

Guidance Regarding Requirements for Reopening, Reimbursement, and Distance Learning

Attention: Executive Directors and Program Administrators of California State Preschool Programs (CSPP)

The CDE, ELCD is currently developing guidance regarding requirements for reopening, reimbursement, and distance learning for California State Preschool Programs (CSPP) contractors for Fiscal Year (FY) 2021–22. This guidance will implement the requirements set forth in the FY 2021–22 Budget Trailer Bill for Child Development Programs (Assembly Bill [AB] 131, Section 263).

In the interim, the CDE, ELCD is providing the information below in advance of the guidance being released, to inform CSPP contractors of the requirements for reopening, reimbursement, distance learning, and the definition of a state or local public health order.

The definition of a state or local public health order may include written orders, advisories, or guidance related to the COVID-19 pandemic that is specific to early education or childcare that is issued by a state or local public health authority.

AB 131, Section 263 specifies that for Fiscal Year (FY) 2021–22, CSPP contractors 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 education services for all enrolled families by the start date of the contracting agency's FY 2021–22 approved program calendar, and remain open and offer services through the FY 2021–22 program year; or
- Not physically open due to a written state or local public health order related to the Coronavirus Disease 2019 (COVID-19) pandemic that is specific to early education or childcare, or
- Physically open by the start date of the contracting agency's FY 2021–22 approved program calendar, with any future days of closure related to the COVID-19 pandemic being due to a state or local public health order related to the COVID-19 pandemic that is specific to early education or childcare.

Contractors that do not reopen by the start date of the contracting agency's FY 2021–22 approved program calendar without a state or local public health order related to the COVID-19 pandemic that is specific to early education or childcare, 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 related to the COVID-19 pandemic that is specific to early education or childcare will not be reimbursed for any period of time that the program is not physically open, unless the closure is due to circumstances beyond the agency's control, including, but not limited to: incomplete repairs or renovations authorized by the Department, fires, floods, or earthquakes, as set forth in *Education Code (EC)* Section 8249. The CDE, ELCD will

issue updated guidance on the requirements for submitting requests for approval of non-COVID-19 emergency closures in the near future.

A contractor that does not physically open by the start date of the contracting agency's FY 2021–22 approved program calendar, or subsequently closes without a written state or local public health order related to the COVID-19 pandemic that is specific to early education or childcare, must submit a revised FY 2021–22 program calendar and a program narrative change to their assigned ELCD Regional Consultant to ensure that the correct minimum days of operation (MDO) are included in their contract. Upon approval of the revised FY 2021–22 program calendar, reimbursement will be limited to the days that the program was in operation, and the contract will be amended to prorate the MRA based on the number of days the contractor was physically open.

NOTE: Unlike during FY 2020–21, when a Local Educational Agency (LEA) was authorized to disallow the reopening of the CSPP due to a state or local public health order, effective July 1, 2021, CSPPs that are located on an LEA campus will be treated the same as those not on an LEA campus and will not be funded to be operational unless there is a written state or local public health order related to the COVID-19 pandemic that is specific to early education or childcare.

In addition, beginning July 1, 2021, through June 30, 2022, CSPP contractors who provide services through a family childcare home education network must reimburse childcare providers for up to 16 non-operational days for closures related to the COVID-19 pandemic. Further guidance regarding reimbursement and reporting requirements related to these 16 non-operational days for closures related to the COVID-19 pandemic is forthcoming.

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 state or local public health order related to the COVID-19 pandemic that is specific to early education or childcare
- The contractor is unable to provide in-person services to all children certified for services due to a state or local public health order related to the COVID-19 pandemic that is specific to early education or childcare that restricts classroom group size

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.

The California Department of Public Health (CDPH) issued updated COVID-19 Guidance for Childcare Providers and Programs on June 29, 2021. This guidance supersedes the COVID-19 Update Guidance: Child Care Program and Providers dated July 17, 2020, and can be accessed via the following web page at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Child-Care-Guidance.aspx>.

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