

**SB/AB 117 SEC. 5.**

*(a) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, on or before June 30, 2020, the Superintendent of Public Instruction shall develop informal directives and bulletins, in compliance with Executive Orders, to address contractual and reporting requirements applicable for the 2019–20 fiscal year for childcare and development programs impacted by the coronavirus (COVID–19).*

*(b) To ensure continuity of payments to state-subsidized childcare and development programs, the attendance and reporting requirements imposed on childcare and development programs pursuant to Sections 8221.5, 8230, 8235, 8240, 8245, 8250, 8351, 8353, and 8354 of the Education Code, and subdivision (a) of Section 18056 of Title 5 of the California Code of Regulations, are waived for programs that comply with an Executive Order, subject to guidance from the Superintendent of Public Instruction pursuant to this section. Pursuant to guidance and direction from the Superintendent, childcare and development programs shall be reimbursed using the most recent certified record or invoice available.*

**Section  
8221.5**

(a) Child care providers authorized to provide services pursuant to this article shall submit to the alternative payment program a monthly attendance record or invoice for each child who received services that, at a minimum, documents the dates and actual times care was provided each day, including the time the child entered and the time the child left care each day. The information shall be documented on a daily basis.

(b) The monthly attendance record or invoice shall, at a minimum, be signed by the parent or guardian of the child receiving services and the child care provider once per month to attest that the child’s attendance is accurately reflected. The verification of attendance shall be made by signature at the end of each month of care and under penalty of perjury by both the parent or guardian of the child receiving services and the child care provider.

(c) The monthly attendance record or invoice shall be maintained by the child care provider in the unaltered original format in which it was created, which may be in paper form or electronic format.

(d) The alternative payment program shall accept the monthly attendance record or invoice as documentation of the hours of care provided if the attendance record or invoice includes adequate information documented on a daily basis, including, at a minimum, the dates and actual times care was provided each day, including the time the child entered and the time the child left care each day. The alternative payment program shall reimburse child care providers based upon the following criteria:

(1) The hours of service provided that are broadly consistent with certified hours of need.

(2) For families with variable schedules, the actual days and hours of attendance, up to the maximum certified hours.

(3) For license-exempt providers that provide part-time services, the actual days and hours of attendance, up to the maximum certified hours.

(e) For purposes of reimbursement to providers through an alternative payment program, contractors shall not be required to track absences.

(f) For purposes of this section, a monthly attendance record or invoice is defined as documentation that includes, at a

	<p>minimum, the name of the child receiving services, the dates and actual times care was provided each day, including the time the child entered and the time the child left care each day, that is signed under penalty of perjury by both the parent or guardian and the child care provider, attesting that the information provided is accurate.</p>
<p><a href="#">Section 8230</a></p>	<p>The Superintendent of Public Instruction shall administer all migrant child care and development programs. In addition, the Superintendent of Public Instruction shall support and encourage the state-level coordination of all agencies that offer services to migrant children and their families and state-level coordination of existing health funds for migrants.</p>
<p><a href="#">Section 8235</a></p>	<p>(a) The Superintendent shall administer all California state preschool programs. Those programs shall include, but not be limited to, part-day age and developmentally appropriate programs designed to facilitate the transition to kindergarten for three- and four-year-old children in educational development, health services, social services, nutritional services, parent education and parent participation, evaluation, and staff development. Preschool programs for which federal reimbursement is not available shall be funded as prescribed by the Legislature in the Budget Act, and unless otherwise specified by the Legislature, shall not use federal funds made available through Title XX of the federal Social Security Act (42 U.S.C. Sec. 1397).</p> <p>(b) Three- and four-year-old children are eligible for the part-day California state preschool program if the family meets at least one of the criteria specified in paragraph (1) of subdivision (a) of Section 8263.</p> <p>(c) Notwithstanding any other law, a part-day California state preschool program may provide services to children in families whose income is no more than 15 percent above the income eligibility threshold, as described in Sections 8263 and 8263.1, after all eligible three- and four-year-old children have been enrolled. No more than 10 percent of children enrolled, calculated throughout the participating program’s entire contract, may be filled by children in families above the income eligibility threshold.</p> <p>(d) Notwithstanding any other law, after all otherwise eligible children have been enrolled, a part-day California state preschool program may provide services to three- and four-year-old children in families whose income is above the income eligibility threshold if those children have been identified as “children with exceptional needs” pursuant to subdivision (l) of Section 8208. Children receiving services pursuant to this subdivision shall not count towards the 10-percent limit of children from families above the income eligibility threshold as specified in subdivision (c).</p> <p>(e) A part-day California state preschool program shall operate for a minimum of (1) three hours per day, excluding time for home-to-school transportation, and (2) a minimum of 175 days per year, unless the contract specifies a lower number of days of operation.</p>

