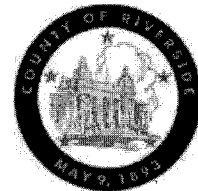


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM
3.53
(ID # 7484)

MEETING DATE:

Tuesday, August 28, 2018

FROM : PUBLIC SOCIAL SERVICES:

SUBJECT: DEPARTMENT OF PUBLIC SOCIAL SERVICES (DPSS): Adopt Resolution No. 2018-134 Ratifying and Approving the Local Agreement for Child Development Services CAPP-8045 with the California Department of Education, Authorizing the Chairman to Sign the Agreement and Certifications on behalf of the County, Authorizing the Director of the Department of Public Social Services to Sign Any Subsequent Amendments or Modifications to the Agreement, All Districts. [Total Cost \$3,027,461 - Federal 57.87%; State 42.13%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2018-134
 - a. ratifying and approving the Local Agreement for Child Development Services CAPP-8045 with the California Department of Education, for the performance period of July 1, 2018 through June 30, 2019, in an amount not to exceed \$3,027,461;
 - b. authorizing the Chairman of the Board to sign the agreement on behalf of the County;
 - c. authorizing the Chairman of the Board to sign the California Civil Rights Laws Certifications (CO-005), the Contractor Certification Clauses (CCC-4/2017), and the Federal Certifications (CO.8); and
 - d. authorizing the Director of the Department of Public Social Services, or designee, to sign any subsequent amendments or modifications to the agreement including, but not limited to, amendments that increase or decrease the agreement's not to exceed amount, as well as any other documents which are related to the CAPP or the agreement, as approved as to form by County Counsel and consistent with the Board's approval.


ACTION: Policy


Susan Von Zabern, Director of Public Social Services 7/16/2018

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Perez, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None
Date: August 28, 2018
xc: DPSS

Kecia Harper-Ihem
Clerk of the Board
By 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 3,027,461	\$	\$ 3,027,461	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: Federal 57.87%, State 42.13%			Budget Adjustment:	No
			For Fiscal Year:	18/19

C.E.O. RECOMMENDATION: Approve.

BACKGROUND:

Summary

Child Care Alternative Payment Program (CAPP) funding provides childcare services to eligible families meeting criteria as set forth by the California Department of Education, in accordance with California Education Code. The agreement will serve: families in need of subsidized childcare; children who are referred to the program as being at risk of abuse, neglect, or exploitation; and other low-income customers who are not served by other subsidy programs, to facilitate self-sufficiency and stabilize family units.

Impact on Residents and Businesses

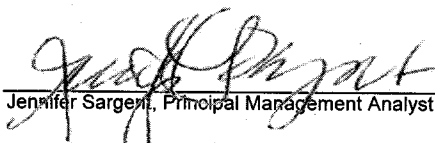
Approval of this agreement will ensure that adequate childcare services are available to families in need of subsidized childcare and children who are referred to the program as being at-risk of abuse, neglect, or exploitation.

Additional Fiscal Information

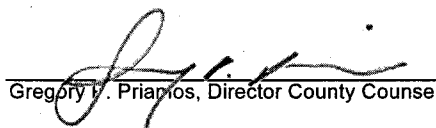
Funding for this agreement will be budgeted through the normal County budgeting process. 100% of funding comes from Federal and State funds.

ATTACHMENTS:

- ATTACHMENT A.** Resolution No. 2018-134
- ATTACHMENT B.** Local Agreement for Child Development Services CAPP-8045
- ATTACHMENT C.** California Civil Rights Laws Certification (CO-005)
- ATTACHMENT D.** Contractor Certification Clauses (CCC-4/2017)
- ATTACHMENT E.** Federal Certifications (CO.8)
- ATTACHMENT F.** Encumbrance Page


Jennifer Sargent, Principal Management Analyst

8/21/2018


Gregory V. Priamos, Director County Counsel

8/15/2018

2
3 RESOLUTION NO. 2018-134

4
5 A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE
6 RATIFYING AND APPROVING THE LOCAL AGREEMENT FOR CHILD DEVELOPMENT
7 SERVICES CAPP-8045 WITH THE CALIFORNIA DEPARTMENT OF EDUCATION,
8 AUTHORIZING THE CHAIRMAN OF THE BOARD TO SIGN THE AGREEMENT AND
9 CERTIFICATIONS ON BEHALF OF THE COUNTY, AND AUTHORIZING THE DIRECTOR OF
10 THE DEPARTMENT OF PUBLIC SOCIAL SERVICES TO SIGN ANY SUBSEQUENT
11 AMENDMENTS OR MODIFICATIONS TO THE AGREEMENT

12
13 WHEREAS, the State of California (the "State"), Department of Education ("Department")
14 helps manage several child care and development programs in California that offer early learning and after
15 school services to children from birth to age twelve; and,

16 WHEREAS, the Department desires to contract with the County of Riverside, Department
17 of Public Social Services ("County") for the Child Care Alternative Payment Program ("CAPP"); and,

18 WHEREAS, the County desires to contract with the Department for the CAPP;

19 NOW THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by the Board
20 of Supervisors of the County of Riverside, State of California, ("Board") in regular session assembled on
21 August 28, 2018, at 9:00 a.m. or soon thereafter, in the meeting room located on the first floor of the County
22 Administrative Center, 4080 Lemon Street, Riverside, California, that this Board hereby ratifies and
23 approves the Local Agreement for Child Development Services CAPP-8045 ("Agreement") with the
24 Department, for the performance period of July 1, 2018 through June 30, 2019, in an amount not to exceed
25 \$3,027,461.

