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| **• PAGE 4 - 18078(l)(2) Definitions: Income Fluctuation**(2) Inconsistent**~~,~~ and/or** unstable **~~and/or~~****~~variable~~** employment, or self-employment resulting in an inconsistent pattern of income; or  |
| **INPUT:** This language as mended still lacks clarity. For instance, does the language as written mean that ALL self-employment or just inconsistent/and or stable self-employment is considered “income fluctuation”? This definition is unclear and suggests that any variation in income for a parent paid hourly could be considered fluctuating, and 12-months of income information would have to be collected per the section on calculation of income later in this document.SUGGESTED CLARIFICATION:    **(2) Inconsistent, unstable and/or variable employment, or self-employment resulting in an inconsistent pattern of income; or** |
| **• PAGE 5 – 18078 (t) Definitions: Self-Certification of Income****(t~~)(s)(q)~~** “Self-Certification of Income” means a declaration signed by the parent under penalty of perjury identifying: to the extent known, the employer’s name, address, start date of work, the rate and frequency of pay, the total amount of income received for the preceding month(s), the type of work performed, and the hours and days worked.**INPUT:** This definition is specific to employment. However in 18084 (4) Documentation of Income Eligibility; Income and Family Fees It states the parent shall also provide documentation of all non-wage income, which includes, self-certification of any income for which no documentation is possible, and any verified child support payments as defined in section 18078. For clarity, suggest that it be written as follows: (t)~~(s)(q)~~ “Self-Certification of Income” means a declaration signed by the parent under penalty of perjury identifying:  (1) to the extent known, the employer’s name, address, start date of work, the rate and frequency of pay, the total amount of income received for the preceding month(s), the type of work performed, and the hours and days worked. (2) for which no documentation is possible, the income source, the amount received, and the frequency of the income. |
| **• PAGE 7 - 18078(u) Definitions: Variable Schedule** **(u) “Variable schedule,” as provided in Education Code section 8221.5, means a schedule in which the total number of hours worked each week is inconsistent and/or unstable.** |
|  | **INPUT:** **Focus on a family strength based approach**. The proposed language lacks clarity and consistency in use of terminology that could result in unintended outcomes applied to families. By defining “variable schedules” as inconsistent and/or unstable, then that implies that variable schedules would be lumped into the definition of income fluctuation (above) which then means that ANYONE with a “variable schedule” has to supply 12-months of income (18084.1(c)(2)). Please note that a majority of subsidized families have this type of schedule.  |
| **• PAGE 8 - 18081(c)(3) Family Data File: Health Info** (3)~~(e)~~ For all center-based contractors, **including those that provide services through a Family Child Care Home Education Network, ~~and licensed family child care homes~~** ~~T~~the family data file shall contain all child health and current emergency information required by California Code of Regulations, title 22, Social Security, ~~D~~division 12, and Community Care Facilities Licensing Regulations. ~~with the following exception. Immunization records are not required to be in the family data file for children attending a public or private elementary school or for children receiving care in licensed facilities and reimbursed pursuant to Education Code sections 8220 and 8350.~~ |
|  | **INPUT:** The proposed language lacks clarity and reference. “For all center based contractors”, does this include General Child Care and Development (**CCTR**) or just actual State Preschools or both? |
| **• PAGE 9 - 18081(c)(4)(i-ii): Exempt Health Info**(4) For all Alternative Payment Programs**,** inclusive of CalWORKs Stage 2 and 3 Child Care Programs, the family data file shall contain all child health and current emergency information required by California Code of Regulations, title 22, Social Security, division 12, and Community Care Facilities Licensing Regulations. However immunization records are not required for children attending a public or private school or for children receiving care in licensed facilities, including licensed family child care homes, and reimbursed pursuant to Education Code sections 8220 and 8350. Immunization records are required for the following situations: (i) The child is receiving in-home care and other unrelated children are cared for in the same setting; or  (ii) The child is being cared for by relatives where other unrelated children are cared for in the same setting. |
|  | **INPUT:** The proposed language lacks clarity, necessity and reference. For an AP contractor, there is not definitive way to know if a relative provider was also caring for an unrelated child unless that unrelated child was also on the AP program. The above language also requires AP contractors that do not directly provide care for children collect and retain health and emergency information. This information is collected by the direct child care providers both public and private. Further testament to this, is CDE MB 18-04[[1]](#footnote-1) that specifically made note that Alternative Payment Programs are not required to collect immunization records for homeless children and youth. The clarity and AP exclusion clearly demonstrates that such a requirement of one directly caring for the child but solely focused on eligibility of a family to choose a provider that best supports their need could provide a hardship and a delay of services for a family.  |
