

February 2018

Re: 12 Month Eligibility Regulation Input

Dear EESD Staff,

On behalf of the California Alternative Payment Program Association (CAPPA), we appreciate the opportunity to provide input in regards to the January 31, 2018 Early Education and Support Division's (EESD) request for input/recommendations from the field for the California Department of Education (CDE) to consider when the drafting of regulations. We believe the input below are areas needed for change if California's subsidized parents and children are to fully benefit from 12-month eligibility determination and stability.

The input below takes into consideration the shift realized in the November 2014 Child Care and Development Block Grant (CCDBG)<sup>i</sup> reauthorization wherein child care was no longer to be implemented as a "work support" for parents but as a "continuity of care" for children regardless of changes aside from incoming out. In consideration of that shift and incorporating input from the agencies that provide the case management to families supporting them to self-sufficiency, we provide our input from that vantage point.

The following regulatory changes tabled below have been identified as needed to fully realize the "Family Friendly Eligibility Policies" referenced by the Federal Office of Child Care<sup>ii</sup> as well as cited in the Budget Act of 2017<sup>iii</sup>. The format of the input provides the California Code of Regulation (CCR) Title 5. Education; Division 1. California Department of Education; Chapter 19. Child Care and Development Programs; and Chapter 19.5, CalWORKs and Child Care and Development Programs references<sup>iv</sup> noting changes and rationale.

Any proposed changes appear in red text, including both additions and deletions.

#### **SUMMARY OF CHANGES NEEDED FOR 12-MONTH ELIGIBILITY FOR FAMILIES AND CONTINUITY OF CARE**

1. **Certification/Recertification Periods:** Promulgate clear language to establish a not less than 12-month eligibility re-determination period, regardless of changes in income (as long as income does not exceed the federal threshold of 85 percent of state median income) or temporary changes in participation in work, training, or education activities. This is part of the federal law.
2. **Reporting Requirements:** Delete reporting requirements of families to report changes within 5 days and all reference to reporting requirements of parents on variable or unpredictable schedules, we recommend removing any language within Title 5 that requires reporting and/or log requirements. For families enrolled in school, we recommend removing any language that requires routine submission of class schedules and/or grades
3. **Service Limitations: Need:** Amend all to clarify that a need for child care is for no less than 12 months.
4. **Vocational Training Service Limitations:** Promulgate language to focus on stability of the child, not the parent, per federal and state

- law. Eliminate reference to time limit for parents.
5. **Documentation of Self-Employment:** Promulgate language to allow contractor flexibility in the development of self-employment documentation and attestation.
  6. **Immunization Records:** Delete language requiring immunization records to be kept in data files of parents participating in Alternative Payment programs.
  7. **Calculation of Income:** Amend to align income calculation methodologies for agricultural, intermittent, and fluctuating income to require at least 3 but no more than 12 prior months.
  8. **Family Fees:** Amend regulations to eliminate receipt requirements for contractors deducting fees from provider payments.

**SUMMARY OF CHANGES NEEDED TO PROMOTE CONTINUITY OF CARE THROUGH PROVIDER SUPPORT AND PAYMENT PRACTICES**

1. **Absences:** Promulgate language to allow all contractors flexibility in the policies for incorporating a board approved “broadly consistent” policy.
2. **Electronic/digital signatures for attendance tracking:** Promulgate language to align with current law that allows alternative payment program contractors<sup>v</sup> to utilize digital signatures as a record of attendance, and the new/upcoming law that will allow center-based and FCCH programs to do the same. We also would like the section requiring prior written approval for contractors to utilize alternatives to daily sign in/sign out sheets to be removed since it is no longer relevant.
3. **Reimbursement to Providers:** Amend to allow flexibility amongst contractors the ability to reimburse providers for closure days when they are satisfied that the provider requires the same reimbursement for non-subsidized families, which includes knowledge of local child care business practice.