26 BE IT FURTHER RESOLVED, DETERMINED, AND ORDERED that this Board hereby
27 authorizes the Chairman of the Board to sign the Agreement on behalf of the County.

28 BE IT FURTHER RESOLVED, DETERMINED, AND ORDERED that this Board hereby

FORM APPROVED COUNTY COUNSEL
BY: DANIELLE D. MALAND DATE 8/28/18

1 authorizes the Chairman of the Board to sign the California Civil Rights Laws Certifications (CO-005), the
2 Contractor Certification Clauses (CCC-4/2017), and the Federal Certifications (CO.8).

3 BE IT FURTHER RESOLVED, DETERMINED, AND ORDERED that this Board hereby
4 authorizes the Director of the Department of Public Social Services, or her designee in the event that
5 sufficient evidence of designation is provided to the Department, to sign any subsequent amendments or
6 modifications to the Agreement including, but not limited to, amendments that increase or decrease the
7 Agreement's not to exceed amount, as well as any other documents which are related to the CAPP or the
8 Agreement, as approved as to form by County Counsel.

9 BE IT FURTHER RESOLVED, DETERMINED, AND ORDERED that this Board hereby
10 authorizes this resolution to take effect immediately upon its adoption.

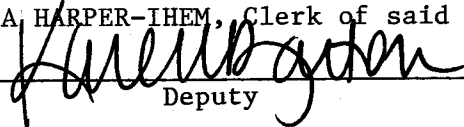
11 ROLL CALL:

12 Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
13 Nays: None
14 Absent: None

15 The foregoing is certified to be a true copy of a resolution duly
16 adopted by said Board of Supervisors on the date therein set forth.

17 KECIA HARPER-IHEM, Clerk of said Board

18 By


19 Deputy



CALIFORNIA DEPARTMENT OF EDUCATION

1430 N Street

Sacramento, CA 95814-5901

F.Y. 18 - 19

DATE: July 01, 2018

CONTRACT NUMBER: CAPP-8045

PROGRAM TYPE: ALTERNATIVE PAYMENT

PROJECT NUMBER: 33-2233-00-8

LOCAL AGREEMENT FOR CHILD DEVELOPMENT SERVICES
WHEN DOCUMENT IS FULLY EXECUTED RETURN

CLERK'S COPY

to Riverside County Clerk of the Board, Stop 1010
Post Office Box 1147, Riverside, Ca 92502-1147

Thank you.

CONTRACTOR'S NAME: RIVERSIDE COUNTY DEPARTMENT OF PUBLIC SOCIAL SERVICES

This Agreement is entered into between the State Agency and the Contractor named above. The Contractor agrees to comply with the CONTINUED FUNDING APPLICATION FY 18-19, the GENERAL TERMS AND CONDITIONS* (GTC 04/2017), the ALTERNATIVE PAYMENT PROGRAM REQUIREMENTS*, and the FUNDING TERMS AND CONDITIONS* (FT&C), which are by this reference made a part of the Agreement. Where the GTC 04/2017 conflicts with either the Program Requirements or the FT&C, the Program Requirements or the FT&C will prevail.

Funding of this Agreement is contingent upon appropriation and availability of sufficient funds. This Agreement may be terminated immediately by the State if funds are not appropriated or available in amounts sufficient to fund the State's obligations under this Agreement.

The period of performance for this Agreement is July 01, 2018 through June 30, 2019. For satisfactory performance of the required services, the Contractor shall be reimbursed in accordance with the Determination of Reimbursable Amount section of the FT&C, for the Maximum Reimbursable Amount (MRA) of \$3,027,461.00.

Service Requirements

Minimum Days of Operation (MDO) Requirement 246

Any provision of this Agreement found to be in violation of Federal or State statute or regulation shall be invalid, but such a finding shall not affect the remaining provisions of this Agreement.

