § 18307

### § 18307. Duration of Conditional Contract Status.

(a) A contractor shall remain on conditional contract status until the contractor has corrected deficiencies and/or has met requirements identified in the Conditional Status Addendum.

(b) A contractor with a repayment plan shall remain on conditional contract status until full repayment is made.

(c) A contractor on conditional contract status that is not on a repayment plan shall remain in that status until:

(1) the California Department of Education issues written notice to the contractor that the conditional status has been cleared; or

(2) the contractor is issued a clear contract; or

(3) the contract terminates according to its terms.

(d) A contractor may request written verification from the Child Development Division that some of the deficiencies have been corrected even if the contractor will not be removed from conditional contract status.

Note: Authority cited: Section 8261, Education Code. Reference: Section 8406.6, Education Code.

## **§ 18308. Resolution of Contract Administration Disputes.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19. Child Care and Development Programs

Subchapter 15. Appeal and Dispute Resolution Procedures

5 CCR § 18308

### § 18308. Resolution of Contract Administration Disputes.

(a) The procedure specified in this section shall be used to resolve disputes between contractors and the California Department of Education (CDE) that may arise regarding the interpretation and application of any term or condition of a contract, including, but not limited to, requests for waivers, approval of subcontracts or expenditures requiring approval, requests for reimbursement rate adjustments, or reductions in the total amount of contract reimbursement that are not appealable under section 18301 of this Division.

(b) The contractor shall attempt to resolve contract disputes at the lowest staff level within the CDE.

(c) If the dispute is not resolved at the lowest staff level, the contractor may appeal the decision by submitting a written description of the issues and the basis for the dispute to the Regional Administrator of the Child Development Division (CDD) having jurisdiction over the contractor's service delivery area. The Regional Administrator shall make a determination and shall send a written notification of the decision to the contractor, together with the reasons for the decision within thirty calendar days of the receipt of the appeal by the Regional Administrator.



(d) The contractor may appeal the decision of the Regional Administrator to the Assistant Director of the CDD by submitting a written description of the issues in the dispute and a copy of the Regional Administrators decision. The Assistant Director of the CDD shall send notification of the decision to the contractor and shall specify the reason(s) for the decision within thirty calendar days of the receipt of the appeal by the Assistant Director. The decision of the Assistant Director of the CDD shall be the final administrative action afforded the contractor.

Note: Authority cited: Section 8261, Education Code. Reference: Section 8445, Education Code.

## **§ 18400. Definitions.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19.5. CalWORKs and Child Care and Development Programs

Subchapter 1. Definitions

Article 1. General Provisions

5 CCR § 18400

§ 18400. Definitions.

As used in this Chapter:

- (a) "CalWORKs cash aid recipient" means a minor teen parent or adult who receives cash aid from the county welfare department for the CalWORKs or Cal-Learn program.
- (b) "Child care provider" means an adult or agency that provides child care services.
- (c) "Contractor" means a public or private non-profit agency that has a contract with the California Department of Education for the provision of CalWORKs Stage 2 and/or Stage 3 child care services.
- (d) "Diversion services" means one-time assistance services provided by the county welfare department, either in cash or in non-cash services, to an otherwise CalWORKs eligible family, when the county welfare department determines that such assistance will help the family avoid becoming a CalWORKs cash aid recipient.
- (e) "Family size" means the number of adults and children related by blood, marriage, or adoption that comprise the household in which the child is living.
  - (1) When an adult living in the household is neither the parent of the child nor the spouse of the parent, the adult and the adult's children if any, shall be excluded from the calculation of family size.
  - (2) When a child is living with adult(s) other than a natural or adoptive parent, the child shall be considered a family of one. In these cases, a need criterion as specified in Section 18406(b) or (c) or 18421(b) or (c) must be met by the caretaker of the child.
- (f) "Former CalWORKs cash aid recipient" means an adult or minor teen parent who has previously received and is no longer receiving cash aid in the CalWORKs or Cal-Learn program because of, but not limited to, earnings, other income, or a sanction of the adult imposed by the county welfare department.
- (g) "Incapacity" means the incapacity of a parent that significantly limits the parent's ability to provide normal care for the child because of a substantiated medical or psychiatric special need that is verified by a legally qualified professional.
- (h) "Legally qualified professional" means a person who is licensed under the applicable laws and regulations of the State of California to perform medical, health, or social services for the general public.
- (i) "Licensed provider" means an individual or organization that has obtained a child care license, as specified in Title 22, California Code of Regulations, Section 101156.

- (j) "Maximum payment rate" means the maximum payment that may be paid to a provider and that is no more than the lower of the provider's rate for unsubsidized children or 1.5 standard deviations above the mean cost of care for the region where the care is provided.
- (k) "Notice of action, application for services" means a written statement of specific information issued by the contractor that informs the applicant of the contractor's decision to approve or deny child care services.
- (l) "Notice of action, recipient of services" means a written statement of specific information issued by the contractor informing the family receiving child care services that a change has been made to their service agreement. These changes may include, but are not limited to, need and eligibility requirements that are no longer being met, fees that have not been paid, or the proposed modification of the fee or amount of services provided by the contractor.
- (m) "Recertification" means a formal process to collect information and documentation to determine that the family continues to meet the eligibility criteria for CalWORKs child care. The adult must certify the information as accurate with a signature.
- (n) "Stage 1" means the first stage of CalWORKs child care services. Stage 1 child care services are administered by the California Department of Social Services through county welfare departments pursuant to Education Code section 8351. Stage 1 child care begins when authorized by the county welfare department.
- (o) "Stage 2" means the second stage of CalWORKs child care services. Stage 2 child care services are administered by the California Department of Education through contracts with alternative payment program providers pursuant to Education Code section 8353. Stage 2 child care begins when the county welfare department determines that a CalWORKs family is stable and transfers the family to a Stage 2 child care contractor for child care services, or a family applies and is found eligible for Stage 2 services.
- (p) "Stage 3" means the third stage of CalWORKs child care services. Stage 3 child care services are administered by the California Department of Education through contracts with alternative payment program providers pursuant to Education Code section 8354. Stage 3 child care begins when a CalWORKs family receiving Stage 1 or Stage 2 child care services has fully utilized the family's 24 months of eligibility to Stage 1 and Stage 2 child care services following the date the adult stopped receiving cash assistance.
- (q) "State median income" means the most recent median income for California families as determined by the California Department of Finance.
- (r) "Time out" means that a family receiving CalWORKs Stage 1 or Stage 2 child care services becomes ineligible for Stage 1 or Stage 2 because the adult has been off cash aid for 24 months.
- (s) "Welfare-to-work activity" means a county welfare department approved activity, including but not limited to, employment, job search, job training, educational training, or participating as a volunteer in a job-related activity.