| **• PAGE 10 - 18082(c): Initial Certification: Disenrollment Exceptions****(c) Except as otherwise provided for in law or regulation, disenrollment cannot occur prior to the end of the 12-month certification period, with the following exceptions:** **(1) When the recalculation of income, pursuant to section 18082.2, based on the provided documentation indicates that the family’s adjusted monthly income exceeds the income threshold set forth in Education Code section 8263.1 and the family does not meet the requirements for another eligibility basis pursuant to section 18083;**  **(2*)* When the parent changes residency outside of California; or** **(3) When there is substantiated evidence of fraud that invalidates the initial certification and the family is not otherwise eligible.**  **(d) Families disenrolled prior to the last day of the 12-month certification period shall be issued a Notice of Action for disenrollment pursuant to section 18095**. |
|  | **INPUT:** For consistency and clarity add **“(4) Parent Request”.** Further, this language does not include language to allow a contractor to dis-enroll families during their 12-month eligibility period for failure to pay family fees. If not addressed, this silence In practice could results in an undue burden for the families at the time of their recertification, as they may have thousands of dollars of outstanding family fees that need to be paid in order to recertify. It is therefore proposed to include language that allows contractors to dis-enroll families during the not less than 12-month eligibility period for failure to follow board-approved policies as long as they are not in conflict with state or federal law. Also, to reference existing practice is CDE Form CD-7617 (Rev 7/14). Finally in (3), note a period after “certification” and delete “ **~~and the family is not otherwise eligible.~~”** |
| **• PAGES 11 & 12 - 18082.1(e) Recertification: Disenrollment Exceptions**(e) Except as otherwise provided for in law or regulation, disenrollment cannot occur prior to the end of the 12-month certification period, even if disqualifying information is discovered during the preliminary collection of documentation for recertification, with the following exceptions: (1) When the recalculation of income, pursuant to section 18082.2, based on the provided documentation indicates that the family’s adjusted monthly income, adjusted for family size,**~~has exceeded~~** **~~85 percent of the SMI~~** **exceeds** **the income threshold set forth in Education Code section 8263.1** and the family does not meet the requirements for another eligibility basis pursuant to section 18083; or (2*)* When the parent changes residency outside of California; or (3) When there is substantiated evidence of fraud that invalidates the **~~prior~~****~~determination of~~ initial** certification **~~/~~or** recertification**.**  |
|  | **INPUT:** For consistency and clarity add **“(4) Parent Request”.**  |
| • **PAGE 12 - 18082.1(g) Recertification: Convenience**(g) The contractor shall make every effort to make the recertification process **~~easier~~** **convenient for ~~on~~** families by providing **early morning,** evening**,** **~~and~~** weekend appointments**, or** **~~and~~** appointments at alternative locations as needed.NOTE: Authority cited: Sections 8261 and 8263, Education Code. Reference: Sections 8261, 8263, and 8263.1, Education Code; 45 Code of Federal Regulations Section 98.21. |
|  | **INPUT:** This language goes outside of any reference from a statute, court decision, or other provision of law that must be noted for such language to be adopted. The above language is unclear. It is recommended that this language be included (g) The contractor shall make every effort to accommodate the needs of family by supporting if possible appointments outside of agency operational hours. Regulating contractors’ open days and hours is excessive and creates an excessive burden, and most importantly is unnecessary. Most contractors are already extremely flexible with their appointment times and allow children to be brought in with parents. It ought not to be in the state’s interest to make the recertification more prescriptive and not explicitly accommodating to parents. |
| **• PAGES 12 & 13 - 18082.2 Income Exceeds Threshold** § 18082.2. Requirement to Report when Income Exceeds ~~85 Percent of~~ the Statutory Threshold ~~of the State Median Income~~. (a) When a family is initially certified or recertified on the basis of income eligibility**,** **the** contractor**~~s~~** shall: (1) Provide the parent a copy of the**~~ir~~** calculation worksheet that verifies thefamily is income eligible; and  (2) Provide the parent with a copy of the most recent Schedule of Income Ceiling eligibility table **~~for recertification~~**, as published by the SSPI; (3) Notify the parent in writing of the following:  (A) The maximum adjusted monthly income, adjusted for family size**~~,~~ and taking into account fluctuations in income pursuant to section 18084.1(c),** **~~excluding any income fluctuations, pursuant to section 18084.1(c),~~** that the family could earn before the family would be disqualified for services, based on on**~~-~~**going eligibility requirements; and (B) The requirement to notify the contractor, within 30 calendar days, of any current and on**~~-~~**going income change that causes the family’s adjusted monthly income**~~,~~** adjusted for family size, to exceed this maximum amount.  (b) Upon notification by the parent that they may have exceeded the **maximum** income **threshold ~~limitation~~**, the contractor shall utilize the process set forth in sections 18084 and 18084.1 to recalculate the family’s adjusted monthly income**,**adjusted for family size, to determine if the family remains income eligible for continued services.  (1) If the contractor determines, based on the provided documentation, that the family is still income eligible for services, the contractor shall inform the family in writing. (2) If the contractor concludes the family is no longer income eligible based upon the documentation provided by the parent or the parent fails to provide the documentation as requested by the contractor within 15 calendar days from the day of the parent’s notification and the family does not establish another basis for eligibility based on documentation, the contractor shall issue a Notice of Action to disenroll the family pursuant to section 18095. (3) If the contractor concludes the family remains eligible for services based on documentation supporting another basis of eligibility, the contractor shall issue a Notice of Action approving services on the new basis for eligibility pursuant to section 18095.Note: Authority cited: Sections 8261, 8263 and 8269, Education Code. Reference: Sections 8261, 8263 and 8263.1, Education Code; 45 Code of Federal Regulations Section 98.21. |
|  | **INPUT**: The above language as written is very confusing to decipher especially as it may relate to those families with fluctuating income.  (a)(1): Suggest removing entire line item. It is absolutely unnecessary to mail a copy of the income calculation worksheet to the parent. The parent receives an NOA. If they disagree with the action they can appeal. This is a waste of paper and time and does nothing to promote children and families. Additionally, this requirement is not in C2AP 184102 or C3AP 18425.2(2): Suggest removing entire line item. Parents want to know the maximum income not the multiple pages of the actual Schedule. Similar to above waste of resources and unnecessary if they receive (3)(A).(b)(1): Suggest to strike last part of sentence and replace with “services shall continue”.(b)(2): Suggest that 15 calendar days be removed and line item would just read “as requested by contractor”. |
| • **PAGES 14 & 15 - 18082.3(e) and (f): Voluntarily Request Changes - Decrease Certified Schedule**(e) When a family voluntarily requests a reduction to **~~its~~** **their certified schedule** **~~service level~~**, the parent shall: (1) Submit a written request that includes: (A) Days and hours per day requested; (B) **~~Effective~~** **D~~d~~**ate of **the** proposed reduction of **their certified schedule ~~service level~~**; and  (2) Acknowledge in writing that they understand that they may retain their current **~~service level~~ certified schedule**. (f) Upon receipt of the parent’s written request in subsection (e), the contractor shall: (1) Notify the family in writing of the parent’s right to continue to bring **~~her or his~~ the enrolled** child pursuant to the original certified **schedule** **~~service level~~**; and (2) Use the documentation provided by the parent to support the requested changes, as applicable; (3) Issue a Notice of Action pursuant to section 18095 **~~within 14 or 19 days prior to the effective date of action~~**; and  (4) Only use any information received to **reduce their certified schedule ~~make the requested change~~**. No other changes to the **~~service agreement~~ certified schedule** shall be made.NOTE: Authority cited: Sections 8261, 8263 and 8269, Education Code. Reference: Sections 8261, 8263 and 8263.1, Education Code; 45 Code of Federal Regulations Section 98.21. |
|  | **INPUT:** Requiring a hand written communication is burdensome, archaic and does not reflect current laws and more widely use electronic communications that satisfy the same and more integrity of the hand written word. Cross-reference California Corporations Code 5079 [[2]](#footnote-2)that states “Written” or “in writing” includes facsimile, telegraphic, and other electronic communication as authorized by this code, including an electronic transmission by a corporation that satisfies the requirements of Section 20.Further, dating back to AB 274, Chapter 733, Statutes of 2013, added California *Education Code*(*EC*) sections 8227.3 and 8262.1 to authorize Early Learning and Care Division (ELCD) contractors to electronically maintain records that were originally created in an electronic format. See the California Department of Education (CDE) MB 13-10 Web page at <https://www.cde.ca.gov/sp/cd/ci/mb1310.asp>.On October 4, 2015, AB 271 was signed by the Governor and amended *EC* sections 8227.3 and 8262.1 to allow records not originally created in electronic format to be maintained in electronic format. It also added *EC* Section 8227.5 to allow Alternative Payment Program contractors to use digital signatures and provided that the use of a digital signature has the same force and effect as a manual signature. See the CDE MB 16-01 Web page at <https://www.cde.ca.gov/sp/cd/ci/mb1601.asp>.On August 19, 2016, AB 2296 was signed by the Governor and clarified that a digital signature may be used to satisfy the requirements of an electronic signature for purposes of the Uniform Electronic Transactions Act (UETA). See the CDE MB 17-03 Web page at <https://www.cde.ca.gov/sp/cd/ci/mb1703.asp>.On September 13, 2016, the Governor signed AB 1712, amending *EC* Section 8262.1 to allow center-based contractors to also use digital signatures and to provide