Items shown with an asterisk (*) can be viewed at <https://www.cde.ca.gov/fg/aa/cd/ftc2018.asp>

ATTEST:
KECIA HARPER-IHEM, Clerk
By *[Signature]*
DEPUTY

STATE OF CALIFORNIA		CONTRACTOR	
BY (AUTHORIZED SIGNATURE)		BY (AUTHORIZED SIGNATURE)	
PRINTED NAME OF PERSON SIGNING Jaymi Brown,		PRINTED NAME AND TITLE OF PERSON SIGNING Chuck Washington, Chair, Board of Supervisors	
TITLE Contract Manager		ADDRESS 4080 Lemon Street, Riverside, CA 92501	
AMOUNT ENCUMBERED BY THIS DOCUMENT \$ 3,027,461	PROGRAM/CATEGORY (CODE AND TITLE) Child Development Programs	FUND TITLE	
PRIOR AMOUNT ENCUMBERED FOR THIS CONTRACT \$ 0	(OPTIONAL USE) See Attached	Department of General Services use only	
TOTAL AMOUNT ENCUMBERED TO DATE \$ 3,027,461	ITEM See Attached	CHAPTER	STATUTE
	OBJECT OF EXPENDITURE (CODE AND TITLE) 706	FISCAL YEAR	
I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.		T.B.A. NO.	B.R. NO.
SIGNATURE OF ACCOUNTING OFFICER See Attached		DATE	

FORM APPROVED COUNTY COUNSEL
BY: *[Signature]*
DANIELLE D. MALAND
DATE: 8/17/18
AUG 28 2018 3:53

Continued Funding Application Fiscal Year 2018-19

Contractors must read the accompanying instructions when completing the Continued Funding Application (CFA). Failure to accurately complete the CFA may delay the issuance of the fiscal year 2018-19 contract(s). Instructions may be accessed on the CFA Web page at: <http://www.cde.ca.gov/sp/cd/ci/cfaforms1819.asp>

Section I – Contractor Information	
Legal Name of Contractor:	Riverside County Dept. of Public Social Services
Contractor "Doing Business As" (DBA):	
Headquartered County:	33 Riverside
Vendor Number:	2233
Executive Director Name:	Susan von Zabern
Executive Director Telephone Number:	(951) 358-3000
Executive Director Fax Number:	(951) 358-3036
Executive Director E-mail Address:	svonzabe@rivco.org
Legal Business Address:	4060 County Circle Drive
City:	Riverside
Zip Code:	92503
Mailing Address (if different from above):	
City:	
Zip Code:	
Name of Contact Person Completing Application:	Michelle Graham-James
Title of Contact Person Completing Application:	Program Specialist II
Contact Person Telephone Number:	(951) 358-4423
Contact Person E-mail Address:	mgjames@rivco.org

Contractor Name
Riverside County Dept. of Public Social Services

Vendor # **County**
2233 33 Riverside

Section II – Contract Types	
Check all applicable boxes indicating the programs the contractor intends to continue to administer for the Fiscal Year 2018–19. The contractor agrees to continue implementation of these programs with funds provided by the CDE.	
<p style="text-align: center;">Center-Based Programs</p> <p><input type="checkbox"/> California State Preschool Program (CSPP)</p> <p> <input type="checkbox"/> Full-Year <input type="checkbox"/> Part-Year</p> <p><input type="checkbox"/> California Center-Based (CCTR)</p> <p> <input type="checkbox"/> Infant/Toddler</p> <p> <input type="checkbox"/> School-age</p> <p><input type="checkbox"/> Program for Special Needs Children (Handicapped) (CHAN)</p> <p><input type="checkbox"/> Migrant Center-Based (CMIG) and Migrant Special services (CMSS)</p>	<p style="text-align: center;">Alternative Payment Programs</p> <p><input checked="" type="checkbox"/> Alternative Payment Program (CAPP)</p> <p><input type="checkbox"/> CalWORKs Stage 2 (C2AP)</p> <p><input type="checkbox"/> CalWORKs Stage 3 (C3AP)</p> <p><input type="checkbox"/> Migrant Alternative Payment (CMAP)</p> <p style="text-align: center;">Resource and Referral Programs</p> <p><input type="checkbox"/> Resource and Referral (CRRP)</p> <p style="text-align: center;">Family Child Care Home Programs</p> <p><input type="checkbox"/> Family Child Care Home Education Network (CFCC)</p>

Contractor Name
 Riverside County Dept. of Public Social Services

Vendor # 2233 **County** 33 Riverside

Section III – Contractor’s Officers and Board of Directors Information

Does the contractor have a board of directors? Yes No

If no, please explain the entity type and the governance structure (i.e., number of owners and partnership:)
 Government Agency

List all officers and board members/ governing individuals (i.e., owner, director, etc.). Attach additional sheets as necessary.

Officer, Board Member, Owner or Governing Individual Name:	Title:	Telephone Number:	Mailing Address:	E-mail Address:

Contractor Name

Riverside County Dept. of Public Social Services

Vendor # County

2233 33 Riverside

Section IV: Allocation of Funds	
Contractor's Fiscal Contact Name:	Jennifer Bates
Contractor's Fiscal Contact E-mail Address:	jbates@rivco.org
Telephone Number: (951) 358-3099 Date:	10/12/2017
If you have any questions regarding this form, please contact Robert Hom, Fiscal & Administrative Services Unit by telephone at 916-322-5090 or by e-mail at RHom@cde.ca.gov .	