Note: Authority cited: Sections 8203, 8261, 8263 and 8269, Education Code. Reference: Section 8359.1, Education Code.

## § 18405. Scope of Subchapter.

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19.5. CalWORKs and Child Care and Development Programs

Subchapter 2. CalWORKs Stage 2 Child Care Program

Article 1. General Provisions

### 5 CCR § 18405

#### § 18405. Scope of Subchapter.

(a) The provisions contained in this subchapter shall only apply to contractors authorized to establish, maintain, or operate alternative payment programs for CalWORKs Stage 2 child care programs as defined in Education Code section 8353.

(b) Except as otherwise provided in this subchapter, contractors funded to establish, maintain, or operate alternative payment programs for CalWORKs Stage 2 child care programs shall also comply with the regulations contained in Chapter 19, Subchapter 1 (commencing with Section 17906), Chapter 19, Subchapter 2 (commencing with Section 18012, except for Section 18017 if child care is paid with Federal funds), and Chapter 19, Subchapter 15 (commencing with Section 18300).

(c) CalWORKs Stage 2 child care services may begin when child care is available through a local Stage 2 program and one of the following occurs:

(1) The county welfare department determines that the adult's work or work activity is stable;

(2) The adult is transitioning off CalWORKs cash aid; or

(3) A family applies and is found eligible for CalWORKs Stage 2 services.

(d) Contractors administering Stage 2 programs in counties where there are multiple contractors shall coordinate services and cooperate to ensure all eligible families receive and continue to receive services. Contractors may coordinate across county boundaries so that eligible families living in the county, employed in the county, or receiving child care in the county receive and continue to receive such services.

Note: Authority cited: Sections 8261, 8262 and 8269, Education Code. Reference: Section 8353, Education Code.

## § 18406. Family Eligibility.

Revised by CDE September 2017 via Management Bulletin 17-14:

### 5 CCR § 18406

#### § 18406. Family Eligibility.

(a) A family is eligible to receive CalWORKs Stage 2 child care services if all of the following conditions are met:

(1) The family is ~~and remains~~ determined to be income eligible at initial certification or recertification. A family is:

(A) Initially income eligible, if when the family's adjusted monthly income, based upon the family size, is at or below ~~75.70%~~ 85% of the state median income.

(B) Ongoing income eligible, when the family's adjusted monthly income, based upon the family size, is at or below 85% of the state median income.

(2) Adjusted monthly income is the total countable income received by members of the family included in the family size determination minus verified child support payments paid by the parent whose child is receiving child care services. Except for child support payments paid by the parent, monthly income shall not be adjusted because of voluntary or involuntary deductions.

(A) When income fluctuations occur, the adjusted income shall be computed by averaging the total adjusted income received during the previous twelve (12) months.

(B) For families applying for Stage 2 child care pursuant to Section 18409.5, the 12-month period shall be the twelve (12) months immediately preceding the month in which the application is signed.

~~(C) For families that transfer from either Stage 1 or another Stage 2 contractor, the 12-month period shall be the twelve (12) months immediately preceding the transfer.~~

~~(CD) For all other families~~ At recertification, the 12-month period shall be the twelve (12) months immediately preceding the month of recertification.

(DE) Total countable income does not include the following:

(i) Earnings of a child under the age of 18 years;

(ii) Loans, grants, and scholarships obtained under conditions that preclude their use for current living costs;

(iii) Grants or loans to students for educational purposes made or insured by a state or federal agency;

(iv) Allowances received for uniforms or other work required clothing, food, or shelter;

(v) Income that is used for business expenses for self-employed family members; or

(vi) The income of a recipient of federal supplemental security income and state supplemental program (SSI/SSP) benefits;

(23) The adult or minor teen parent is responsible for the care of the child needing child care; and

(34) The adult or minor teen parent is:

(A) A CalWORKs cash aid recipient;

(B) A former CalWORKs cash aid recipient who received such cash aid within the last 24 months; or

(C) Determined eligible for diversion services by the county welfare department.

(b) Current CalWORKs cash aid recipients must be participating in a county welfare department CalWORKs approved welfare-to-work activity or be employed.

(c) If child care is reimbursed with state funds, the parent(s) and any other adult whose income is counted towards Stage 2 eligibility must each meet one of the following requirements:

(1) Be employed. If the parent(s) works in the home, the nature of the work must preclude the supervision of the parent's children;

(2) Be seeking employment, ~~but not to exceed 60 working days in the fiscal year;~~

(3) Be participating in a job training and education program leading directly to a recognized trade, paraprofession, or profession;

(4) Be participating in job retention services as approved by the county welfare department; or

(5) Be incapacitated.

(d) If child care is reimbursed with federal funds:

(1) The parent must meet one of the following requirements:

(A) Be employed. If the parent works in the home, the nature of the work must preclude the supervision of the parent's children;

(B) Be seeking employment, ~~but not to exceed sixty working days in the fiscal year;~~

(C) Be participating in a job training and education program leading directly to a recognized trade, paraprofession, or profession; or

(D) Be participating in job retention services as approved by the county welfare department.

(2) Any other adult whose income is counted towards Stage 2 eligibility must meet one of the requirements contained in Subsection (d)(1) or be incapacitated.

## § 18407. Child Eligibility.

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19.5. CalWORKs and Child Care and Development Programs

Subchapter 2. CalWORKs Stage 2 Child Care Program

Article 2. Requirements and Procedures for Receiving CalWORKs Stage 2 Services

5 CCR § 18407

### § 18407. Child Eligibility.

(a) A child living in the household of the eligible family pursuant to section 18406 may receive CalWORKs Stage 2 child care services if she/he is:

- (1) A son or daughter of the eligible family;
- (2) Receiving foster care benefits, federal Supplemental Security Income (SSI), or State Supplemental Program (SSP) benefits; or
- (3) The responsibility of the adult to support and for whom the lack of child care would result in the adult not being able to work or participate in a work activity.

(b) The child must be:

- (1) Under 13 years of age; or
- (2) A child with exceptional needs as defined in Education Code section 8208(f).