that the use of a digital signature has the same force and effect as a manual signature. See the CDE MB 17-04 at <https://www.cde.ca.gov/sp/cd/ci/mb1704.asp>.On June 27, 2017, AB 99, Chapter 15, Statutes of 2017, enacted with this year’s budget, added *EC* sections 8227.6 and 8262.2, providing that both alternative payment program contractors and center-based contractors may use digital forms to allow families to apply for services. This legislation was one of the recommendations that came out of the AB 104 workgroup. Respectfully submitted input from the field noted, “The written requirement for a parent to voluntarily reduce their certified schedule is archaic, punitive and fiscally irresponsible. This is a hardship for families and implies that the contractor is somehow taking away benefits. Families do NOT like this Regulation. They do NOT understand why they can’t simply reduce their schedule without having to jump through several hoops that may (especially in rural communities) be very difficult to navigate.”(e)(1) Suggest that a parent shall submit a “verbal, written or electronic request”(e)(2) Suggest that the request acknowledge “verbally, in writing or electronically”(f)(1) Suggest removing entire line item. Unclear why we would have to reiterate again after the parent already acknowledge above (e)(2) |
| **• PAGE 15 - 18083(b): Application for Services** (b) The names and birth dates of all children under the age of ~~eighteen (~~18~~)~~ years in the family, as defined in section 18078**~~(g)~~**, whether or not they are served by the program; |
|  | **INPUT:** This line item states the application shall include names and birth dates for children under 18. Suggest that this be changed to all children “included in the family size”. Children over 18 still in high school can still be counted in the family size with documentation and children with documented severe handicaps and/or exceptional needs can be included much longer.  |
| **• PAGE 19 – 18084. Documentation of Income Eligibility; Income**(a)3 ~~(B) A copy of the most recently signed and completed tax return with a statement of current estimated income for tax purposes, or~~**INPUT:** For consistency in regulations, this language should be added back in and included for both self-employed parents as well as for employed parents. It is customary for self-employed individuals to use tax returns to verify income. |
| **• PAGE 21 - 18084.1: Income Calculation**  (b) When a family’s income is regular and**~~/or~~** steady, use the income calculation worksheet that specifies: (1) The frequency of the pay periods; (2) The gross amount of the payroll check stubs; and (3) All other sources of countable income to determine the adjusted monthly income pursuant to section 18078 **~~(a)~~**, as either:  (A) Weekly for 52 pay periods; (B) Every two weeks for 26 pay periods; (C) Twice monthly for 24 pay periods; or  (D) Monthly for 12 pay periods. (c)~~(b~~) When a family’s income fluctuates, as defined in section 18078**~~(~~*~~l~~*~~)~~**, because of: (1) Migrant, ~~A~~agricultural, or seasonal work, ~~as referenced in section 18078(j)(1),~~ the adjusted monthly income shall be determined by averaging the total countable income from the preceding 12 months ~~preceding the initial certification, an update of the application, or the recertification that establishes eligibility for services~~. (2) Inconsistent**~~,~~ and/or** unstable**~~, and/or variable~~** employment, or self-employment income, the adjusted monthly income shall be determined by averaging the total countable income from the 12 preceding months.  (3)~~(2)~~ Intermittent income, ~~as referenced in section 18078(j)(2),~~ by averaging thetotal countable intermittent income from the preceding 12 months ~~by dividing by 12~~ and adding this averaged amount to the calculated adjusted monthly income amount, as applicable. ~~other countable income.~~ ~~(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.~~ |
|  | **INPUT:** There are areas lacking clarity and necessity below. (b): Suggest that verbiage be added to specifically clarify/address 1 month or 1 month from the preceding 2 months.(c)(2) and (3): Needs further clarification re: definition. Does this mean ALL self-employment income or just inconsistent and/or unstable self-employment income is considered “Income Fluctuation”? **Suggest 1 month up to 12 months.** The reality of a family having 12 months is unrealistic for a variety of reasons: the simple fact they are ‘unstable’, they haven’t been doing this type of work for 12 months, they haven’t been at that job 12 months. This is punitive, unnecessary and is **NOT Strength Based**.intermittent income take all and and calculate an average; clarification regarding consecutive paystubs; what is the goal of the two months; what is the intent; burdensome; if you were working before but not currently. |
| **• PAGE 23** - 18085.5: Documentation of Need(b) Subsidized child care and development services shall only be available to the extent to which: (1) The parent(s) meets a need criterion as specified in **subsection~~subdivision~~** (a) that precludes the provision of care and supervision of the family's child(ren) for ~~some~~ any part of the day; (2) There is no parent in the family available and capable of providing care for the family's child(ren) during the time care is requested; and (d) At any time during the 12-month certification period, a parent may **~~provide a written~~** request to decrease **~~her or his~~ the** certified **~~child care~~** schedule based on provided documentation of **~~a new~~** need **~~criteria~~**. **Requests for decrease in hours shall be provided in writing.** In such a case**,** the contractor shall inform the family of the right **~~to request~~** to maintain **~~or return to~~** the**ir current** **~~prior~~** **~~service~~** **certified** schedule.  |