Contract Type:	Contract Number:
CAPP	7045
County Name:	% of Total
33 Riverside	99 %
36 San Bernardino	1 %
00 Select One	%
00 Select One	%
Total	100 %

Contract Type:	Contract Number:
Select One	
County Name:	% of Total
00 Select One	%
00 Select One	%
00 Select One	%
00 Select One	%
Total	0 %

Contract Type:	Contract Number:
Select One	
County Name:	% of Total
00 Select One	%
00 Select One	%
00 Select One	%
00 Select One	%
Total	0 %

Contract Type:	Contract Number:
Select One	
County Name:	% of Total
00 Select One	%
00 Select One	%
00 Select One	%
00 Select One	%
Total	0 %

Contract Type:	Contract Number:
Select One	
County Name:	% of Total
00 Select One	%
00 Select One	%
00 Select One	%
00 Select One	%
Total	0 %

Contract Type:	Contract Number:
Select One	
County Name:	% of Total
00 Select One	%
00 Select One	%
00 Select One	%
00 Select One	%
Total	0 %

Contractor Name

Vendor #

County

Riverside County Dept. of Public Social Services

2233

33 Riverside

Section V – Program Narrative

A. The following types of contracts **do not** have programmatic or calendar changes (select all that apply). **NOTE:** Program calendars must be submitted for all contract types.

- California State Preschool Program (CSPP)
- California Center-Based (CCTR)
- Program for Special Needs (Handicapped) Children (CHAN)
- Migrant, Center-Based (CMIG) and Migrant Specialized Services (CMSS)
- Alternative Payment Program (CAPP)
- CalWORKs Stage 2 (C2AP)
- CalWORKs Stage 3 (C3AP)
- Migrant Alternative Payment (CMAP)
- Resource and Referral (CRRP)
- Family Child Care Home Education Network (CFCC)

B. The following types of contracts **do** have programmatic and/or calendar changes (select all that apply). For each contract type selected in this section, complete a separate form EESD 3704A. This form is available on the CFA Web page at: <http://www.cde.ca.gov/sp/cd/ci/cfaforms1819.asp>.

NOTE: Program Calendars must be submitted for all contract types. Making changes to Minimum Days of Operation (MDO) does not change the contract Maximum Reimbursable Amount (MRA).

- California State Preschool Program (CSPP)
- California Center-Based (CCTR)
- Program for Special Needs (Handicapped) Children (CHAN)
- Migrant, Center-Based (CMIG) and Migrant Specialized Services (CMSS)
- Alternative Payment Program (CAPP)
- CalWORKs Stage 2 (C2AP)
- CalWORKs Stage 3 (C3AP)
- Migrant Alternative Payment (CMAP)
- Resource and Referral (CRRP)
- Family Child Care Home Education Network (CFCC)

Contractor Name

Vendor # County

Riverside County Dept. of Public Social Services

2233

33 Riverside

Form EESD 3704A: Program Narrative Change

Contract Type: Alternative Payment Program (CAPP)



Calendar (MDO) Change



Programmatic Change

1. Identify the program component for which you are requesting a change.

Our agency only has a calendar change.

2. Describe how the program currently provides services to children and families in relation to the above-identified program component.

Our services provided will remain the same. Due to the way the days fall during the upcoming fiscal year for 2018-19, our total days of operation have decreased by two (2).

3. Describe the proposed change, and how services will be improved if the change is implemented.

Our services provided will remain the same. Due to the way the days fall during the upcoming fiscal year for 2018-19, our total days of operation have decreased by two (2).

Contractor Name

Vendor # County

Riverside County Dept. of Public Social Services

2233

33 Riverside

Section VI – Personnel Certification for Center-Based Programs and Family Child Care Home Education Networks

The State of California requires any contractor receiving child care and development funds, disbursed by the California Department of Education (CDE) to employ fully qualified personnel as stipulated in California *Education Code (EC)*; *California Code of Regulations*, Title 5; and Funding Terms and Conditions.

I certify, as the authorized agent representing this contractor, that I have read and understand the staffing requirements for Program Director, Site Supervisor, and Teacher. All child care staff employed in CDE funded program(s) are fully qualified for their respective positions. The exception to this certification is a person employed as Program Director or Site Supervisor who possesses a current Staffing Qualifications Waiver approved by the Early Education and Support Division (EESD).

Signature of Authorized Representative:

Printed Name and Title of Authorized Representative:

Date of Signature:

Authorized Representative's Telephone Number:

Authorized Representative's E-mail Address:

Contractor Name

Vendor # County

Riverside County Dept. of Public Social Services

2233

33 Riverside

Section VII – Subcontract Certification

A. The following types of contracts **do not** have subcontractors (check all that apply):


- California State Preschool Program (CSPP)
- California Center-Based (CCTR)
- Program for Special Needs (Handicapped) Children (CHAN)
- Migrant Center-Based (CMIG)

B. The following types of contracts **do have** subcontractors (check all that apply). For each contract type selected, submit a separate form EESD 3704B. The form is available on the CFA Web page at: <http://www.cde.ca.gov/sp/cd/cl/cfaforms1819.asp>.