(c) 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 child care services are needed.

Note: Authority cited: Section 8263, Education Code. Reference: Sections 8208, 8250, 8350.5 and 8353, Education Code; and Section 11323.2, Welfare and Institutions Code.

## § 18408. Eligibility Duration.

Revised by CDE September 2017 via Management Bulletin 17-14:

5 CCR § 18408

### § 18408. Eligibility Duration.

(a) Notwithstanding Section 18406(a)(1), families receiving CalWORKs cash aid are categorically eligible pursuant to Education Code section 8350.5 to receive CalWORKs Stage 2 child care when, at initial certification and recertification, -(1) the family continues to meets the need requirement-eligibility criterion pursuant to Section 18406(b)-; and

~~(2) the requirements of Section 18084 regarding income reporting are met, in order to determine the need to assess parent fees pursuant to Section 18109; and~~

~~(3) the requirements of Chapter 19, Article 5 (commencing with Section 18108) regarding parent fees are met.~~

(b) A contractor's policies regarding family eligibility, except as provided in Section 18411(d), shall not supercede the categorical eligibility of a family receiving CalWORKs cash aid.

(c) When such a categorically eligible family would otherwise have their child care terminated due to the family's violation of a child care provider's policy:

(1) The contractor shall notify the county welfare department of the actions of the family that violated the contractor's policy in order to determine what action(s) may be taken.

(2) The contractor may take additional steps to remedy the situation that include but are not limited to:

(A) Developing a jointly agreed upon plan with the county welfare department for specific services to be provided to the family by the county welfare department.

(B) Jointly determining with the county welfare department whether the family would better be served in CalWORKs Stage 1.

(d) A former CalWORKs cash aid recipient meeting the requirements of Sections 18406 and 18407 is eligible to receive child care services in Stage 1 and/or Stage 2 for 24 months after the adult is no longer receiving CalWORKs cash aid. The 24-month time limit begins the first day of the month immediately following the month the adult is no longer receiving CalWORKs cash aid.

(e) A family receiving diversion services meeting the requirements of Sections 18406 and 18407 is eligible to receive child care services in Stage 2 for 24 months. The 24-month time limit begins the first day of the month that the family is determined eligible for diversion services.

(f) When a former CalWORKs cash aid recipient again becomes eligible for and receives CalWORKs cash aid, and then is terminated from CalWORKs cash aid, the family is eligible for another 24 months of Stage 1 or Stage 2 child care, or a combination of the two. The 24-month period begins on the first day of the month immediately following the month the adult is no longer receiving CalWORKs cash aid.

### **§ 18409. Enrollment into CalWORKs Stage 2 by Transfer from Another CalWORKs Agency.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19.5. CalWORKs and Child Care and Development Programs

Subchapter 2. CalWORKs Stage 2 Child Care Program

Article 2. Requirements and Procedures for Receiving CalWORKs Stage 2 Services

#### 5 CCR § 18409

##### § 18409. Enrollment into CalWORKs Stage 2 by Transfer from Another CalWORKs Agency.

(a) A family is transferred into Stage 2 from a county welfare department's Stage 1 program or another contractor's Stage 2 program when the following information is obtained by the receiving contractor from the transferring agency:

(1) The parent's(s) full name(s), address(es), and telephone number(s);

(2) The names and birth dates of all children under the age of 18 living with the family, regardless of whether they are served in the CalWORKs program;

(3) The number of hours of child care needed each day for each child;

(4) The names of other family members in the household who are related by blood, marriage, or adoption;

(5) The reason for needing child care services;

(6) Family size and adjusted monthly income;

(7) Employment or training information for parent(s) including name and address of employer(s) or training institutions(s) and days and hours of employment or training;

(8) Rate of payment; and

(9) The name, address, and telephone number of the child care provider and the type of eligible provider, pursuant to section 18227.

(b) The transfer process specified in subdivision (a) is not required when a family is transferring from another CalWORKs Stage 2 contract with the same contractor.

(c) Once the receiving contractor obtains the information contained in subdivision (a) and determines that the information is complete, the receiving contractor shall:

(1) Assume responsibility for reimbursing the provider for the child care services provided; and

(2) Send or otherwise provide a notice to the family documenting the information and requiring that the family certify by signature that the information is accurate. Such certification shall comply with the timelines established by the contractor's policies and procedures. The contractor shall notify the family of the

timeframe by which the certification must be returned, and that notwithstanding section 18408(a), child care will be terminated, pursuant to section 18419, if the certification is not received within that timeframe.

(3) If the family indicates that the information obtained by the receiving contractor pursuant to subdivision (a) is inaccurate or there has been a change, the new Stage 2 contractor shall update the information pursuant to section 18410(b).

(d) When the contractor is informed by the CDE that all Stage 2 funds have been allocated for a given fiscal year and contracts will no longer be augmented during the fiscal year, the Stage 2 contractor shall not accept transfers from another CalWORKs agency if doing so would result in over enrollment by the receiving Stage 2 contractor.

(e) If at any time during the fiscal year the contractor believes that accepting additional transfers would result in over enrollment, the contractor shall notify the CDE and the local county welfare department.

(f) The contractor shall not establish a waiting list for Stage 2.

Note: Authority cited: Section 8263, Education Code. Reference: Sections 8350.5, 8351, 8353 and 8358.5, Education Code.

### **§ 18409.5. Enrollment into CalWORKs Stage 2 When Not Transferring from Another CalWORKs Agency.**

[Barclays Official California Code of Regulations](#)

[Title 5. Education](#)

[Division 1. California Department of Education](#)

[Chapter 19.5. CalWORKs and Child Care and Development Programs](#)

[Subchapter 2. CalWORKs Stage 2 Child Care Program](#)

[Article 2. Requirements and Procedures for Receiving CalWORKs Stage 2 Services](#)

#### **5 CCR § 18409.5**

§ 18409.5. Enrollment into CalWORKs Stage 2 When Not Transferring from Another CalWORKs Agency.

