

Greetings Child Care and Development Partners,

This email, which will also be published as a Child Care Bulletin, provides guidance to counties and contractors about the expiration of COVID-19 flexibilities effective June 30, 2022. These flexibilities include the use of the modified essential view for the [Desired Results Development Profile](#) for direct service contractors; waived signature requirements; temporary emergency vouchers for essential workers, at-risk children and children with disabilities; and 16 additional paid nonoperational days for COVID-19-related closures.

Counties and child care and development contractors are required to provide notice to parents and providers of these changes. If any of these expiring flexibilities are carried over into the 2022-2023 budget year, CDSS will release new guidance. Contractors are encouraged to monitor the Governor's May Revision of the budget and negotiations between the Governor and Legislature related to enactment of the 2022-23 budget that begins July 1, 2022.

Under current law, family fee waivers and the hold harmless policies for voucher payments to be based on enrollment, rather than attendance, and center-based payments to be based on 100% of the contract maximum reimbursable amount or net reimbursable program costs, whichever is less, are also scheduled to expire June 30, 2022. However, it is anticipated that an extension of these policies until June 30, 2023, will be included in the 2022-23 budget and contractors should provide notice to families of the continuation of the family fee waiver, subject to finalization of the state budget. CDSS is asking that contractors pause on sending family fee invoices to families until the enactment of the budget.

Background

On March 4, 2020, the Governor declared a State of Emergency in California in response to the COVID-19 pandemic. Since then, the State has instituted several policies to support child care providers throughout the pandemic. [AB 82](#), later amended by [AB 131](#), authorized an additional 16 paid nonoperational days for COVID-19-related closures, reimbursement based on the maximum certified hours of care regardless of attendance for most subsidized providers, and family fee and signature waivers, for use

between July 1, 2021, and June 30, 2022. On September 23, 2021, Governor Newsom signed [SB 168](#), which extended the paid nonoperational days and reimbursement based on the maximum certified hours of care to providers serving children in the Emergency Child Care Bridge Program for Foster Children (Bridge Program). [SB 89](#), later amended by [AB 131](#), authorized child care and development contractors to provide temporary emergency vouchers for children of essential workers, at-risk children, and children with disabilities or who have special health care needs.

Pursuant to [California Code of Regulations, Title 5, \(5 CCR\) Section 18272](#), [the Desired Results Developmental Profile \(DRDP\)](#) is a required tool for all direct service programs providing subsidized child care and development services. In the Fall of 2020, the pre-existing DRDP Essential View was modified for use in virtual settings since contact with children was limited due to the ongoing pandemic. On August 25, 2021, the CDSS issued guidance announcing that the DRDP Modified Essential View could be used throughout the 2021-22 Fiscal Year.

These policy flexibilities were instituted as a response to the COVID-19 pandemic and will expire on June 30, 2022.

CDSS issued the Child Care Bulletins below directing counties and child care and development contractors to implement these flexibilities:

[Child Care Bulletin 21-01](#): Family Fee Waivers

[Child Care Bulletin 21-03](#): Guidance on the use of the Desired Results Developmental Profile (DRDP) Modified Essential View for FY 2021-22

[Child Care Bulletin 21-06](#): Revised Family Fee Schedule

[Child Care Bulletin 21-07](#): Reimbursement Based on Enrollment Rather than Attendance and Signature Requirements

[Child Care Bulletin 21-09](#): Increase in Paid Nonoperational Days

[Child Care Bulletin 21-18](#): Reimbursement Based on Enrollment and 16 Paid Nonoperational Days for Providers who Care for Children in the Bridge Program.

CDE issued [Management Bulletin 21-08](#) directing counties and child care and development contractors to enroll essential workers, at-risk children and children with disabilities using temporary, emergency child care vouchers.

Guidance

The following COVID-19 policies will expire effective June 30, 2022:

Desired Results Developmental Profile Modified Essential View

The use of the [DRDP Modified Essential View](#) ends June 30, 2022. Beginning July 1, 2022, direct-service contractors providing services to infant, toddler, and/or preschool aged children are required to use either the Essential, Fundamental (preschool only) or Comprehensive view of the DRDP to support children's learning and development and to communicate with families. For school-age children, the DRDP – School-Age, consisting of 13 measures, is still required. Direct-service contractors are required to complete a DRDP profile of each child enrolled in their program for at least ten hours per week within 60 calendar days of enrollment and then at least once every six months.

Signature Requirement

Between July 1, 2021, and June 30, 2022, providers were not required to collect parent signatures on daily attendance records. Effective July 1, 2022, providers are required to resume collecting signatures on their attendance records, in accordance with [5 CCR Section 18065](#) and [WIC Section 10227.5](#).

Paid Nonoperational Days

Paid Nonoperational Days for COVID-19-Related Closures

Between July 1, 2021, and June 30, 2022, child care and development providers were provided 16 paid nonoperational days for closures due to COVID-19-related reasons. The 16 paid nonoperational days were available for both licensed and license-exempt providers (including license-exempt in-home providers) serving children enrolled in the CAPP, CalWORKs Stage One, C2AP, C3AP, CMAP, and CFCC programs. Providers are no longer eligible to bill for nonoperational days for COVID-19-related closures effective July 1, 2022.