	<p>(f) Any agency described in subdivision (c) of Section 8208 as an “applicant or contracting agency” is eligible to contract to operate a California state preschool program.</p> <p>(g) Part-day preschool services shall be reimbursed on a per capita basis, as determined by the Superintendent, and contingent on funding being provided for the part-day preschool services in the annual Budget Act.</p> <p>(h) Federal Head Start funds used to provide services to families receiving California state preschool services shall be deemed nonrestricted funds.</p> <p>(i) School districts and charter schools that administer a California state preschool program may place four-year-old children in a transitional kindergarten program classroom in accordance with subdivisions (h) to (j), inclusive, of Section 48000.</p>
<p><a href="#">Section 8240</a></p>	<p>The Superintendent of Public Instruction, with funds appropriated for this purpose, shall administer general child care and development programs.</p> <p>General child care and development programs shall include:</p> <p>(a) Age and developmentally appropriate activities for children.</p> <p>(b) Supervision.</p> <p>(c) Parenting education and parent involvement.</p> <p>(d) Social services that include, but are not limited to, identification of child and family needs and referral to appropriate agencies.</p> <p>(e) Health services.</p> <p>(f) Nutrition.</p> <p>(g) Training and career ladder opportunities, documentation of which shall be provided to the Department of Education.</p>
<p><a href="#">Section 8245</a></p>	<p>(a) The Superintendent of Public Instruction, with funds appropriated for this purpose, shall contract with entities organized under law to operate family child care home education networks that support educational objectives for children in licensed family child care homes that serve families eligible for subsidized child care.</p> <p>(b) Family child care home education network programs shall include, but are not limited to, all of the following:</p> <p>(1) Age and developmentally appropriate activities for children.</p> <p>(2) Care and supervision of children.</p> <p>(3) Parenting education.</p> <p>(4) Identification of child and family social or health needs and referral of the child or the family to the appropriate social</p>

	<p>or health services.</p> <p>(5) Nutrition.</p> <p>(6) Training and support for the family child care home education network’s family home providers and staff.</p> <p>(7) Assessment of each family child care home provider to ensure that services are of high quality and are educationally and developmentally appropriate.</p> <p>(8) Developmental profiles for children enrolled in the program.</p> <p>(9) Parent involvement.</p>
<p><a href="#">Section 8250</a></p>	<p>(a) The Superintendent shall ensure that eligible children with exceptional needs are given equal access to all child care and development programs. Available federal and state funds for children with exceptional needs above the standard reimbursement amount shall be used to assist agencies in developing and supporting appropriate programs for these children.</p> <p>(b) To provide children with exceptional needs with additional access to child care and development programs, the Superintendent shall establish alternate appropriate placements, such as self-contained programs and innovative programs using the least restrictive environment. These programs shall be started as expansion funds become available and shall be expanded throughout the implementation of the plan. The Superintendent shall utilize existing program models and input from program specialists to develop new program criteria and guidelines for programs serving children with exceptional needs. These programs may serve children with exceptional needs up to 21 years of age.</p> <p>(c) Any child with exceptional needs served in child care and development programs shall be afforded all rights and protections guaranteed in state and federal laws and regulations for individuals with exceptional needs.</p> <p>(d) Notwithstanding any other provision of this chapter, the Superintendent may develop unique reimbursement rates for, and make reimbursements to, child care and development programs that received state funding for the 1980–81 fiscal year and serve severely disabled children, as defined in subdivision (y) of Section 8208, when all of the following conditions exist:</p> <ol style="list-style-type: none"> <li>(1) Eligibility for enrollment of a severely disabled child in the program is the sole basis of the child’s need for service.</li> <li>(2) Services are provided to severely disabled children from birth to 21 years of age.</li> <li>(3) No fees are charged to the parents of the severely disabled children receiving the services.</li> </ol> <p>(e) The Superintendent shall include child care and development providers in all personnel development for persons providing services for children with exceptional needs.</p>
<p><a href="#">Section 8353</a></p>	<p>(a) The second stage of child care begins when the county determines that the recipient’s work or approved work activity is stable or when a recipient is transitioning off of aid and child care is available through a local stage two program.</p>