**SUGGESTED CHANGES:**

5 CCR Section Number	Amended, Added, or Deleted	Suggested Language	Summary
Section 18102 – 5-day reporting requirement	Amend	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, <b>when the basis for eligibility is income</b> , of the family's responsibility to notify the contractor within <b>30 calendar day of changes in</b>	Amend to Clarify that 5-reporting requirements are no longer required, per Ed. Code 8263, and

		family income that may elevate their income beyond 85% of the SMI. <del>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).</del>	the only reporting requirement is to report over-income status when a family is income-eligible.
Section 18410 – Contractor Responsibilities for Maintaining Family Eligibility (Stage 2)	Amend	<p>(a) At the time of certification and recertification, a family shall be informed of its responsibility to notify the contractor within <del>five calendar days of any changes in family income, family size, or need for child care services.</del> 30 calendar days of changes in family income that elevate their income beyond 85% of the SMI, when the basis of their eligibility is income.</p> <p>(b) The contractor shall update the family's application within 30 days after <b>voluntary</b> notification by the family of a change in family income, family size, or need. When updating the family's application, 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.</p> <p>(c) Notwithstanding Subsection (b), all families shall be recertified for eligibility and need at intervals <del>not to exceed of no less than</del> twelve (12) months.</p> <p>(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.</p> <p>(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.</p>	<p>Amend to Clarify that 5-reporting requirements are no longer required, per Ed. Code 8263, and the only reporting requirement is to report over-income status</p> <p>Amend to clarify that reporting changes is voluntary</p> <p>Amend to clarify that families recertification periods are for no less than 12 months.</p>
Section 18425 – Contractor Responsibilities for	Amend	(a) At the time of certification and recertification, a family shall be informed of its responsibility to notify the contractor within <del>five calendar days of any changes in family income, family size, or need for child care services.</del> 30 calendar days of changes in family income that elevate their	Amend to Clarify that 5-reporting requirements are no longer required, per Ed. Code 8263, and

<p>Maintaining Family Eligibility</p>		<p>income beyond 85% of the SMI, when the basis of their eligibility is income.</p> <p>(b) The contractor shall update the family's application within 30 days after voluntary notification by the family of a change in family income, family size, or need. When updating the family's application, 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.</p> <p>(c) All families shall be recertified for eligibility and need at intervals of no less than twelve (12) months.</p> <p><del>(c) Notwithstanding Subsection (b), all families shall be recertified for eligibility and need as follows:</del></p> <p><del>(1) Families receiving care where the need is child protective services shall be recertified at least once every 6 months;</del></p> <p><del>(2) All other families shall be recertified at intervals not to exceed 12 months.</del></p> <p>(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.</p>	<p>the only reporting requirement is to report over-income status</p> <p>Amend to clarify that reporting changes is voluntary</p> <p>Amend to clarify that families recertification periods are for no less than 12 months.</p>
<p>Section 18103</p>	<p>Amend</p>	<p><del>(a) After initial certification and enrollment, the contractor shall verify need and eligibility and need and recertify each family/child as follows: at intervals not less than twelve (12) months. The application shall be updated within thirty (30) days of parent reporting a change that may elevate their total gross income over 85% of the SMI</del></p> <p><del>(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;</del></p> <p><del>(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</del></p>	<p>Amend to clarify that recertification and verification of eligibility and need is to occur at intervals no less than 12 months</p>

		<p><del>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;</del></p> <p><del>(3) All other families shall be recertified at least once each contract period and at intervals not to exceed twelve (12) months;</del></p> <p><del>(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:</del></p> <p><del>(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;</del></p> <p><del>(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;</del></p> <p><del>(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.</del></p>	
Section 18086 (b)(2)(D) – Variable Schedule Logs	Amend	<p>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 <del>for the actual hours worked</del>, 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. <del>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;</del></p>	Amend to clarify that families with variable schedules are no longer required to update/submit logs every four months, per Ed Code 8263
Section 18086 (c) – Documentation of self-employment	Amend	<p>If the parent is self-employed, the documentation of need based on employment <del>shall may</del> consist of the following:</p> <p>(1)Parent provided information that may includes:</p> <p>(A) A declaration of need under penalty of perjury <del>that includes a</del></p>	Amend to simplify documentation of self-employment, allowing