|  | **INPUT:** There is language in this section that lacks clarity and creates a more burdensome and lesser standard than what currently exists in California statutes.(b)(2): Suggest removing the word “capable”. This is a weighted judgment word and is not defined.(d): Suggest that a parent shall provide a “verbal, written or electronic request”. Please reference prior input on above regarding pages 14 & 15 - **18082.3(e) and (f).** |
| **• PAGE 24 18086: Documentation of Need: Employment**(B) Telephone the employer to verify the days and hours of employment and maintain a record of the verified information; |
|  | **INPUT:** It is inconsistent, confusing and contradictory that a contractor can “Telephone” the employer to verify need but cannot telephone/phone verify with a parent that they want to voluntarily decrease their certified schedule. Unfair practice and **NOT Strength Based**. |
| **• PAGE 24 - 18086(b)(2): Documentation of Need; Employment.**(b) If the parent has an employer, the parent shall obtain and provide ~~the~~ documentation of need based on employment that ~~shall~~ consists of one of the following: (1) ~~The~~ ~~p~~ Pay stubs ~~provided to determine income eligibility~~ that indicate the days and hours of employment; or (2) Pay stubs that indicate the total hours of employment per pay period, as long as the hours generally correlate with the parent’s requested **~~days and hours of need~~number of hours needed each week**. |
|  | **INPUT:** There is a lack of clarity on what is meant by the terms “generally correlate”. Additionally, there is concern that the language “generally correlate” in regards to hours of a variable schedule is vague and may lend itself to confusion based on an individual contractor/consultant/analyst’s interpretation.It is recommended to specify either a more explicit definition or to include “based on the definition provided by the contractor” in the language of this section to make explicit that it is the contractor’s prerogative to create the parameters for a general correlation. |
| **• PAGES 31 & 32 - 18086.6(a): Documentation of Need: Educational Programs; Service Limitations.**(a) If the basis of need as stated on the application for services is educational programs as defined in section 18078**~~(f)~~**, child care and development services shall be limited in total to six years from the initiation of services based on enrollment in educational programs. |
|  | **INPUT:** Based on the real world lives of the parents and families served in addition to the fact that most students take more than five years to complete and education program, it is punitive to impose a fixed six year timeline on subsidized families. For consistency and to reflect support a strength based policy for parents, align enrollment in educational programs to that of Seeking Employment which has no time limit. Further, both 18086.6 and 18087 were separated into 2 different needs and both have service limitations of 6 years. Because of this, the interpretations of these regulations are that families can have 2 separate 6 year time limits with different start and end dates. Is this the intent of the regulations? If not, clarification is needed. |
| **• PAGE 33 - 18087(a) Documentation of Need: Vocational Training**(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 limited, except as specified in subdivision (l), to whichever expires first~~ as defined in section 18078**~~(v)~~**, child care and development services shall be limited in total, to whichever occurs first:(1) Six years from the initiation of services ~~pursuant to this section~~ based on need for vocational training; or (2) Twenty-four semester units, or **~~its~~the** equivalent, after the attainment of a Bachelor's Degree. |
|  | **INPUT:** It is concerning that vocational training, which leads to parent self-sufficiency has a limitation of 6 years when seeking employment has no limitation. Suggest removing line item. Language throughout needs to be consistent, clear and **Strength Based**. Side note, in addition, the current Guidance has section 18087(a) which speaks to the limitation of 6 years being extended to the end of the Fiscal Year. This section of the Guidance is not included in these regulations.Further, both 18086.6 and 18087 were separated into 2 different needs and both have service limitations of 6 years. Because of this, the interpretations of these regulations are that families can have 2 separate 6 year time limits with different start and end dates. Is this the intent of the regulations? If not, clarification is needed. |
| **• PAGES 39 – 40 - 18090. Documentation of Eligibility and Need: Homelessness.****(e) The contractor shall permit the enrollment of children to begin immediately upon the parent signing the application for services when the basis for eligibility is family experiencing homelessness. The parent shall provide all required documentation, including immunization records, within 30 days from the date the application for services is signed.****INPUT:** Clarity is needed that AP contactors in accordance with MB 18-04[[3]](#footnote-3) are not required to collect immunization records. Yet in Section 18081 above it contradicts that without citing reference.  |