(a) When a family who is not being transferred from a county welfare department's Stage 1 program or another contractor's Stage 2 program requests CalWORKs Stage 2 child care services, an application for services must be completed containing the following information and supporting documentation:

(1) The parent's(s) full name(s), address(es) and telephone number(s);

(2) The names and birth dates of all children under the age of 18 in the family, regardless of whether they are served in the CalWORKs program;

(3) The number of hours of child care needed each day for each child;

(4) The names of other family members in the household related by blood, marriage, or adoption;

(5) The reason for needing child care services;

(6) Family size and monthly adjusted income;

(7) Employment or training information for the parent(s) including name and address of employer(s) or training institutions(s) and days and hours of employment or training;

(8) Rate of payment;

(9) The name, address, and telephone number of the child care provider; and

(10) The parent(s) signature and date of the signature.

(b) Once the application has been submitted, the signature of the contractor or the contractor's employee who is authorized to certify the eligibility of the family must be obtained before the contractor assumes responsibility for reimbursing the provider for the child care services provided. Child care services received prior to the date of certification shall not be reimbursed.

(c) When the contractor is informed by the California Department of Education that all Stage 2 funds have been allocated for a given fiscal year and contracts will no longer be augmented during the fiscal year, the

Stage 2 contractor shall not accept any new families if doing so would result in over enrollment and may refer any otherwise eligible family to the county welfare department Stage 1 program.

(d) If at any time during the fiscal year the contractor believes that accepting additional new families would result in over enrollment, the contractor shall notify the California Department of Education.

(e) The contractor shall not establish a waiting list for Stage 2.

Note: Authority cited: Section 8263, Education Code. Reference: Sections 8350.5, 8353 and 8358.5, Education Code.

### **§ 18410. Contractor Responsibilities for Maintaining Family Eligibility.**

Revised by CDE September 2017 via Management Bulletin 17-14:

#### 5 CCR § 18410

##### § 18410. Contractor Responsibilities for Maintaining Family Eligibility.

(a) At the time of initial certification and recertification, a family certified as income eligible shall be informed of its responsibility ~~the requirement to notify the contractor within thirty (30) calendar days~~ five calendar days of any changes ~~in to the family's adjusted monthly income, adjusted for family size, in excess of eighty-five percent (85%) of SMI, as set forth in Section 18084.3, family size, or need for child care services.~~

(b) ~~When a family reports changes as required in (a), the contractor shall update the family's application within 30 days after notification by the family of a change in family income, family size, or need adhere to the process delineated in Section 18084.3. When updating the family's application~~ At recertification, the contractor shall make every effort to maximize convenience for the parent and avoid requiring the parent to take time off from work or a work activity.

(c) Notwithstanding Subsection (b), all families shall be recertified for eligibility and need ~~at least once each contract period and at intervals not less than not to exceed twelve (12) months~~ **twenty-four (24) months, except for when the only need is seeking employment, then recertification is no less than 12 months.** Once initially certified or recertified, families shall be deemed to meet all eligibility and need requirements for ~~twelve (12) months~~ **twenty-four (24), or 12 months if seeking employment,** shall receive services for not less than ~~twelve (12) months~~ **twenty-four (24), or 12 months if seeking employment,** but may be subject to transfer between stages as set forth in these regulations.

(d) If a family no longer meets the requirements specified in Sections 18406 and 18407 and the contractor receives a referral for services pursuant to Chapter 19, Section 18092, the family must be transferred to a non-CalWORKs alternative payment program contractor as soon as possible.

(e) When a former CalWORKs cash aid recipient or a diversion family times out, the family is to be transferred to CalWORKs Stage 3 effective the first day of the following month. If there are no funds available in a CalWORKs Stage 3 program or another subsidized child care program, the contractor shall terminate child care pursuant to Section 18419.



## **§ 18411. Eligible Providers for Stage 2 Services.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19.5. CalWORKs and Child Care and Development Programs

Subchapter 2. CalWORKs Stage 2 Child Care Program

Article 2. Requirements and Procedures for Receiving CalWORKs Stage 2 Services

### 5 CCR § 18411

#### § 18411. Eligible Providers for Stage 2 Services.

(a) The family has the right to select its child care provider. Licensed child care centers, licensed family homes, and child care exempt from licensure are valid parental choices of care for all families receiving Stage 2 child care.

(b) If child care is funded with state funds, a provider shall not be reimbursed for child care services that include religious instruction or worship.

(c) The child care provider shall meet all of the following requirements:

(1) Have a child care license or be exempt from child care licensing requirements, as specified in California Code of Regulations, title 22, sections 101158 and 102358.

(2) A license-exempt provider must:

(A) Be 18 years old or older,

(B) Meet or be exempt from Health and Safety Self-Certification requirements; and

(C) Be an eligible provider, pursuant to section 18227(c).

(d) A contractor may develop a policy for in-home license-exempt care requiring a minimum number of children to ensure the provider receives a reimbursement equivalent to the minimum wage.

(e) The family's choice for a child care provider(s) must meet the following requirements:

(1) The child care provider's hours of operation meet the family's needs for child care;

(2) The child care provider ensures that each child's attendance is recorded for payment purposes; and

(3) Adult supervision is maintained at all times when children are in attendance.

Note: Authority cited: Sections 8261, 8263 and 8269, Education Code. Reference: Sections 8202, 8203, 8208.1, 8352, 8353 and 8356, Education Code; and Sections 1596.603, 1596.605, 1596.66 and 1596.792, Health and Safety Code.

## **§ 18412. Family Data File.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19.5. CalWORKs and Child Care and Development Programs

Subchapter 2. CalWORKs Stage 2 Child Care Program

Article 3. Requirements for Family Data File

### 5 CCR § 18412

#### § 18412. Family Data File.

(a) The contractor shall establish and maintain a family data file for each family receiving child care services in accordance with regulations contained in Chapter 19, Section 18081(a), (b)(1)-(5), (d), and (e).

(b) For families that transfer from a Stage 1 or another Stage 2 agency, the receiving contractor shall establish the family data file documentation pursuant to Subsection (a) within six months of the date of the transfer.

Note: Authority cited: Sections 8261, 8261.5, 8263 and 8269, Education Code. Reference: Sections 8353 and 8358.5, Education Code.

### **§ 18413. Provider Payments.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19.5. CalWORKs and Child Care and Development Programs  
Subchapter 2. CalWORKs Stage 2 Child Care Program  
Article 4. Provider Payments and Parent Fees

5 CCR § 18413

#### **§ 18413. Provider Payments.**

(a) The contractor shall reimburse each provider no more than that provider charges unsubsidized families, not to exceed the maximum subsidy amount as defined in Section 18074.1.

(b) Reimbursable hours of care shall include work hours, commute hours, participation in county-approved activities, and other eligible hours as approved by the contractor.