	<p>describing the employment and an estimate of the days and hours worked per week</p> <p>(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</p> <p>(C) As applicable, a copy of a business license, a workspace lease, or a workspace rental agreement.</p> <p>(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 and the contractor's familiarity with common practice within the applicable field of self-employment. 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. <del>Need for services for unpredictable hours shall be updated at least every four months and shall be based on the requirements of subdivision (c).</del> 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:</p> <p>(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;</p> <p>(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</p> <p>(C) Making other reasonable contacts or requests to determine the amount of time for self-employment.</p> <p>(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.</p>	<p>contractors to assess the reasonableness of the parent's description of self-employment hours based on documentation they deem necessary to do so, combined with contractors' knowledge of best practices for the applicable field of self-employment.</p>
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<p>Section 18086.5 – Job Search Days</p>	<p>Amend</p>	<p>(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 <del>for not less than twelve (12) months, limited to 60 working days during the contract period, except as specified in subdivisions (d) and (e).</del> Services shall occur on no more than five (5) days per week and for less than thirty (30) hours per week. <del>The period of eligibility shall start on the day authorized by the contractor and extend for consecutive working days.</del></p> <p>(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.</p> <p><del>(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.</del></p> <p><del>(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</del></p>	<p>Amend to reflect language from Ed. Code 8263 to reflect that services for seeking employment is for not less than twelve (12) months and that job search logs are no longer required</p>
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Section 18087 – Documentation of Training Toward Vocational Goals	Amend	<p>(a) 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 <u>for not less than twelve (12) months</u> <del>limited, except as specified in subdivision (1), to whichever expires first:</del></p> <p><del>(1) Six years from the initiation of services pursuant to this section; or</del></p> <p><del>(2) Twenty four semester units, or its equivalent, after the attainment of a Bachelor's Degree.</del></p> <p>(b) The parent shall provide documentation of the days and hours of vocational training to include:</p> <p>(1) A statement of the parent's vocational goal;</p> <p>(2) The name of the training institution that is providing the vocational training;</p> <p>(3) The dates that current quarter, semester, or training period, as applicable, will begin and end;</p> <p>(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:</p> <p>(A) The classes in which the parent is currently enrolled;</p> <p>(B) The days of the week and times of day of the classes; and</p>	<p>Amend to clarify that services for the purpose of education and vocational training are for no less than 12 months</p> <p>Delete requirements for submission of grades at the end of every quarter, semester, etc..</p> <p>Delete time limits in education that focus on parent's need in order to shift focus to continuity of care for child, per state and federal law.</p>



	<p>(C) The signature or stamp of the training institution's registrar.</p> <p>(5) The anticipated completion date of all required training activities to meet the vocational goal; and</p> <p><del>(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).</del></p> <p><del>(c) 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.</del></p> <p><del>(c) (d)</del> Services may be provided for classes related to the General Education Development (GED) test or English language acquisition <del>or by the parent's employer's recommendations in order to maintain and/or further employment opportunities. if such courses support the attainment of the parent's vocational goal.</del></p> <p><del>(d) (e)</del> 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.</p> <p><del>(e) (f) Continuation of services</del> Recertification based on training is contingent upon making adequate progress. <u>At recertification the parent shall provide documentation of the adequate progress from the most recently completed quarter, semester, or training period.</u> To make progress each quarter, semester, or training period, as applicable, the parent shall, in the college classes, technical school, or apprenticeship for which subsidized care is provided:</p> <p>(1) In a graded program, earn a 2.0 grade point average; or</p> <p>(2) 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.</p>	
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	<p>(g) The first time the parent does not meet the condition in subdivision (f), the parent may continue to receive services for one additional <del>recertification period quarter, semester, or training period, as applicable,</del> to improve the parent's progress. At the conclusion of that <del>recertification period session,</del> the parent shall, in the classes for which subsidized care was provided, have made adequate progress pursuant to subdivision (f). If the parent has not made adequate progress pursuant to subdivision (f), services for this purpose shall <del>be:</del></p> <p>(1) <del>not be approved;</del> and</p> <p>(2) Be available to the parent, to the extent provided by subdivision (a), after six months from the date of termination.</p> <p><del>(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, the parent shall provide the contractor with a copy of the parent's official progress report.</del> As it deems appropriate, at the time of recertification, the contractor may require the parent to:</p> <p>(1) Have an official copy of a progress report sent directly from the training institution to the contractor; or</p> <p>(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.</p> <p><del>(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 (a).</del></p> <p>(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.</p> <p>(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:</p> <p>(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 hours per day; or</p>	
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		<p>(2) Study time, including study time for on-line and televised instructional classes, according to the following:</p> <p>(A) Two hours per week per academic unit in which the parent is enrolled;</p> <p>(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</p> <p>(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.</p> <p><del>(1) The service limitations specified in subdivision (a) shall not apply to a parent who demonstrates he or she is:</del></p> <p><del>(1) As of June 27, 2008 receiving services for vocational training and has attained a Bachelor's Degree;</del></p> <p><del>(2) Receiving services from a program operating pursuant to Education Code section 66060;</del></p> <p><del>(3) Attending vocational training when the parent has been deemed eligible for rehabilitation services by the California Department of Rehabilitation; or</del></p> <p><del>(4) Attending retraining services available through the Employment Development Department of the State or its contractors due to a business closure or mass layoff.</del></p>	
Section 18088 – Documentation of Parental Incapacity	Amend	<p>(a) If the basis of need as stated on the application for services is parental incapacity, child care and development services shall not exceed <u>fifty (50)</u> hours per week.</p> <p>(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.</p> <p>(c) The documentation of incapacitation provided by the legally qualified health professional shall include:</p> <p>(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;</p>	<p>We agree with most of the changes as proposed in the guidance for Management Bulletin 17-14<sup>vi</sup></p> <p>However, language is also needed to clarify how recent the signed documentation of parental incapacity must be. We are suggesting within 30 days.</p>