- California State Preschool Program (CSPP)
- California Center-Based (CCTR)
- Program for Special Needs (Handicapped) Children (CHAN)
- Migrant Center-Based (CMIG)

I certify that the contractual arrangement(s) listed above are made in adherence to the required subcontract provisions contained in the *California Code Regulations*, Title 5, and the Funding Terms and Conditions.

I understand that signing this certificate does not lessen the legal responsibility for the child care and development service contract requirements. As the contractor, it is my responsibility to monitor the performance of the subcontractor to ensure services are provided appropriately through the entire contract term.


Signature of Contractor's Authorized Representative:	
Printed Name and Title of Contractor's Authorized Representative:	Susan von Zabern, Director
Date of Signature:	11-7-17
Authorized Representative's Telephone Number:	(951) 358-3000
Authorized Representative's E-mail Address:	svonzabe@rivco.org

Contractor Name	Vendor #	County
Riverside County Dept. of Public Social Services	2233	33 Riverside

Section VIII – Contractor Certification

Under penalty of perjury, I certify the following:

- I am authorized by the Contractor's Board of Directors or other governing authority to execute this Continued Funding Application.
- On behalf of Contractor and its governing authority, we understand some information requested in this application is intended for use by CDE auditors in connection with future audit work and performance reviews and may not be used or even reviewed or considered by the CDE until well after the contract has expired, if ever. Therefore, we further understand that the information (and any underlying transactions) disclosed by this Application shall not be considered properly noticed to the CDE nor approved, accepted or authorized by the CDE, even if our request for continued funding by the CDE is subsequently approved.
- The governing board members have been trained in understanding conflict of interest requirements associated with their positions on the board and have reported all known conflicts of interest.
- I have supervisory authority over the child development program, have actual, personal knowledge of the information provided in this Application and certify that it is true and correct in all material respects.
- I am familiar with and will ensure that Contractor complies with all applicable program statues and regulations, including:
 - Subcontracting requirements, including competitive bidding, CDE approval, and audit requirements in California Code of Regulations (CCR) Title 5, §18026 et. seq.
 - Prohibitions on conflicts of interests, including (i) the assurances required to establish that transactions with officers, directors and other related party transactions are conducted at arm's length, and (ii) employment limitations stated in *Education Code* §8406.9.
 - Cost reimbursement requirements, including reimbursable and non-reimbursable costs, documentation requirements, the provisions for determining the reimbursable amount and other provisions in Title 5, §18033 et. seq.
 - Accounting and reporting requirements in Title 5 §18063 et. seq.
 - Operational and programmatic requirements.

Signature of Contractor's Authorized Representative:	
Printed Name and Title of Contractor's Authorized Representative:	Susan von Zabern, Director
Date of Signature:	11-7-17
Authorized Representative's Telephone Number:	(951) 358-3000
Authorized Representative's E-mail Address:	svonzabe@rivco.org

Contractor Name	Vendor #	County
Riverside County Dept. of Public Social Services	2233	33 Riverside

Section IX – Required Attachments
All attachments must be completed and attached to the application. These attachments are located on the Continued Funding Application Web page at: http://www.cde.ca.gov/sp/cd/ci/cfaforms1819.asp
A. Fiscal Year 2017-18 Program Calendar (EESD-9730)
B. Update and Certification of Contractor Information in the Child Development Management Information System (CDMIS) Database
C. Payee Data Record (STD. 204) (Non-public agencies only)
D. Secretary of State (Nonpublic agencies only)
E. Verification of School District Name and Address
F. Program Narrative Change (EESD 3704A)
G. Subcontractor Certification (EESD 3704B)

Contractor Name
Riverside County Dept. of Public Social Services

Vendor # County
2233 33 Riverside

Section X			
Section Number*	Section Description	Page Number	Check Box
Section I	Contractor Information	1	<input checked="" type="checkbox"/>
Section II	Types of Contracts	2	<input checked="" type="checkbox"/>
Section III	Contractor's Officers and Board of Directors Information	3	<input checked="" type="checkbox"/>
Section IV	Allocation of Funds	4	<input checked="" type="checkbox"/>
Section V	Program Narrative Change	5	<input checked="" type="checkbox"/>
Section VI*	Personnel Certification for Center-Based Programs and Family Child Care Home Education Networks	6	<input type="checkbox"/>
Section VII*	Subcontractor Certification	7	<input checked="" type="checkbox"/>
Section VIII*	Contractor Certification	8	<input checked="" type="checkbox"/>
Section IX:			
Section IX A.	Program Calendar (EESD-9730) (one for each contract type)	9	<input checked="" type="checkbox"/>
Section IX B.*	Certification of Contractor Information in the Child Development Management Information System (CDMIS) Database	9	<input checked="" type="checkbox"/>
Section IX C.*	State of California, Payee Data Record (STD.204) (non-public agencies only)	9	<input type="checkbox"/>
Section IX D.	Secretary of State search results (non-public agencies only)	9	<input type="checkbox"/>
Section IX E.	Verification of School District Name and Address search	9	<input type="checkbox"/>
Section IX F.	Program Narrative Change EESD 3704A	Insert after page 5	<input checked="" type="checkbox"/>
Section IX G.	Subcontract Certification EESD 3704B	Insert after page 7	<input type="checkbox"/>
*Bolded sections require a signature.			

