

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

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## Information on Revised August Budget Trailer Bill (Senate Bill 820)

As shared in previous email messages, the CDE, ELCD has been having ongoing conversations with the Legislature and the Administration to elevate issues from the field and provide technical assistance as August Budget actions were formulated.

As many of you know, at the end of June, the Legislature passed and the Governor signed Senate Bill (SB) 98, which, among other things, appropriated additional funding for addressing issues arising for the early learning and care field due to COVID-19. The SB 98 can be found at:

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200SB98](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB98).

Since SB 98 passed, there have been other issues that have arisen, and the Legislature and the Administration expressed their intent to address those issues in August Budget Actions.

Yesterday morning, August 24, 2020, the Legislature amended SB 820 to capture the agreement that has been made. **Please note that this bill, although in print and available to read, is not yet law until the Legislature passes it and the Governor signs it.** However, the CDE, ELCD felt it appropriate to alert you of changes that are in print in the bill.

The CDE is working to develop Management Bulletins using this bill language that will be ready to release shortly after the bill is both passed by the Legislature and signed by the Governor. In some cases where specified below, the CDE will be releasing guidance via email to subscribers of the ELCD distribution list before the Management Bulletins are finalized.

The email below summarizes the content of the bill as it applies to the early learning and care field. To review SB 820, please visit: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200SB820](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB820). For each item, the relevant section number is mentioned for ease of navigation.

### Section 3: Requirements for Reopening and Reimbursement for Direct Service Contractors

The CDE, ELCD sent out an email to subscribers of the ELCD distribution list on August 21, 2020, that provides guidance regarding requirements for reopening and

reimbursement. **Until further guidance is sent out, contractors should continue to follow the guidance set forth in the August 21 email.**

You will note that the email stated that the CDE, ELCD was in ongoing discussions to provide technical assistance to the Legislature and the Administration as they worked to address issues from the field around programs operating on local educational agency (LEA) campuses. SB 820 is the outcome of the discussions referenced in this email and further specifies reopening requirements for LEA and community-based organization contractors whose programs are operating on a LEA campus.

Specifically, when the Legislature passes and the Governor signs SB 820, there would be language added to *Education Code (EC)* section 8209 that would allow programs operating on the campus of a LEA that is closed by local or state public health guidance or order to be closed and funded to be operational if the LEA is requiring the program to close.

Additionally, SB 820 would require the governing board or body of the LEA requiring a closure to discuss the closure in a public hearing and prepare a plan for safely reopening early learning and care programs as soon as safely possible, but no later than when local education agency campuses open for in-person instruction. The public hearing and the plan do not need to be completed before the program closes, but must be completed in a reasonable timeframe.

### **Section 60(d)(1)(B-C): Supports for Voucher Providers**

When passed by the Legislature and signed by the Governor, SB 820 would allow voucher providers to receive up to 14 paid non-operational days in addition to the current 10 paid non-operational days specified in Title 5 of the *California Code of Regulations*, section 18076.2(b). The bill specifies that the provider can use these days when the provider is closed due to the COVID-19 emergency anytime between September 1, 2020 and June 30, 2021.

In order to finance the cost of the 14 non-operational days, the bill reduces the amount of funding originally available for voucher provider stipends for economic hardships incurred as a result of COVID-19. Specifically, SB 820 redirects \$31.25 million of the \$62.5 million originally allocated for these stipends by SB 98, to support the cost of any dual provider payments that will be necessary as a result of providers utilizing non-operational days and families needing to utilize alternate providers.

SB 820 also would require Alternative Payment agencies to track the usage of paid, non-operational days and associated costs due to COVID-19 and report that usage to the CDE every month.

### **Section 60(d)(1)(D): Family Fees**

The CDE, ELCD sent out an email to subscribers of the ELCD distribution list on July 28, 2020 that shared that family fees were waived for July and August based on an agreement from the Legislature and the Administration to address in August Budget Actions and the Superintendent's temporary waiver authority provided by *EC 8209*.

SB 820 is the outcome of the discussions referenced in this email. When it is passed by the Legislature and signed by the Governor, it would accomplish the following related to family fees:

- Waive family fees for all subsidized children in July and August 2020.
- Allow families who were disenrolled, either voluntarily or involuntarily, to re-enroll without the need for additional eligibility documentation.
- Waive family fees for September 2020 through June 2021 for families where all children in the family remain at home, either for distance learning or due to the family sheltering in place. (The CDE, ELCD understands 'sheltering in place' to mean situations where the family decides to shelter in place due to COVID-19 or is sheltering in place due to a state or local public health order or guidance.)
- Specify that if additional federal funds are not received, child care providers will have to absorb the cost of the fee waivers for families remaining at home.

Until further guidance is released, please continue to rely on the information in the July 28 email. The CDE, ELCD expects to release more guidance on family fees via an email to subscribers of the ELCD distribution within the next week.

## **Section 70: Parent Signatures**

The CDE, ELCD sent out an email to subscribers of the ELCD distribution list on August 7, 2021 that shared that contractors should not withhold reimbursement to providers on the basis of attendance records and/or invoices not having a parent or guardian's signatures if the provider attempts to collect a signature and the parent or guardian is unable to sign due to the COVID-19 emergency.

This guidance was based on an agreement with the Legislature and the Administration to address this issue in August Budget Actions and the Superintendent's temporary waiver authority provided by *EC 8209*.

SB 820 is the outcome of the discussions referenced in this email. When it is passed by the Legislature and signed by the Governor, it would enable providers who have attempted to collect a signature from a parent and have been unsuccessful to be reimbursed without the parent signature between July 2020 and June 2021. Providers who submit attendance records or invoices without the parent signature must document their attempts to collect a parent or guardian signature.

## **Section 71: Addressing Priorities for In-Person Service**

SB 820 directs CDE to develop guidance for direct contract programs whose ability to serve currently enrolled children is limited due to a state or local public health guidance

or order related to COVID-19 which impacts group size or ratios. Specifically, the CDE is required to give guidance to contractors on how families must be prioritized for in-person early learning and care services.

The bill specifies that CDE must incorporate the priorities for disenrollment found in *EC* 8263.3(b) and the extent to which the services are required because the parents work outside the home when determining the guidance.

Finally, the bill specifies that any children not able to receive in-person early learning and care services due to a COVID-19 related group size or ratio limitation must be provided with distance learning.

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