		<p>(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; <u>and</u></p> <p><del>(3) The probable duration of the incapacitation; and</del></p> <p><u>(43) 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. The form must be signed by the legally qualified health professional within 30 days of contractor receipt of the document.</u></p> <p>(d) The contractor may contact the legally qualified health professional for verification, clarification, or completion of the provided statement.</p> <p>(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.</p> <p><u>(f) The period of eligibility for services when the need for services is incapacitation is for not less than twelve (12) months.</u></p>	
Section 18090 – Documentation of Homelessness	Amend	<p>If the basis of eligibility <u>and need</u> 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:</p> <p>(a) A written referral from an emergency shelter or other legal, medical or social service agency; or</p> <p>(b) A written parental declaration that the family is homeless and a statement describing the family's current living situation.</p> <p><u>(c) The period of eligibility for services when the need for services is homelessness is for not less than twelve (12) months, pursuant to Education Code section 8263(h)(1).</u></p> <p><u>(d) if the basis of need as stated on the application for services is homelessness, services for this purpose shall occur on no more than five (5) days per week and for less than thirty (30) hours per week.</u></p>	<p>We agree with most of the changes as proposed in the guidance for Management Bulletin 17-14<sup>vi</sup></p> <p>However, we recommend that clarification is needed in regards to authorization of child care hours.</p>
Section 18091 –	Amend	<p>(a) If the basis of need as stated on the application for services is seeking permanent housing for family stability, the parent's <u>initial certification or</u></p>	<p>We agree with all the changes as proposed in</p>

<p>Documentation of Seeking Permanent Housing</p>	<p><del>recertification period of eligibility for child care and development services is shall be for no less than twelve (12) 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. The period of eligibility shall start on the day authorized by the contractor and extend for consecutive working days.</del></p> <p>(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.</p> <p><u>(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.</u></p> <p><del>(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.</del></p>	<p>the guidance for Management Bulletin 17-14<sup>vi</sup></p>
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		<p><del>(d) If the parent does not expect to secure housing prior to the end of the eligibility period:</del></p> <p><del>(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</del></p> <p><del>(2) The contractor may authorize an extension of search eligibility for up to 20 additional working days.</del></p> <p><del>(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.</del></p> <p><del>(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.</del></p>	
Section 18096 – Calculation of Income	Amend	<p>The contractor shall calculate total countable <b>and ongoing</b> income based on income information reflecting the family's current income:</p> <p>(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(q).</p> <p>(b) By collecting a month's worth of income from the month preceding the initial certification, recertification, voluntary request or report of being over the 85% for SMI.</p> <p>(c) When fluctuations in income occur, may average income up to 12 months preceding the initial certification, recertification, voluntary request or report of being over the 85% SMI.</p> <p>(d) When due to new income or a recent change in existing income (such as a new job) and income documentation is not yet available, can make a reasonable estimation of income (such as to verify with employer the rate</p>	Amend to grant families working in the agricultural industry the flexibility in submitting burdensome paperwork

