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**To:** [Denyne Kowalewski](mailto:Denyne.Kowalewski)  
**Subject:** Guidance Regarding Requirements for Reopening Reimbursement, and Distance Learning for Direct Service Contractors  
**Date:** Friday, August 21, 2020 9:07:18 PM

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This is a message from the California Department of Education (CDE), Early Learning and Care Division (ELCD).

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## **Subject: Guidance Regarding Requirements for Reopening Reimbursement, and Distance Learning for Direct Service Contractors**

**Attention: Executive Directors and Program Administrators of Early Learning and Care Programs; General Child Care and Development Programs (CCTR); California State Preschool Programs (CSPP); California Family Child Care Homes Education Networks (CFCC); Severely Disabled Programs (CHAN); Migrant Child Care and Development Programs (CMIG)**

The CDE, ELCD is currently developing guidance regarding requirements for reopening, reimbursement, and distance learning for direct contract programs. This guidance will implement the reopening requirements as provided by the 2020–21 Education Omnibus Budget Trailer Bill (Senate Bill 98 [Chapter 24, 2020]) and decisions coming out of ongoing conversations that the CDE is having with the Legislature and the Administration.

Because of that ongoing conversation, and also the urgent need for timely guidance, the CDE, ELCD is providing the information below in advance of that guidance being released to inform contractors of the requirements for reopening, reimbursement, distance learning, the definition of being open, and the definition of a state or local public health order.

Senate Bill 98 added *Education Code* Section 8209(f), which specifies that for Fiscal Year (FY) 2020–21, General Childcare and Development Program (CCTR), California State Preschool Program (CSPP), Family Childcare Home Education Network (CFCC), Severely Disabled Program (CHAN), and Migrant Childcare and Development Program (CMIG) direct contracted programs are to be reimbursed the lesser of 100 percent of the contract Maximum Reimbursable Amount (MRA) or net reimbursable program costs when the contractor is either:

- Physically open to provide early learning and care (ELC) services for all enrolled families by September 8, 2020, or within 21 calendar days from the start date of the contracting agency’s FY 2020–21 approved program calendar, whichever is sooner, and remain open and offer services through the FY 2020–21 program year; or
- Not physically open by these dates, due to a written state or local public health order related to the Coronavirus Disease 2019 (COVID-19) pandemic

and specific to early learning or child care, or

- Physically re-open by these dates, with any future days of closure related to the COVID-19 pandemic being due to a state or local public health order specific to early learning or child care.

The definition of a state or local public health order may include written orders, advisories, or guidance specific to early learning or child care issued by a state or local public health authority.

Per the Listserv released July 19, 2020, both Local Educational Agency (LEA) and community-based organization contractors, whose ELC programs are operated on a LEA campus, are allowed to remain closed due to situations where they are unable to open within 21 calendar days of their operating calendar, and be reimbursed as specified above, while awaiting guidance from the CDE. In instances where a program is closed between July 1 and September 7, a revised program calendar and program narrative change is required, but the contract MRA will not be prorated.

Contractors that do not reopen within the specified timeline without a state or local public health order, as defined above, will not be reimbursed for any period of time that the program is not physically open. Similarly, contractors that open by the timeframe set forth above and subsequently close for reasons not due to the issuance of state or local public health order specific to early learning or child care will not be reimbursed for any period of time that the program is not physically open, unless the closure is otherwise currently allowed pursuant to Management Bulletin (MB) 10-09: Reduced Days of Operation or Attendance Due to Emergency Conditions, and approved by the CDE, ELCD.

A contractor that does not physically open according to the above timeline, or subsequently closes without a written state or local public health order specific to early learning or childcare must submit a revised FY 2020–21 program calendar and program narrative change to their assigned ELCD Regional Consultant to ensure that the correct minimum days of operation (MDO) are included in their contract. Reimbursement will be limited to days when the program was in operation. In this case, the contract will be amended to prorate the MRA based on the number of days the contractor was physically open.

The CDE, ELCD is working with the Legislature and the Administration to determine reopening requirements for LEA and community-based organization contractors whose programs are located on a LEA campus in counties that are on the state COVID-19 watchlist, and who are unable to reopen due to mandated campus closures. Those programs may remain closed until additional guidance is released, and contractors will be reimbursed the lesser of 100 percent of the contract MRA or net reimbursable program costs.

Program sites and classrooms must be physically open, by the dates specified above, and accessible to currently enrolled families that require services. Contractors operating multiple sites/classrooms may consolidate sites/classrooms, if demand is low at some sites/classrooms, as long as the alternate sites/classrooms are reasonably accessible for all enrolled families. If all sites/classrooms are only providing distance learning, this does not qualify as being physically open.

Contractors must submit a plan for distance learning to the CDE, ELCD and provide distance learning opportunities for those families impacted when:

- Programs are closed due to a public health order

- Some sites or classrooms are closed
- The contractor is unable to provide in-person services to all children certified for services as of September 8, 2020 due to a public health order limiting group size
- Families are choosing to shelter in place

Contractors must adhere to program quality requirements for children, families, and staff pursuant to the *California Code of Regulations*, Title 5, sections 18270.5 through 18281. Additional directives for the submission of the contractor's distance learning plan and the delivery of distance learning opportunities will be provided in future guidance to the field.

Contractors that do not physically reopen within the specified timeline without a state or local public health order will not be reimbursed for any period of time that the program is not physically open. Similarly, contractors that physically open by the timeframe set forth above and subsequently close for reasons not due to the issuance of state or local public health order specific to early learning or child care will not be reimbursed for any period of time that the program is not in operation, unless the closure is otherwise currently allowed pursuant to MB 10-09: Reduced Days of Operation or Attendance Due to Emergency Conditions, and approved by the CDE, ELCD.

A contractor that does not physically open according to the above timeline, or subsequently closes without a written state or local public health order specific to early learning or childcare must submit a revised FY 2020–21 program calendar and program narrative change to their assigned ELCD Regional Consultant to ensure that the correct minimum days of operation (MDO) are included in their contract. Reimbursement will be limited to days when the program was in physically open. In this case, the contract will be amended to prorate the MRA based on the number of days the contractor was physically open.

If you have questions regarding the information in this email, please contact your assigned Program Quality Implementation Regional Consultant on the ELCD Consultants Regional Assignments web page at <https://www.cde.ca.gov/sp/cd/ci/assignments.asp>.

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