| **• PAGE 52 - 18409.5(a)(2) Stage 2 When Not Transferring from Another Agency**(a) When a family who is not being transferred from a county welfare department's Stage 1 program or another contractor's Stage 2 program requests CalWORKs Stage 2 child care services, an application for services must be completed **~~by the family~~**, and **~~should~~shall** contain~~ing~~ the following information and supporting documentation: (1) The parent's(s) full name(s), address(es) and telephone number(s); (2) The names and birth dates of all children under the age of 18 in the family, regardless of whether they are served in the CalWORKs program; |
|  | **INPUT:** This line item states the application shall include names and birth dates for children under 18. Suggest that this be changed to all children “included in the family size”. Children over 18 still in high school can still be counted in the family size with documentation and children with documented severe handicaps and/or exceptional needs can be included much longer. NOTE: Page 52 line 17 – DELETE. This specific section is for a new enrollment directly into CalWORKs Stage 2. The language proposed for deletion is for a transfer and not a new enrollment.  |
| **• PAGE 55 - 18410.1(e) Stage 2 Recertification** **(e)~~(d)~~**Except as otherwise provided by law or regulation, disenrollment cannot occur prior to the end of the 12-month period, even if disqualifying information is discovered during the preliminary collection of documentation for certification, with the following exceptions: (1) When the recalculation of income based on the provided documentation, indicates that the family’s adjusted monthly income**,** adjusted for family size**,** exceeds the income threshold set forth in Education Code section 8263.1 and the family does not meet the requirements for another eligibility basis; (2) When the parent changes residence outside of California; or (3) When there is substantiated evidence of fraud that invalidates the **~~prior~~ initial** **~~determination of~~** certification or recertification. |
|  | **INPUT:** For consistency and clarity add **“(4) Parent Request”.**  |
| **• PAGES 55 & 56 - 18410.2 Stage 2 Income Exceeds Threshold** (a) When a family is transferred to Stage 2, either from Stage 1 or another Stage 2 agency and eligibility is based on income or when a family is certified or recertified for services in Stage 2 on the basis of income **eligibility**, the contractor shall, at the same time: (1) Provide the parent with a copy of the most recent Schedule of Income Ceiling eligibility table, as published by the State Superintendent of Public Instruction; (2) Notify the parent in writing of the **following:**  **(A) The** maximum adjusted monthly income, adjusted for family size**~~,~~ and taking into account fluctuations in income pursuant to section 18084.1(c),** that the family could earn, **~~taking into account~~ ~~any income fluctuations,~~** before **~~being ineligible~~the family would be disqualified** for services**, based on ongoing requirements**; and **(B)~~(3)Notify the parent of~~ ~~t~~T**he requirement to **notify the ~~inform the Stage 2~~** contractor, within 30 calendar days, of any current and on**-**going income change that causes the family**’s adjusted monthly income** to exceed this maximum **amount ~~income threshold~~**. (b) Upon notification by a parent that they may have exceeded the maximum income threshold, the contractor shall utilize the process set forth in section 18406 to calculate the family’s adjusted monthly income, adjusted for family size, to determine if the family **~~is~~ remains** income eligible for continued services.  (1) If the contractor determines, based on the provided documentation, that the family is still income eligible for services, the contractor shall inform the family in writing. (2) If the contractor concludes the family is no longer income eligible based on the documentation provided by the parent or the parent fails to provide the documentation as requested by the contractor within 15 calendar days from the day of the parent’s notification and the family does not establish another basis for eligibility based on documentation, the contractor shall issue a Notice of Action to disenroll the family pursuant to section 18419.  (3) If the contractor concludes the family remains eligible for services based on documentation supporting another basis for eligibility, the contractor shall issue a Notice of Action approving services on the new basis for eligibility pursuant to section 18419. |
|  | **INPUT:** Delete “ ~~(1) Provide the parent with a copy of the most recent Schedule of Income Ceiling eligibility table, as published by the State Superintendent of Public Instruction;”~~  as parents want to know the maximum income not the multiple pages of the actual Schedule. Further, (1) is a waste of resources and unnecessary if they receive (a)(2)(A).For line (b)(1):Delete ~~, to determine if the family~~ **~~is remains~~** ~~income eligible for continued services~~ ***with “services shall continue.”*** In line (b)(2) remove ~~15 calendar days~~ and insert ***“as requested by contractor”.***Delete (2)(A) in its entirety as it has no reference and lacks necessity and clarification.  |