Note: Authority cited: Sections 8261 and 8269, Education Code. Reference: Sections 8353 and 8357, Education Code.

### **§ 18414. Parent Fees and Co-payments.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19.5. CalWORKs and Child Care and Development Programs  
Subchapter 2. CalWORKs Stage 2 Child Care Program  
Article 4. Provider Payments and Parent Fees

5 CCR § 18414

#### **§ 18414. Parent Fees and Co-payments.**

(a) Except as otherwise provided in this Article, contractors shall apply the regulations contained in Chapter 19, Subchapter 3, Article 5 (commencing with Section 18108, except for Sections 18110, 18111, and 18114 (b)).

(b) If a parent chooses a provider with a usual and customary rate exceeding 1.5 standard deviations above the mean market rate for the type of care provided, the parent may receive services from that provider, in which case the parent is responsible for the difference between the maximum payment rate and the provider's rate.

Note: Authority cited: Sections 8263 and 8269, Education Code. Reference: Sections 8353 and 8357, Education Code.

## **§ 18415. Contractor Responsibilities.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19.5. CalWORKs and Child Care and Development Programs

Subchapter 2. CalWORKs Stage 2 Child Care Program

Article 5. Program Policies

### 5 CCR § 18415

#### § 18415. Contractor Responsibilities.

(a) The contractor shall comply with Chapter 19, Subchapter 10, Article 2 (commencing with Section 18221, except for Section 18224(a)(2)).

(b) The contractor shall provide an application to all families requesting CalWORKs Stage 2 child care services.

(c) The contractor shall take action on any application submitted for CalWORKs Stage 2 child care services within 30 calendar days starting with the first day after the filing of the application.

(d) The contractor shall assist parents in choosing child care services by providing parents with a referral to the local resource and referral agency. The contractor shall inform parents of policies developed pursuant to Section 18413(d).

(e) The contractor shall not require the family or the provider to furnish any documentation previously provided to a county welfare department or an alternative payment program within the one year prior to application, unless the documentation is absent from the existing file and the documentation affects the eligibility for child care services.

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

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8353 and 8358.5, Education Code.

## **§ 18416. Data Reporting.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19.5. CalWORKs and Child Care and Development Programs

Subchapter 2. CalWORKs Stage 2 Child Care Program

Article 6. Data Reporting

### 5 CCR § 18416

#### § 18416. Data Reporting.

The contractor shall submit statistical, cost, and program data to the California Department of Education by the date and in the format specified in the California Department of Education's request.

Note: Authority cited: Sections 8261 and 8269, Education Code. Reference: Sections 8353, 8357 and 8358.5, Education Code.

### **§ 18417. Quality.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19.5. CalWORKs and Child Care and Development Programs

Subchapter 2. CalWORKs Stage 2 Child Care Program

Article 7. Program Quality

5 CCR § 18417

§ 18417. Quality.

The contractor shall adhere to the regulations contained in Chapter 19, Sections 18271, 18274, 18277, and 18279.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8203 and 8353, Education Code.

### **§ 18418. Parental Appeals.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19.5. CalWORKs and Child Care and Development Programs

Subchapter 2. CalWORKs Stage 2 Child Care Program

Article 8. Due Process

5 CCR § 18418

§ 18418. Parental Appeals.

The contractor shall adhere to the regulations contained in Chapter 19, Sections 18120, 18121, and 18122.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8353 and 8358.5, Education Code.

### **§ 18419. Notice of Action Requirements.**

Barclays Official California Code of Regulations Currentness

Title 5. Education

Division 1. California Department of Education

Chapter 19.5. CalWORKs and Child Care and Development Programs

Subchapter 2. CalWORKs Stage 2 Child Care Program

Article 8. Due Process

5 CCR § 18419

§ 18419. Notice of Action Requirements.

The contractor shall comply with the regulations contained in Chapter 19, Sections 18094, 18095, 18118, and 18119(a). When a notice of action is to be issued, the contractor shall mail or personally deliver the notice of action to the parents. If the notice of action is personally delivered, the effective day of the intended action shall be no less than 14 calendar days from the date the notice was delivered. If the notice of action is mailed, the effective date of the intended action shall be no less than 19 calendar days from the date the notice was mailed.

Note: Authority cited: Section 8261 and 8263, Education Code. Reference: Sections 8353 and 8358.5, Education Code.

## § 18420. Scope of Subchapter.

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19.5. CalWORKs and Child Care and Development Programs

Subchapter 3. CalWORKs Stage 3 Child Care Program

Article 1. General Provisions

### 5 CCR § 18420

#### § 18420. Scope of Subchapter.

(a) The provisions contained in this Subchapter shall only apply to contractors authorized to establish, maintain, or operate alternative payment programs for CalWORKs Stage 3 Child Care Programs as defined in Education Code section 8354.

(b) Except as otherwise provided in this subchapter, contractors funded to establish, maintain, or operate alternative payment programs for CalWORKs Stage 3 child care programs shall also comply with regulations contained in Chapter 19, Subchapter 1 (commencing with Section 17906), Subchapter 2 (commencing with Section 18012, except for Section 18017 if child care is paid for utilizing federal funds), and Subchapter 15 (commencing with Section 18300).

(c) Contractors administering Stage 3 programs in counties where there are multiple contractors shall coordinate services and cooperate to ensure all eligible families receive and continue to receive services. Contractors may coordinate across county boundaries so that eligible families living in the county, employed in the county, or receiving child care in the county receive and continue to receive services.

Note: Authority cited: Sections 8261 8263 and 8269, Education Code. Reference: Section 8354, Education Code.

## § 18421. Family Eligibility.

Revised by CDE September 2017 via Management Bulletin 17-14:

### 5 CCR § 18421

#### § 18421. Family Eligibility.

(a) A family is eligible to receive CalWORKs Stage 3 child care services if all of the following conditions are met:

(1) The family is ~~and remains~~ determined to be income eligible at initial certification or recertification. A family is:

(A) Initially income eligible, if when the family's adjusted monthly income, based upon the family size, is at or below 7570% 85% of the state median income.

(B) Ongoing income eligible, when the family's adjusted monthly income, based upon the family size, is at or below 85% of the state median income.

(2) Adjusted monthly income is the total countable income received by members of the family included in the family size determination minus verified child support payments paid by the parent whose child is receiving child care services. Except for child support payments paid by the parent, monthly income shall not be adjusted because of voluntary or involuntary deductions.