Fiscal Year 2018-19 Program Calendar

Name of Contractor	Vendor Number	County	Contract Type
Riverside County DPSS	2233	33 Riverside	CAPP

Enter an "X" for Days of Operation.

July 2018						
S	M	T	W	T	F	S
1	X	X	4	X	X	7
8	X	X	X	X	X	14
15	X	X	X	X	X	21
22	X	X	X	X	X	28
29	X	X				

August 2018						
S	M	T	W	T	F	S
			X	X	X	4
5	X	X	X	X	X	11
12	X	X	X	X	X	18
19	X	X	X	X	X	25
26	X	X	X	X	X	

September 2018						
S	M	T	W	T	F	S
						1
2	3	X	X	X	X	8
9	X	X	X	X	X	15
16	X	X	X	X	X	22
23	X	X	X	X	X	29
30						

Days of Operation

Days of Operation

Days of Operation

Quarterly Subtotal

October 2018						
S	M	T	W	T	F	S
	X	X	X	X	X	6
7	8	X	X	X	X	13
14	X	X	X	X	X	20
21	X	X	X	X	X	27
28	X	X	X			

November 2018						
S	M	T	W	T	F	S
				X	X	3
4	X	X	X	X	X	10
11	12	X	X	X	X	17
18	X	X	X	22	23	24
25	X	X	X	X	X	

December 2018						
S	M	T	W	T	F	S
						1
2	X	X	X	X	X	8
9	X	X	X	X	X	15
16	X	X	X	X	X	22
23	24	25	X	X	X	29
30	31					

Days of Operation

Days of Operation

Days of Operation

Quarterly Subtotal

January 2019						
S	M	T	W	T	F	S
		1	X	X	X	5
6	X	X	X	X	X	12
13	X	X	X	X	X	19
20	21	X	X	X	X	26
27	X	X	X	X		

February 2019						
S	M	T	W	T	F	S
					X	2
3	X	X	X	X	X	9
10	X	12	X	X	X	16
17	18	X	X	X	X	23
24	X	X	X	X		

March 2019						
S	M	T	W	T	F	S
					X	2
3	X	X	X	X	X	9
10	X	X	X	X	X	16
17	X	X	X	X	X	23
24	X	X	X	X	X	30
31						

Days of Operation

Days of Operation

Days of Operation

Quarterly Subtotal

April 2019						
S	M	T	W	T	F	S
	X	X	X	X	X	6
7	X	X	X	X	X	13
14	X	X	X	X	X	20
21	X	X	X	X	X	27
28	X	X				

May 2019						
S	M	T	W	T	F	S
			X	X	X	4
5	X	X	X	X	X	11
12	X	X	X	X	X	18
19	X	X	X	X	X	25
26	27	X	X	X	X	

June 2019						
S	M	T	W	T	F	S
						1
2	X	X	X	X	X	8
9	X	X	X	X	X	15
16	X	X	X	X	X	22
23	X	X	X	X	X	29
30						

Days of Operation

Days of Operation

Days of Operation

Quarterly Subtotal

Total Days of Operation

EESD Consultant Initials _____

Date approved by EESD Consultant _____

Child Development Division Agency Information Certification

I certify, as the authorized representative of the agency listed below, I have reviewed all the information for **Riverside Co Dept of Pub Soc Svcs (2233)** and updates, additions, or deletions have been submitted as needed for information in all of the areas below:

- Executive Director/Superintendent information
- Program Director information
- Sites and Licenses and/or Office information
- Family Child Care Home summary information

To the best of my knowledge, the information on the CDMIS Web site reflects accurate information for **Riverside Co Dept of Pub Soc Svcs (2233)** as of the date this certification was signed.

<i>Susan von Zabern</i>	11-7-17
Program Director/Authorized Representative Signature	Date Signed

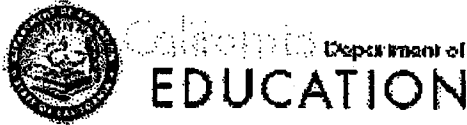
<i>Susan von Zabern, Director</i>
Printed Name of Program Director/Authorized Representative

Name of Agency User Generating Certification: Daniel Tommie

Date Generated: 10/17/2017

Assigned CDD Consultant: Linda Morales

Change Font Size A A A



Child Development Management Information System (CDMIS)

[Main Menu](#) | [Log Off](#) | [Help/Contact us](#)

Agency: Riverside Co Dept of Pub Soc Svcs User: Daniel S. Tommie

Update Agency Information

This screen is used to update your agency's information with the Early Education and Support Division (EESD). Below you will see your agency's vendor number, assigned Child Development Consultant, and agency name and mailing address.

Clicking on one of the buttons below the Agency Name and Mailing Address section opens a screen where you can update that information. Each screen has detailed instructions available under a link called "How to use this screen" that appears towards the top of each section.