| **• PAGE 58 - 18410.3 Stage 2 Voluntarily Request Changes - Decrease Certified Schedule**(e) When a family voluntarily requests a reduction to **~~its~~ their certified schedule** **~~service level~~**, the parent shall: (1) Submit a written request that includes: (A) Days and hours per day requested; and (B) Effective date of **the** proposed reduction of **~~service level~~ certified schedule**; and  (2) Acknowledge in writing that **~~it~~** **they** understand**~~s~~** that **~~it~~** **they** may retain **~~its~~ their** current **certified schedule** **~~service level~~**. (f) Upon receipt of the parent’s written request in subsection (**~~d~~e**), the contractor shall: (1) Notify the family in writing of the parent’s right to continue to bring **~~her or his~~** **the** child pursuant to the original certified **schedule** **~~service level~~**; and  (2) Use the documentation provided by the parent to support the requested changes, as applicable; (3) Issue a Notice of Action pursuant to section 18419**~~within 14 or 19 days prior to the effective date of action~~**; and  (4) Only use any information received to **~~make the requested change~~ reduce their certified schedule.** **~~and not make~~** **No** other changes to the **~~service agreement~~ certified schedule** **shall be made**. |
|  | **INPUT:** There is language in this section that lacks clarity and creates a more burdensome and lesser standard than what currently exists in California statutes.(e)(1) Suggest that a parent shall provide a “verbal, written or electronic request”. Please reference prior input on above regarding pages 14 & 15 - **18082.3(e) and (f).** (e)(2) Suggest that a parent shall provide a “verbal, written or electronic request”. Please reference prior input on above regarding pages 14 & 15 - **18082.3(e) and (f).** (f)(1) Suggest removing entire line item. Unclear why we would have to reiterate again after the parent already acknowledges above (e)(2) The written requirement for a parent to voluntarily reduce their certified schedule is archaic, punitive and fiscally irresponsible. This is a hardship for families and implies that the contractor is somehow taking away benefits. Families do NOT like this Regulation. They do NOT understand why they can’t simply reduce their schedule without having to jump through several hoops that may (especially in rural communities) be very difficult to navigate. |
| **• PAGE 63 - 18424(a)(1) Stage 3 Enrollment from Another Agency**(a) A family is transferred into Stage 3 from a county welfare department's Stage 1 program or another contractor's Stage 2 or Stage 3 program when the following information is obtained by the receiving contractor **from the transferring agency**: (1) The parent's(s) full name(s), address(es), and telephone number(s); (2) The names and birth dates of all children under the age of 18 living with the family, regardless of whether they are served in the CalWORKs program; (3) The number of hours of child care needed each day for each child; (4) The names of other family members in the household who are related by blood, marriage, or adoption; (5) The reason for needing child care services; (6) Family size and adjusted monthly income, if the transferring contractor was assessing and collecting a family fee; (7) Employment or training information for parent(s) including name and address of employer(s) or training institutions(s) and days and hours of employment or training; (8) Rate of **~~payment~~ reimbursement**; ~~and~~ (9) The name, address, and telephone number of the child care provider and the type of eligible provider, pursuant to section 18227~~.~~; and  (10) The date of the last recertification, if applicable. |
|  | **INPUT:** This line item states the application shall include names and birth dates for children under 18. Suggest that this be changed to all children “included in the family size”. Children over 18 still in high school can still be counted in the family size with documentation and children with documented severe handicaps and/or exceptional needs can be included much longer.  |
| • **PAGE 68 - 18425.1(e) Stage 3 Recertification** **(e)~~(d)~~** Except as otherwise provided by law or regulation, disenrollment cannot occur prior to the end of the 12-month period, even if disqualifying information is discovered during the preliminary collection of documentation for certification, with the following exceptions: (1) When the calculation of income based on the provided documentation, indicates that the family’s adjusted monthly income, adjusted for family size, exceeds the income threshold set forth in Education Code section 8263.1 and the family does not meet the requirements for another eligibility basis;  (2) When the parent changes residence outside of the State; or (3) When there is substantiated evidence of fraud that invalidates the **~~prior~~** **initial ~~determination of~~** certification or recertification. |
|  | **INPUT:** For consistency and clarity add **“(4) Parent Request”.**  |
| **• PAGES 69 – 70 - 18425.2 Stage 3 Income Exceeds Threshold**1. When a family is transferred to Stage 3, either from a Stage 1 or Stage 2 agency

and eligibility in the transferring agency is based on income or when a family is certified or recertified for services in Stage 3 on the basis of income **eligibility**, the contractor shall, at the same time:1. Provide the parent with a copy of the most recent Schedule of Income Ceiling

eligibility table, as published by the State Superintendent of Public Instruction;1. Notify the parent in writing of the **following**:

 **(A) The** maximum adjusted monthly income, adjusted for family size**~~,~~ and taking into account fluctuations in income pursuant to section 18084.1(c)** that the family could earn**~~, taking into account any income fluctuations,~~** before **the family would be disqualified** **~~being ineligible~~** for services**, based on ongoing eligibility requirements**; and **(B)~~(3)Notify the parent of~~ ~~t~~T**he requirement to **notify the ~~inform the Stage 2~~** contractor, within 30 calendar days, of any current and on**~~-~~**going income change that causes the family**’s adjusted monthly income** to exceed this maximum **amount ~~income threshold~~**. (b) Upon notification by a parent that theymay have exceeded the maximum income threshold, the contractor shall utilize the process set forth in section **~~18421~~** **18084.1** to calculate the family’s adjusted monthly income**,**adjusted for family size, to determine if the family **~~is~~****remains** income eligible for continued services.1. If the contractor determines, based on the provided documentation, that the

family is still income eligible for services, the contractor shall inform the family in writing.1. If the contractor concludes the family is no longer income eligible based on the

documentation provided by the parent or the parent fails to provide the documentation as requested by the contractor within 15 calendar days from the day of the parent’s notification and the family does not establish another basis for eligibility based on documentation, the contractor shall issue a Notice of Action to disenroll the family pursuant to section 18434. **(3)** If the contractor concludes the family remains eligible for services based ondocumentation supporting another basis for eligibility, the contractor shall issue a Notice of Action approving services on the new basis for eligibility pursuant to section 18434. |
|  | **INPUT:** Delete (a)(1) in its entirety (a) *~~(1) Provide the parent with a copy of the most recent Schedule of Income Ceiling~~* *~~eligibility table, as published by the State Superintendent of Public Instruction;~~*. Parents want to know the maximum income not the multiple pages of the actual Schedule. Waste of resources and unnecessary if they receive (a)(2)(A).(b)(1): Delete *~~the contractor shall inform the family in writing~~* and replace with ***“services shall continue”.***(b)(2): Delete ***~~within 15 calendar days from the day of the parent’s notification and the family does not establish another basis for eligibility based on documentation, the contractor shall issue a Notice of Action to disenroll the family pursuant to section 18434.~~*** The line would then read *If the contractor concludes the family is no longer income eligible based on the documentation provided by the parent or the parent fails to provide the documentation as requested by the contractor.* |
| **• PAGE 71 - 18425.3 Stage 3 Voluntarily Request Changes - Decrease Certified Schedule**(e) When a family voluntarily requests a reduction to **~~its~~ their certified schedule ~~service level~~**, the parent shall: (1) Submit a written request that includes: (A) Days and hours per day requested; and  (B) Effective date of **the** proposed reduction of **~~service level~~ certified schedule**; and  (2) Acknowledge in writing that **~~he or she~~ they** understand**~~s that~~** ~~he or she~~ **they** may retain **~~her or his~~** **their** current **~~service level~~ certified schedule**. (f) Upon receipt of the parent’s written request in subsection (e), the contractor shall: (1) Notify the family in writing of the parent’s right to continue to bring **~~her or his~~** **the** child pursuant to the original certified **schedule ~~service level~~**; (2) Use the documentation provided by the parent to support the requested changes, as applicable; |
| **INPUT: *The written requirement for a parent to voluntarily reduce their certified schedule is archaic, punitive and fiscally irresponsible. This is a hardship for families and implies that the contractor is somehow taking away benefits. Families do NOT like this Regulation. They do NOT understand why they can’t simply reduce their schedule without having to jump through several hoops that may (especially in rural communities) be very difficult to navigate.***(e)(1) Suggest that a parent shall provide a “verbal, written or electronic request”. Please reference prior input on above regarding pages 14 & 15 - **18082.3(e) and (f).**(e)(2) Suggest that the request acknowledge “verbally, in writing or electronically”. Please reference prior input on above regarding pages 14 & 15 - **18082.3(e) and (f).**(f)(1) Suggest removing entire line item. Unclear why we would have to reiterate again after the parent already acknowledge above (e)(2) |
| **• PAGE 72 - 18430. Contractor Responsibilities.** (c) The contractor shall not require the family or the provider to furnish any need and eligibility documentation previously provided to a county welfare department or an alternative payment program ~~within the one year prior to application, unless the documentation is absent from the existing file and the documentation affects the eligibility for child care services~~.**INPUT:** For clarity the language assumes that the provider the parent is using is registered with the receiving contractor. Each contractor has enrollment forms and provider orientations including obtaining acknowledgement from the provider that they agree to the contractor’s policies, especially payment policies. In addition if the provider is exempt, the contractor would need to obtain the TrustLine documentation, if applicable. Also, the contractor would not know what provider documentation was previously provided to a county welfare department or another alternative payment program.For clarity it is recommended to include language that does not preclude the contractor from requiring the provider to complete the registration process with the receiving contractor. |

1. <https://www.cde.ca.gov/sp/cd/ci/mb1804.asp> [↑](#footnote-ref-1)
2. <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CORP&sectionNum=5079.&highlight=true&keyword=written+includes> [↑](#footnote-ref-2)
3. <https://www.cde.ca.gov/sp/cd/ci/mb1804.asp> [↑](#footnote-ref-3)