(A) When income fluctuations occur, the adjusted monthly income shall be computed by averaging the total adjusted monthly income received during the previous twelve (12) months.

~~(B) For families that transfer from either Stage 1 or another Stage 2 contractor, the 12-month period shall be the 12 months immediately preceding the transfer.~~

~~(BC) For all other families~~ At recertification, the 12-month period shall be the twelve (12) months immediately preceding the month of recertification.

~~(CD) Total countable income does not include the following:~~

- (i) Earnings of a child under the age of 18 years;
- (ii) Loans, grants, and scholarships obtained under conditions that preclude their use for current living costs;
- (iii) Grants or loans to students for educational purposes made or insured by a state or federal agency;
- (iv) Allowances received for uniforms or other work required clothing, food, or shelter;
- (v) Income that is used for business expenses for self-employed family members; or
- (vi) The income of a recipient of federal supplemental security income and state supplemental program (SSI/SSP) benefits;
- (32) The adult or minor teen parent is responsible for the care of the child needing child care; and
- (43) The adult or minor teen parent is:
  - (A) A former CalWORKs cash aid recipient and is in his/her 24th month of eligibility for CalWORKs Stage 1 and/or 2 after leaving CalWORKs cash aid, or
  - (B) A diversion services recipient and is in his/her 24th month of eligibility for CalWORKs Stage 1 and/or 2 child care.
- (b) If child care is reimbursed with state funds, the parent(s) and any other adult whose income is counted towards Stage 3 eligibility must each meet one of the following requirements:
  - (1) Be employed. If the parent(s) works in the home, the nature of the work must preclude the supervision of the parent's children;
  - (2) Be seeking employment, ~~but not to exceed sixty working days in the fiscal year;~~
  - (3) Be participating in a job training and education program leading directly to a recognized trade, paraprofession, or profession;
  - (4) Be participating in job retention services as approved by the county welfare department; or
  - (5) Be incapacitated.
- (c) If child care is reimbursed with federal funds:
  - (1) The parent must meet one of the following requirements:
    - (A) Be employed. If the parent works in the home, the nature of the work must preclude the supervision of the parent's children;
    - (B) Be seeking employment, ~~but not to exceed sixty working days in the fiscal year;~~
    - (C) Be participating in a job training and education program leading directly to a recognized trade, paraprofession, or profession; or
    - (D) Be participating in job retention services as approved by the county welfare department.
  - (2) Any other adult whose income is counted towards Stage 3 eligibility must meet one of the requirements contained in Subsection (c)(1) or be incapacitated.

## **§ 18422. Child Eligibility.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19.5. CalWORKs and Child Care and Development Programs

Subchapter 3. CalWORKs Stage 3 Child Care Program

Article 2. Requirements and Procedures for Receiving CalWORKs Stage 3 Services

5 CCR § 18422

### § 18422. Child Eligibility.

- (a) A child living in the household of an eligible family pursuant to section 18421 may receive CalWORKs Stage 3 child care services if she/he is:
  - (1) A son or daughter of the eligible family;

- (2) Receiving foster care benefits, federal Supplemental Security Income (SSI), or State Supplemental Program (SSP) benefits; or
- (3) The responsibility of the adult to support and for whom the lack of child care would result in the adult not being able to work or participate in a work activity.

(b) The child must be:

- (1) Under 13 years of age; or
- (2) A child with exceptional needs as defined in Education Code section 8208(f).

(c) 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 child care services are needed.

Note: Authority cited: Section 8263, Education Code. Reference: Sections 8208, 8350, 8350.5 and 8354, Education Code; Section 11323.2, Welfare and Institutions Code.

### **§ 18423. Eligibility Duration.**

Revised by CDE September 2017 via Management Bulletin 17-14:

5 CCR § 18423

#### **§ 18423. Eligibility Duration.**

After initial enrollment into a Stage 3 program, child care services will be continued ~~as long as the child meets the requirements of Section 18422 for no less than twelve (12) months~~ **for the duration of the family's current certification period** and:

- (a) The family ~~continues to~~ meets income eligibility requirements pursuant to Section 18421; or
- (b) The contractor has received a referral for child protective services pursuant to Chapter 19, Section 18092; or
- (c) If being reimbursed by state funds, the family is income eligible and the child has a medical or psychiatric special need that cannot be met without the provision of child care services as documented in the family data file pursuant to Chapter 19, Section 18089.

### **§ 18424. Enrollment into CalWORKs Stage 3 By Transfer from Another CalWORKs Agency.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19.5. CalWORKs and Child Care and Development Programs

Subchapter 3. CalWORKs Stage 3 Child Care Program

Article 2. Requirements and Procedures for Receiving CalWORKs Stage 3 Services

5 CCR § 18424

#### **§ 18424. Enrollment into CalWORKs Stage 3 By Transfer from Another CalWORKs Agency.**

(a) A family is transferred into Stage 3 from a county welfare department's Stage 1 program or another contractor's Stage 2 or Stage 3 program when the following information is obtained by the receiving contractor:

- (1) The parent's(s) full name(s), address(es), and telephone number(s);
- (2) The names and birth dates of all children under the age of 18 living with the family, regardless of whether they are served in the CalWORKs program;
- (3) The number of hours of child care needed each day for each child;
- (4) The names of other family members in the household who are related by blood, marriage, or adoption;
- (5) The reason for needing child care services;