Clicking on the "Generate Agency Datasheet" button allows you to create a report that contains all the contact and site/office information currently in our system for your agency. If any of the information is not accurate, use the buttons in the "Agency Name and Mailing Address" section to update the information as needed.

Clicking on the Generate Certification Form button allows you to print a document that must be signed and returned to EESD along with the annual continued funding application package. It is not required to be submitted at any other time.

Note: The agency name and mailing address cannot be changed through this Web page as specific documentation is required from the agency to process that change. For information on how to change your agency's legal name or headquarters mailing address, contact your assigned EESD Child Development Consultant.

Agency: Riverside Co Dept of Pub Soc Svcs
Vendor Number: 2233
Consultant: Linda Morales

Agency Name and Mailing Address

Agency Name: Riverside Co Dept of Pub Soc Svcs
Street Address: 4060 County Circle Drive
City: Riverside
State: California Zip: 92503-3420

Edit Executive Director Information

Edit Program Director Information

Add/Edit FCCH Information

Add/Edit Sites or Offices

Change Font Size A A A



Department of
EDUCATION



Child Development Management Information System (CDMIS)

[Main Menu](#) | [Log Off](#) | [Help/Contact us](#)

Agency: Riverside Co Dept of Pub Soc Svcs User: Daniel S. Tommie

Edit Executive Director Information

Instructions:

Review the information below and make changes as necessary. Fields marked with an asterisk (*) are required. Click the "Submit Changes" button to save the changes.

In addition to the required fields, the following minimum information is required in order for the information to be saved. There must be at least two characters in both the first and last name fields (numbers are not allowed), phone number and Fax number must have 10 digits, and the email address must be complete.

If the information is complete, you will see "Approval Status: Edited - Pending" just above the "Title" field. Once your assigned Consultant reviews and approves the changes, the status will no longer be displayed. Questions about the status should be directed to your assigned Consultant.

Note: The person listed as the Executive Director/Superintendent should be the primary administrator responsible for the overall operations of the agency, such as the Chief Executive Officer or President of a private corporation, President, Chancellor of a college, Superintendent of a local educational agency (county office of education, school district, etc.), City Mayor, etc. If you have questions on who should be listed, contact your Consultant.

Agency: Riverside Co Dept of Pub Soc Svcs
Vendor Number: 2233
Consultant: Linda Morales

Executive Officer/Superintendent Contact Information

Title: ▼

Prefix: ▼

First Name: *

Middle Initial:

Last Name: *

Suffix:

Phone: - * Ext.

FAX:

(951) 358-3036 *

Email: svonzabe@riversidedpss.org *

Cancel

Submit Changes

Return to Edit Agency Information

Questions: CDMIS | CDMIS@cde.ca.gov | (916) 445-1907

California Department of Education
1430 N Street
Sacramento, CA 95814

Web Policy



Change Text Size: A A A

Child Development Management Information System (CDMIS)

[Main Menu](#) | [Log Off](#) | [Help/Contact us](#)

Agency: Riverside Co Dept of Pub Soc Svcs User: Daniel S. Tommie

Edit Program Director Information

How to use this screen

This screen displays program director(s) for your agency along with the contract(s) your agency has with EESD and the program director your agency indicated was responsible for that contract.

Click the "How to use this screen" link above for step-by step instructions on adding, updating, deleting, or changing assignments for program directors.

Information marked as Edited – Pending or Pending Assignment indicates you have made a change to that information but it has not yet been approved by EESD. It can still be edited.

Agency: Riverside Co Dept of Pub Soc Svcs
Vendor Number: 2233
Consultant: Linda Morales

Program Directors:

Status	Program Director		
	Debi Macdonald	Delete	Edit
	Tammy Childress		Edit

Add a New Program Director

Contracts and Assigned Program Directors:

Status	Contract	Assigned Program Director	
	CAPP7045	Tammy Childress	Assign

DT
10/12/17

Change Font Size: A A A



California Department of
EDUCATION



Child Development Management Information System (CDMIS)

[Main Menu](#) | [Log Off](#) | [Help/Contact us](#)

Agency: Riverside Co Dept of Pub Soc Svcs User: Daniel S. Tommie

Add/Edit FCCH Information

How to use this screen

The Early Education and Support Division (EESD) collects information on the number of family child care homes that provide services to EESD-subsidized children by contract. For each of your agency's contracts that utilize family child care homes, use this screen to update that information. This information is required to be updated annually during the Continued Funding Application process. Click the "How to use this screen" link above for step-by-step instructions on making changes to the information displayed below.

Information marked as pending has not yet been approved by EESD and may still be edited.

Agency: Riverside Co Dept of Pub Soc Svcs
Vendor Number: 2233
Consultant: Linda Morales

FCCH Information:

Currently there is no FCCH information for your agency. If you wish to add information select this button.