		<p>of pay and hours expected to work, or by using 1 single paystub) to establish income eligibility.</p> <p><del>(b) When income fluctuates because of:</del></p> <p><del>(1) Agricultural work as referenced in section 18078(j)(1), by averaging income from the 12 months preceding the initial certification, an update of the application, or the recertification that establishes eligibility for services.</del></p> <p><del>(2) Intermittent income as referenced in section 18078(j)(2), by averaging the intermittent income from the preceding 12 months by dividing by 12 and add this amount to the other countable income.</del></p> <p><del>(3) Unpredictable income as referenced in section 18078(j)(3), by averaging the income from at least three consecutive months and no more than 12 months preceding the initial certification, an update of the application, or the recertification that establishes eligibility for services.</del></p>	
Section 18081 (e) Health, ER, and IZ Tracking	Delete	<p><del>The family data file for contractors providing direct services 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</del></p> <p><del>a public or private elementary school or for children receiving care in licensed facilities and reimbursed pursuant to Education Code sections 8220 and 8350</del></p>	Delete burdensome regulation that requires families to furnish duplicative documents and could potentially jeopardize continuity of care
Section 18100 (2) – Self-Certification of Single Parent	Amend	<p>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 presence or absence of that parent shall be documented with an attestation signed under penalty of perjury by the enrolling parent.</p> <p><del>any one of the following documents, as applicable:</del></p> <p><del>(A) Records of marriage, divorce, domestic partnership or legal separation;</del></p>	Amend to reflect current law, SB 828 2016 <sup>vii</sup> , which only requires a self-declaration under penalty of perjury

		<p><del>(B) Court ordered child custody arrangements;</del>  <del>(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;</del> <del>(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</del>  <del>(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.</del></p> <p><del>(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).</del></p> <p><del>(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.</del></p>	
<p>Section 18104 –  <del>Limited Term Service Leave-Break in Services</del></p>	<p>Amend</p>	<p>(a) If the family will temporarily not <del>have a need for</del> subsidized child care and development services, <del>as specified in Education Code section 8263(a)(2)</del>, the contractor may grant the family a <del>limited term service leave Break in Services</del>. Reasons for a break in services <del>limited term service leave shall can</del> 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). <del>Family leave means a leave:</del></p> <p><del>(1) For the birth and care of the newborn child of the parent,</del>  <del>(2) For placement with the parent of a child for adoption or foster care,</del>  and</p>	<p>Amend to allow families to utilize a temporary break in services without being dis-enrolled from the program when child care is not needed for a period of time, without imposing time limits on this break in services.</p> <p>Amend to allow contractors flexibility in</p>