Ten (10) Paid Nonoperational Days

Providers should still be reimbursed for 10 paid nonoperational days available pursuant to Title 5 of the California Code of Regulations ([5 CCR Section 18076.2\(b\)\(2\)](#)). To receive payment for these days, providers must have documentation of the contractual terms that they use for non-subsidized children in their care which require payment for non-operational days. These 10 days do not need to be used consecutively. Counties and contractors must have safeguards in place to ensure eligible individual providers are not paid for more than a total of ten nonoperational days each fiscal year.

Temporary Emergency Child Care Vouchers

Temporary emergency vouchers for children of essential workers, at-risk children, and children with disabilities or special healthcare needs whose individualized education plan or family service plans include early learning and care will expire on June 30, 2022. As a reminder, families with emergency child care vouchers have first priority for

enrollment into ongoing child care services in CAPP and CMAP in accordance with [Item 6100-194-0890, Provision 7 of AB 89 \(Chapter 7, Statutes of 2020\)](#), [Section 111\(f\) of SB 98 \(Chapter 24, Statutes of 2020\)](#), [Section 262\(c\)\(3\)\(B\) of AB 131](#), and [5 CCR Section 18106](#). Families receiving first priority for enrollment shall be enrolled in the priority order specified in [WIC Section 10271](#).

Contractors must document that these families meet the eligibility and need requirements specified in [WIC Section 10271](#) in order to be enrolled into ongoing subsidized CAPP child care. At the time of certification into ongoing subsidized child care, the contractor must determine if the family is responsible for paying a flat monthly family fee and shall assess the family fee as specified using the current Family Fee Schedule.

Families receiving services with emergency child care vouchers who do not meet eligibility and need requirements in WIC Section 10271 for transition into CAPP or CMAP must be disenrolled as of June 30, 2022.

Parent and Provider Notification

Parent Notice of Action (NOA)

In accordance with [5 CCR Section 18119](#), the contractor shall issue a NOA to the parent when changes are made to the service agreement. Such changes may include, but are not limited to, an increase or decrease in the amount of services, or termination of service.

Contractors shall issue families transitioning from temporary emergency child care into ongoing child care a NOA informing them of their 12-month eligibility in accordance with [5 CCR Section 18118 Et Seq](#). Contractors are required to issue a NOA as specified in [5 CCR Section 18118](#), and shall also provide families with due process as specified in [5 CCR Section 18120](#).

Provider Notice

In accordance with [WIC Section 10233.5](#), Alternative Payment Programs (APPs) must provide a written notice, which includes these changes and their specific action(s) and effective date of the action(s), to the provider.

This notice must be issued on the same day the NOA is issued to a family. The provider notice is to be issued when any of the following occurs:

- Changes to reimbursement amounts
- Changes to certified need (hours of care)
- Changes to certified schedules
- Rate changes
- Increases or decreases to family fees
- Disenrollment from services
- Changes of provider

The provider notice must be issued either electronically, if requested by the child care provider, or via the United States Postal Service. The notification shall not be deemed a violation of the parent's confidentiality, but as a method to ensure the proper administration of subsidy funds.

Flexibilities Anticipated to Be Included in the 2022-23 State Budget

The following flexibilities are scheduled to expire effective July 1, 2022, under current law, but are included in the Governor's May Revise and are expected to be included in the FY 2022-23 State Budget that begins July 1, 2022. Subject to finalization in state statute that will conform to the budget bill authority, which is anticipated to occur in June or July, the following flexibilities will be extended for the duration of FY 2022-23:

- Family fees will be waived for all Child Care and Development Programs administered by the California Department of Social Services;
- Voucher-based providers will be reimbursed based on the maximum certified hours of care instead of on attendance;
- and, Center-based contractors will be reimbursed based on the contract maximum reimbursable amount or net reimbursable program costs, whichever is less.

Family Fees

Family Fees were waived between July 1, 2021, and June 30, 2022 for all families receiving child care subsidies through the following programs:

- Alternative Payment Programs (CAPP), including Migrant Alternative Payment Programs (CMAP)
- Migrant Child Care and Development Programs (CMIG)
- General Child Care and Development Programs (CCTR)
- Family Child Care Home Education Networks (CFCC)
- Child Care and Development Services for Children with Special Needs (CHAN)
- California Work Opportunity and Responsibility to Kids (CalWORKs) Stages One, Two (C2AP), and Three (C3AP)

CDSS is asking that contractors pause on sending family fee invoices to families until the enactment of the budget. Additional guidance related to the anticipated extension of the family fee waiver through June 30, 2023, will be released in a separate CCB.

Hold Harmless for Provider Reimbursement Levels

Between July 1, 2021, and June 30, 2022, voucher-based providers and center-based contractors were reimbursed based on the maximum certified hours of care instead of attendance. For voucher-based providers serving families on a variable schedule, reimbursement was based on the maximum authorized hours of care. For center-based contractors, reimbursement was made at 100% of the contract maximum reimbursable amount or net reimbursable program costs, whichever was less. Affected providers

include: Licensed and license-exempt child care providers receiving vouchers through CalWORKs Stage One, C2AP, C3AP, CAPP, CFCC, CMAP, and/or the Bridge Program, as well as contracting agencies operating a CMIG, CCTR, CHAN, or CFCC program.

If or when any of these expiring flexibilities are carried over in the 2022-2023 budget year, CDSS will release new guidance. Again, contractors are encouraged to track the budget development process.

If you have any questions or need additional guidance regarding the information in this letter, please contact your Program Quality and Improvement Consultant or CalWORKs Stage One Child Care analyst. You can find their contact information on the [Child Care and Development Division contact webpage](#).

In Partnership,
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