- (6) Family size and adjusted monthly income;
  - (7) Employment or training information for parent(s) including name and address of employer(s) or training institutions(s) and days and hours of employment or training;
  - (8) Rate of payment; and
  - (9) The name, address, and telephone number of the child care provider and the type of eligible provider, pursuant to section 18227.
- (b) The transfer process specified in subdivision (a) is not required when a family is transferring from another CalWORKs Stage 2 or Stage 3 contract with the same contractor.
- (c) Once the receiving contractor obtains the information contained in subdivision (a) and determines that the information is complete, the receiving contractor shall:
- (1) Assume responsibility for reimbursing the provider for the child care services provided effective the first of the month after the family has timed out of Stage 1 or Stage 2; and
  - (2) Send or otherwise provide a notice to the family documenting the information and requiring that the family certify by signature that the information is accurate. Such certification shall comply with the timelines established by the contractor's policies and procedures. The contractor shall notify the family of the timeframe by which the certification must be returned, and that child care will be terminated, pursuant to section 18434, if the certification is not received within that timeframe.
  - (3) If the family indicates that the information obtained by the receiving contractor pursuant to subdivision (a) is inaccurate or there has been a change, the new Stage 3 contractor shall update the information pursuant to section 18425(b).
  - (d) The contractor shall enroll eligible families into Stage 3 as they time out without regard to prioritization until the notification from the CDE pursuant to subdivision (e) below is received.
  - (e) If at any time during the fiscal year the contractor believes that accepting eligible families into Stage 3 as they time out would result in over enrollment, the contractor shall notify the CDE.
  - (f) Notwithstanding Chapter 19, section 18225, when a contractor is informed by the CDE that all Stage 3 funds have been allocated for a given fiscal year and contracts will no longer be augmented during that fiscal year, the contractor shall:
    - (1) Review the Stage 1 and 2 caseload designated to transfer into the contractor's Stage 3 contract each month for the remainder of the current fiscal year. The contractor shall determine if the current fiscal year Stage 3 funds available are sufficient to continue child care for all families that will time out of Stage 1 and 2 services each month of the current fiscal year.
    - (2) Continue to enroll families without regard to prioritization until the specific month that funding is insufficient to enroll all families that have timed out of Stage 1 and 2 the previous month.
    - (3) Upon determination that funding is insufficient to provide services to all families that will time out in a specific month, enroll families until all Stage 3 funds are fully utilized, with priority given to families with the lowest adjusted monthly income in relation to family size in accordance with the family fee schedule.
    - (4) Not establish a waiting list for CalWORKs Stage 3 of otherwise eligible families when there are insufficient funds pursuant to this section.
  - (g) Subsequently, if additional Stage 3 funding becomes available due to attrition, the families that have timed out in the month that funding becomes available shall be enrolled with priority given to families with the lowest adjusted monthly income in relation to family size in accordance with the family fee schedule.
  - (h) The contractor shall mail or personally deliver a completed notice of action to the parent(s) pursuant to section 18434 when services are to be terminated due to insufficient funds.

Note: Authority cited: Section 8263, Education Code. Reference: sections 8350.5 and 8354, Education Code.



## § 18425. Contractor Responsibilities for Maintaining Family Eligibility.

Revised by CDE September 2017 via Management Bulletin 17-14:

### 5 CCR § 18425

#### § 18425. Contractor Responsibilities for Maintaining Family Eligibility.

(a) At the time of initial certification and recertification, a family certified as income eligible shall be informed of its responsibility ~~the requirement to notify the contractor within thirty (30) calendar days~~ ~~five calendar days~~ of any changes ~~in to the family's adjusted monthly income, adjusted for family size, in excess of eighty-five percent (85%) of SMI, as set forth in Section 18084.3, family size, or need for child care services.~~

(b) When a family reports changes as required in (a), ~~the contractor shall update the family's application within 30 days after notification by the family of a change in family income, family size, or need~~ ~~adhere to the process delineated in Section 18084.3.~~ ~~When updating the family's application~~ At recertification, the contractor shall make every effort to maximize convenience for the parent and avoid requiring the parent to take time off from work or a work activity.

(c) Notwithstanding Subsection (b), all families shall be recertified for eligibility and need ~~at least once each contract period and at intervals~~ not less than ~~twelve (12) months~~ *twenty-four (24) months, or 12 months when the only need is seeking employment* as follows: Once initially certified or recertified, families shall be deemed to meet all eligibility and need requirements for ~~twelve (12) months~~ *twenty-four (24) months or 12 months when the only need is seeking employment*, shall receive services for not less than ~~twelve (12) months~~ *twenty-four (24) months, or 12 months when the only need is seeking employment*, but may be subject to transfer between stages as set forth in these regulations.

(1) Families receiving care where the need is child protective services shall be recertified at least once every 6 months;

(2) All other families shall be recertified at intervals not to exceed 12 months.

(d) If the California Department of Education notifies the contractor that funds are not available to serve the existing Stage 3 caseload and it is necessary to displace families, families shall be displaced in reverse order of enrollment priority based on income levels pursuant to Education Code section 8263(b)(2). When two or more families are in the same priority in relation to income, the family that has received care in Stage 3 for the shortest period of time shall have higher priority.

## § 18426. Eligible Providers for Stage 3 Services.

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19.5. CalWORKs and Child Care and Development Programs

Subchapter 3. CalWORKs Stage 3 Child Care Program

Article 2. Requirements and Procedures for Receiving CalWORKs Stage 3 Services

### 5 CCR § 18426

#### § 18426. Eligible Providers for Stage 3 Services.

(a) The family has the right to select its child care provider. Licensed child care centers, licensed family homes, and child care exempt from licensure are valid parental choices of care for all families receiving Stage 3 child care.

(b) If child care is funded with state funds, a provider shall not be reimbursed for child care services that include religious instruction or worship.

(c) The child care provider shall meet all of the following requirements:

(1) Have a child care license or be exempt from child care licensing requirements, as specified in California Code of Regulations, title 22, sections 101158 and 102358.

(2) A license-exempt provider must:

(A) Be 18 years old or older,

(B) Meet or be exempt from Health and Safety Self-Certification requirements; and

(C) Be an eligible provider, pursuant to section 18227(c).

(d) A contractor may develop a policy for in-home license-exempt care requiring a minimum number of children to ensure the provider receives a payment equivalent to the minimum wage.

(e) The family's choice for a child care provider must meet the following requirements:

(1) The child care provider's hours of operation meet the family's needs for child care;

(2) The child care provider ensures that each child's attendance is recorded for payment purposes; and

(3) Adult supervision is maintained at all times when children are in attendance.

Note: Authority cited: Sections 8261, 8263 and 8269, Education Code. Reference: Sections 8202, 8203, 8208.1, 8354 and 8356, Education Code; 1596.603, 1596.605 and 1596.66, Health and Safety Code.

### **§ 18427. Family Data File.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19.5. CalWORKs and Child Care and Development Programs

Subchapter 3. CalWORKs Stage 3 Child Care Program

Article 3. Requirements for Family Data File

#### 5 CCR § 18427

#### § 18427. Family Data File.

(a) The contractor shall establish and maintain a family data file for each family receiving child care services in accordance with regulations contained in Chapter 19, Section 18081(a), (b)(1)-(5), (d), and (e).