	<p><del>(3) To care for the parent's child, spouse, or parent who has a health condition;</del></p> <p>(b) If the contractor offers a <del>break in services-limited term service leaves</del>, the contractor:</p> <p>(1) Shall provide equal access to <del>breaks in service limited term service leaves</del>; and</p> <p>(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.</p> <p>(c) If the contractor grants a limited term service leave:</p> <p>(1) The family shall not be disenrolled from the program;</p> <p>(2) The service agreement with the parent shall indicate that no services will be provided during the <del>break in services period limited term service leave</del>; and</p> <p>(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.</p> <p><del>(4) The contractor may utilize board approved policies regarding non-usage of care, with practices in alignment with the needs and economics of the community which it serves and the program type for which the break in services is being requested.</del></p> <p><del>(d) A limited term service leave shall not exceed 12 consecutive weeks in duration, except as specified in subdivisions (e) and (f).</del></p> <p><del>(e) A limited term service leave from employment or training shall not exceed 16 consecutive weeks in duration if the leave is for:</del></p> <p><del>(1) A medical or family leave; or</del></p> <p><del>(2) A period when the vocational training program is not in spring, fall, or winter sessions.</del></p> <p><del>(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.</del></p>	<p>determining how long a break in child care usage can be granted, in alignment with AB 3059 (Sieroty),<sup>viii</sup> which intended that contractors should have the flexibility to respond to the needs of their communities. Examples may include communities where agriculture is a large part of the economy, and often times weather and seasons may have an impact on a family's child care usage.</p>
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Section # to be determined	Add	<p><u><a href="#">The Family's Right to Voluntarily Report Changes</a></u></p> <p><u><a href="#">(a) Upon a family voluntarily reporting changes in accordance with 8263(h)(4) the contractor shall:</a></u></p> <p><u><a href="#">(1) Use information as applicable to reduce the family fee, increase the family's services, or extend the period of eligibility.</a></u></p> <p><u><a href="#">(2) Collect documentation to support the changes requested,</a></u></p> <p><u><a href="#">(3) Not later than 10 business days after receipt of applicable documentation, issue a NOA in accordance with section 18095 and,</a></u></p> <p><u><a href="#">(4) Not use any information received to make any other changes to the service agreement.</a></u></p> <p><u><a href="#">(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:</a></u></p> <p><u><a href="#">(1) Submit a written or verbal request that includes:</a></u></p> <p><u><a href="#">(A) Days and hours per day requested;</a></u></p> <p><u><a href="#">(B) Effective date of proposed reduction of service level; and</a></u></p> <p><u><a href="#">(2) Acknowledge in writing or verbally that they understand that they may retain their current service level.</a></u></p> <p><u><a href="#">(c) Upon receipt of the parent's written or verbal request in subsection (b), the contractor shall:</a></u></p> <p><u><a href="#">(1) Notify the family in writing of the parents right to continue to bring their child pursuant to the original certified service level, and</a></u></p> <p><u><a href="#">(2) Collect documentation to support the changes requested, verify the information, and</a></u></p> <p><u><a href="#">(3) Not later than 10 business days after receipt of applicable documentation, issue a Notice of Action pursuant to section 18095, and</a></u></p> <p><u><a href="#">(4) Not use any information received to make any other changes to the service agreement.</a></u></p> <p><u><a href="#">(5) Use the verified documentation to make the change requested</a></u></p>	<p>Amend to clarify that parents may make a voluntary request either in writing or verbally.</p> <p>As currently proposed in the guidance for Management Bulletin 17-14, families may only make request in writing which would require families to either come in or complete unnecessary documentation, which is not in the true nature of 12-month eligibility and continuity of care. Agencies are already reporting that this burdensome for families.</p>
18065 (a) - electronic/ digital signatures for attendance	Amend	<p>(a) Contractors operating centers and/or family child care homes shall use daily sign-in/sign-out sheets as a primary source document for audit <del>and reimbursement</del> purposes.</p> <p>(b) One of the following persons shall enter the time of arrival and departure on a sign-in/sign-out sheet and, except as specified in</p>	<p>Remove requirements that centers or FCCH are reimbursed by</p>

		<p>Subsection (c) below, shall sign the sheet using their full <i>written or digital</i> signature:</p> <p>(1)The parent or other adult authorized by the parent to drop off/pick up a child; or</p> <p>(2)The staff person designated by the contractor as the person responsible for entering the times of arrival and departure if the child is not dropped off/picked up by a parent or other adult authorized by the parent.</p> <p>(c)First and last initials (<i>written or digital</i>) of the contractor's authorized representative along with a notation of the time are required to document when a school-age child departs for and returns from school during the day.</p> <p><del>(d)Contractors operating an Alternative Payment program may use an alternative to daily sign-in/sign-out sheets as documentation of attendance for reimbursement purposes with the prior written approval of the Child Development Division.</del></p> <p>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. 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</p>	<p>attendance.</p> <p>Reimbursements should be based on certified need same as AP.</p> <p>Allow for electronic signatures for both direct service contractors and Alternative Payment Programs</p> <p>Remove requirement for Alternative Payment to use daily sign in and out sheets and get permission from EESD to use alternate documentation of attendance</p> <p>Update according to Ed Code 8221.5<sup>x</sup></p>
18066 – Absences	Amend	<p>(a) If the absence is claimed by the contractor <i>operating centers and/or family child care homes</i> as an excused absence as defined in Education Code Section 8208(d), the attendance accounting records shall contain verification that includes:</p> <p>(1) The name of the child;</p> <p>(2) The date(s) of absence;</p>	<p>Remove language that limits reimbursement and burdensome tracking of absences for centers and FCCH</p>