	<p>Second stage child care may be provided to a family who elects to receive a lump-sum diversion payment or diversion services under Section 11266.5 of the Welfare and Institutions Code when a funded space is not immediately available for the family in third stage. The local stage two agency shall assist in moving families to stage three as quickly as feasible. Former CalWORKs recipients are eligible to receive child care services in stage one and stage two for up to a total of no more than 24 months after they leave cash aid, or until they are otherwise ineligible within that 24-month period. Family size and income for purposes of determining eligibility and calculating the family fee shall be determined pursuant to Sections 8263 and 8263.1. A family leaving cash aid under the CalWORKS program shall receive up to two years of child care, if otherwise eligible, as needed to continue the family's employment. The provision of the two-year time limit is not intended to limit eligibility for child care under Section 8354.</p> <p>(b) The second stage shall be administered by agencies contracting with the State Department of Education. These contractors may be either agencies that have an alternative payment contract pursuant to Section 8220.1 or county welfare departments that choose to administer this stage in order to continue to provide child care services for recipients or former recipients of aid. If the county chooses to contract with the department to provide alternative payment services, this contract shall not displace, or result in the reduction of an existing contract of, a current alternative payment program.</p>
<p><a href="#">Section 8354</a></p>	<p>(a) The third stage of child care begins when a funded space is available. CalWORKs recipients are eligible for the third stage of child care. Persons who received a lump-sum diversion payment or diversion services and former CalWORKs participants are eligible if they have an income that does not exceed 70 percent of the state median income pursuant to Section 8263.1. The third stage shall be administered by programs contracting with the State Department of Education. Parents' eligibility for child care and development services will be governed by Section 8263 and regulations adopted by the State Department of Education.</p> <p>(b) In order to move welfare recipients and former recipients from their relationship with county welfare departments to relationships with institutions providing services to working families, it is the intent of the Legislature that families that are former recipients of aid, or are transitioning off aid, receive their child care assistance in the same fashion as other low-income working families. Therefore, it is the intent of the Legislature that families no longer rely on county welfare departments to obtain child care subsidies beyond the time they are receiving other services from the welfare department.</p> <p>(c) A county welfare department shall not administer the third stage of child care for CalWORKs recipients except to the extent to which it delivered those services to families receiving, or within one year of having received, Aid to Families with Dependent Children prior to the enactment of this section.</p>

	(d) This article does not preclude county welfare departments from operating an alternative payment program under contract with the State Department of Education to serve families referred by child protective services.
--	--

<a href="#">5 CCR § 18056</a>	<p>(a) The California Department of Education (CDE) shall reduce, withhold or cancel any scheduled apportionment when one or more of the following conditions exist:</p> <ul style="list-style-type: none"><li>(1) The contractor has not submitted an acceptable audit for any prior year of operation on or before the date due.</li><li>(2) The contractor has not submitted the reports required by sections 18068, 18069, 18070, 18071, 18072 and 18073 of this Division, if applicable, on or before the date due.</li><li>(3) The contractor will not earn the full contract amount based on the current year projected and the prior year actual net reimbursable programs costs as determined by the CDE, Local Assistance Bureau.</li><li>(4) A creditor of the contractor has placed a lien on the contractor's scheduled apportionments.</li><li>(5) The contractor has accounts payable which are:<ul style="list-style-type: none"><li>(A) more than 90 days delinquent to the CDE; and</li><li>(B) not under appeal as specified in either section 18301 or section 18308 of this Division.</li></ul></li></ul> <p>(b) If any apportionment is to be reduced, withheld or cancelled, the CDE shall provide the contractor prior written notice of the intended action.</p>
-------------------------------	---