(b) For families that transfer from a Stage 1, Stage 2, or another Stage 3 agency, the receiving contractor shall establish the family data file documentation pursuant to Subsection (a) within six months of the date of the transfer.

Note: Authority cited: Sections 8261, 8261.5, 8263 and 8269, Education Code. Reference: Sections 8354 and 8358.5, Education Code.

### **§ 18428. Provider Payments.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19.5. CalWORKs and Child Care and Development Programs

Subchapter 3. CalWORKs Stage 3 Child Care Program

Article 4. Provider Payments and Parent Fees

#### 5 CCR § 18428

#### § 18428. Provider Payments.

(a) The contractor shall reimburse each provider no more than the amount the provider charges unsubsidized families, not to exceed the maximum subsidy amount as defined in Section 18074.1.

(b) Reimbursable hours of care shall include work hours, commute hours, participation in county-approved activities, and other eligible hours as approved by the contractor.

Note: Authority cited: Sections 8261 and 8269, Education Code. Reference: Sections 8354 and 8357, Education Code.

### **§ 18429. Parent Fees and Co-Payments.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19.5. CalWORKs and Child Care and Development Programs

Subchapter 3. CalWORKs Stage 3 Child Care Program

Article 4. Provider Payments and Parent Fees

#### 5 CCR § 18429

#### § 18429. Parent Fees and Co-Payments.

(a) Except as otherwise provided in this Article, contractors shall apply the regulations contained in Chapter 19, Subchapter 3, Article 5 (commencing with Section 18108, except for Sections 18110, 18111, and 18114(b)).

(b) If a parent chooses a provider with a usual and customary rate exceeding 1.5 standard deviations above the mean market rate for the type of care provided, the parent may receive services from that provider, in which case the parent is responsible for the difference between the maximum payment rate and the provider's rate.

Note: Authority cited: Sections 8263 and 8369, Education Code. Reference: Sections 8354 and 8357, Education Code.

### **§ 18430. Contractor Responsibilities.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19.5. CalWORKs and Child Care and Development Programs

Subchapter 3. CalWORKs Stage 3 Child Care Program

Article 5. Program Policies

#### 5 CCR § 18430

#### § 18430. Contractor Responsibilities.

(a) The contractor shall comply with Chapter 19, Subchapter 10, Article 2 (commencing with Section 18221, except for Section 18224(a)(2)).

(b) The contractor shall assist parents in choosing a child care provider by providing parents with a referral to the local resource and referral agency. The contractor shall inform parents of policies developed pursuant to Section 18428(d).

(c) The contractor shall not require the family or the provider to furnish any documentation previously provided to a county welfare department or an alternative payment program within the one year prior to application, unless the documentation is absent from the existing file and the documentation affects the eligibility for child care services.

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

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8354 and 8358.5, Education Code.

**§ 18431. Data Reporting.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19.5. CalWORKs and Child Care and Development Programs  
Subchapter 3. CalWORKs Stage 3 Child Care Program  
Article 6. Data Reporting

5 CCR § 18431

§ 18431. Data Reporting.

The contractor shall submit statistical, cost, and program data to the California Department of Education by the date and in the format specified in the California Department of Education's request.

Note: Authority cited: Sections 8261 and 8269, Education Code. Reference: Sections 8354, 8357 and 8358.5, Education Code.

**§ 18432. Quality.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19.5. CalWORKs and Child Care and Development Programs  
Subchapter 3. CalWORKs Stage 3 Child Care Program  
Article 7. Program Quality

5 CCR § 18432

§ 18432. Quality.

The contractor shall adhere to the regulations contained in Chapter 19, Sections 18271, 18274, 18277, and 18279.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8302 and 8354, Education Code.

**§ 18433. Parental Appeals.**

Barclays Official California Code of Regulations  
Title 5. Education  
Division 1. California Department of Education  
Chapter 19.5. CalWORKs and Child Care and Development Programs  
Subchapter 3. CalWORKs Stage 3 Child Care Program  
Article 8. Due Process

5 CCR § 18433

§ 18433. Parental Appeals.

The contractor shall adhere to the regulations contained in Chapter 19, Sections 18120, 18121, and 18122.

Note: Authority cited: Section 8261, Education Code. Reference: Sections 8354 and 8358.5, Education Code.

**§ 18434. Notice of Action Requirements.**

Barclays Official California Code of Regulations

Title 5. Education

Division 1. California Department of Education

Chapter 19.5. CalWORKs and Child Care and Development Programs

Subchapter 3. CalWORKs Stage 3 Child Care Program

Article 8. Due Process

5 CCR § 18434

§ 18434. Notice of Action Requirements.

The contractor shall comply with the regulations contained in Chapter 19, Sections 18094, 18095, 18118, and 18119(a). When a notice of action is to be issued, the contractor shall mail or personally deliver the notice of action to the parents. If the notice of action is personally delivered, the effective date of the intended action shall be no less than 14 calendar days from the date the notice was delivered. If the notice of action is mailed, the effective day of the intended action shall be no less than 19 calendar days from the date the notice was mailed.

Note: Authority cited: Sections 8261 and 8263, Education Code. Reference: Sections 8354 and 8358.5, Education Code.

**End of San Mateo and San Francisco County Subsidy Program /Title 5 Regulations**

## **Other San Mateo and San Francisco County Subsidy Program Regulations**

### **LIMITED AND NON-ENGLISH PROFICIENT SCHOOL AGE CHILDREN**

Agencies with Limited and non-English proficient school age children (TK through 5<sup>th</sup> grade) may claim this adjustment factor.

### **CHILDREN 2.9 SERVED UNDER CCTR**

Up to agency in partnership with parent(s)/guardian(s), based on child's developmental readiness, if child will be moved from CCTR to CSPP.

### **MOVING CHILD(REN) FROM CCTR TO CSPP OR CSPP TO CCTR WITHIN THE AGENCY WITHIN THE 24 MONTH ELIGIBILITY**

There is no need for recertification. Process a 9600 Update and a NOA form.

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## **Other Regulations issued by CDE**

As of July 1, 2017, children with an IEP/IFSP are allowed to be enrolled into a Part-Day CSPP program regardless of income.

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## **San Mateo and San Francisco County Subsidy Program Handbook and Common Forms DropBox Link:**

<https://www.dropbox.com/sh/obxn5gc1c4q0fxg/AABvPqrHiFrT2O2-j9O4c70Ea?dl=0>