		<p>(3) The specific reason for the absence; and</p> <p>(4) The <del>written or digital</del> signature of the parent or the contractor's authorized representative if verification is made by telephone.</p> <p><del>(b) If an excused absence is based on time spent with a parent or other relative as required by a court of law, the basic data file shall contain a copy of the Court Order.</del></p> <p><del>(c) Contractors shall adopt reasonable policies delineating circumstances that would constitute an excused absence for "family emergency" and "in the best interest of the child."</del></p> <p><del>(d)</del>(c) Contractors shall <del>also</del> adopt a policy governing unexcused absences which may include reasonable limitations, if any.</p> <p><del>(e)</del>(d) Contractors shall inform parents of these policies.</p> <p><del>(f) Except for children who are recipients of protective services or at risk of abuse or neglect, excused absences "in the best interest of the child" shall be limited to ten (10) days during the contract period.</del></p>	<p>programs &amp; allow for digital signatures</p>
<p>Section 18076.2 (b) – Reimbursement to Providers</p>	<p>Amend</p>	<p><del>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.</del></p> <p><del>(b)</del>(a) Reimbursable hours for the child's regular provider shall include:</p> <p>(1) Time that a child's absence is deemed excused, and; <del>pursuant to Section 18066</del></p> <p>(2) The time the child is absent <del>and the contractor is satisfied that the provider requires payment from unsubsidized families for such absences. 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.</del></p> <p>(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.</p>	<p>Delete language that refers to absences and reimbursement.</p>

		<p>(c) Reimbursable hours for an eligible alternate provider shall include:</p> <p>(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. <del>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.</del> Contractors shall develop policies for limitations to payment of non-operational days.</p> <p>(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.</p> <p>Reimbursable hours do not include:</p> <p>(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.</p> <p>(2) Time when the child is receiving any other child care and development services.</p> <p>(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.</p>	
Section 18113 – Receipt of Payment for Fee	Delete	<p><del>(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.</del></p> <p><del>(b) The contractor shall retain a copy of the receipt in its fee assessment records.</del></p>	

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<sup>i</sup> <https://www.congress.gov/113/bills/s1086/BILLS-113s1086enr.pdf>

<sup>ii</sup> <https://www.acf.hhs.gov/occ/resource/ccdbg-of-2014-plain-language-summary-of-statutory-changes>

<sup>iii</sup> Budget Act of 2017, A.B. 97, 2017-18 Sess. (Cal. 2017) (enacted); School Finance: Education Omnibus Trailer Bill, A.B. 99 Sess. (Cal. 2017) (enacted) (provides for statutory changes necessary to enact the K12 statutory provisions of the Budget Act of 2017); Human Services, S.B. 89, 2017-18 Sess. (Cal. 2017) (enacted) (provides for statutory changes necessary to enact human services-related provisions of the Budget Act of 2017).

<sup>iv</sup>

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I83613FD0D47E11DEBC02831C6D6C108E&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)&bhcp=1](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I83613FD0D47E11DEBC02831C6D6C108E&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)&bhcp=1)

<sup>v</sup> AB 271 (Oberholte), Chapter 476, Statutes of 2015

<sup>vi</sup> <https://www.cde.ca.gov/sp/cd/ci/mb1714.asp>

<sup>vii</sup> Senate Bill (SB) 828 (Education Omnibus Trailer Bill, Chapter 29, Statutes of 2016) amended *EC*, Chapter 2, Section 8263, effective July 1, 2016

<sup>viii</sup> AB 3059 (Sieroty); Chapter 798, Statutes of 1980

<sup>ix</sup> <http://codes.findlaw.com/ca/education-code/edc-sect-8221-5.html>