[Add a FCCH Contract](#)

[Return to Edit Agency Information](#)

Questions: CDMIS | CDMIS@cde.ca.gov | (916) 445-1907

California Department of Education
1430 N Street
Sacramento, CA 95814

[Web Policy](#)

17
10/12/17

Change Font Size: [A](#) [A](#) [A](#)



California Department of
EDUCATION



Child Development Management Information System (CDMIS)

[Main Menu](#) | [Log Off](#) | [Help/Contact us](#)

Agency: Riverside Co Dept of Pub Soc Svcs User: Daniel S. Tommie

Add/Edit Sites or Offices

How to use this screen

The Early Education and Support Division (EESD) requires agencies to provide information on the sites (location, license, children served by contract, hours of operation) used by agencies with center-based contract types where EESD-subsidized services are provided to children and also location of the offices where families can apply for vouchers from alternative payment contract types.

If your agency has more than 15 sites or offices, you will see page numbers below the first 15 sites/offices listed. Click the page numbers to display the next ten sites currently listed for your agency.

Click the "How to use this screen" link above for step-by-step instructions on making changes to the any of the sites or offices listed below.

Agency:
Riverside Co Dept of Pub Soc Svcs
Vendor Number:
2233 Consultant: Linda Morales

Status	Site/Office Name	Address	City	Facility Type		
	La Sierra Self Sufficiency Off	11060 Magnolia Avenue	Riverside	Office	Delete	Edit

Add a New Site or Office

Return to Edit Agency Information

Questions: CDMIS | CDMIS@cde.ca.gov | (916) 445-1907

California Department of Education
1430 N Street
Sacramento, CA 95814

Web Policy

DJ
10/2/17

EXHIBIT C

GENERAL TERMS AND CONDITIONS

1. APPROVAL: This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required. Contractor may not commence performance until such approval has been obtained.
2. AMENDMENT: No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.
3. ASSIGNMENT: This Agreement is not assignable by the Contractor, either in whole or in part, without the consent of the State in the form of a formal written amendment.
4. AUDIT: Contractor agrees that the awarding department, the Department of General Services, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. Contractor agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated. Contractor agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, Contractor agrees to include a similar right of the State to audit records and interview staff in any subcontract related to performance of this Agreement. (Gov. Code §8546.7, Pub. Contract Code §10115 et seq., CCR Title 2, Section 1896).
5. INDEMNIFICATION: Contractor agrees to indemnify, defend and save harmless the State, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this Agreement, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by Contractor in the performance of this Agreement.
6. DISPUTES: Contractor shall continue with the responsibilities under this Agreement during any dispute.
7. TERMINATION FOR CAUSE: The State may terminate this Agreement and be relieved of any payments should the Contractor fail to perform the requirements of this Agreement at the time and in the manner herein provided. In the event of such termination the State may proceed with the work in any manner deemed proper by the State. All costs to the State shall be deducted from any sum due the Contractor under this Agreement and the balance, if any, shall be paid to the Contractor upon demand.

8. INDEPENDENT CONTRACTOR: Contractor, and the agents and employees of Contractor, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of the State.

9. RECYCLING CERTIFICATION: The Contractor shall certify in writing under penalty of perjury, the minimum, if not exact, percentage of post consumer material as defined in the Public Contract Code Section 12200, in products, materials, goods, or supplies offered or sold to the State regardless of whether the product meets the requirements of Public Contract Code Section 12209. With respect to printer or duplication cartridges that comply with the requirements of Section 12156(e), the certification required by this subdivision shall specify that the cartridges so comply (Pub. Contract Code §12205).

10. NON-DISCRIMINATION CLAUSE: During the performance of this Agreement, Contractor and its subcontractors shall not deny the contract's benefits to any person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. Contractor shall insure that the evaluation and treatment of employees and applicants for employment are free of such discrimination. Contractor and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12900 et seq.), the regulations promulgated thereunder (Cal. Code Regs., tit. 2, §11000 et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (Gov. Code §§11135-11139.5), and the regulations or standards adopted by the awarding state agency to implement such article. Contractor shall permit access by representatives of the Department of Fair Employment and Housing and the awarding state agency upon reasonable notice at any time during the normal business hours, but in no case less than 24 hours' notice, to such of its books, records, accounts, and all other sources of information and its facilities as said Department or Agency shall require to ascertain compliance with this clause. Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. (See Cal. Code Regs., tit. 2, §11105.)

Contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Agreement.

11. CERTIFICATION CLAUSES: The CONTRACTOR CERTIFICATION CLAUSES contained in the document CCC 04/2017 are hereby incorporated by reference and made a part of this Agreement by this reference as if attached hereto.

12. TIMELINESS: Time is of the essence in this Agreement.

13. COMPENSATION: The consideration to be paid Contractor, as provided herein, shall be in compensation for all of Contractor's expenses incurred in the performance hereof, including travel, per diem, and taxes, unless otherwise expressly so provided.

14. GOVERNING LAW: This contract is governed by and shall be interpreted in accordance with the laws of the State of California.

15. ANTITRUST CLAIMS: The Contractor by signing this agreement hereby certifies that if these services or goods are obtained by means of a competitive bid, the Contractor shall comply with the requirements of the Government Codes Sections set out below.

a. The Government Code Chapter on Antitrust claims contains the following definitions:

1) "Public purchase" means a purchase by means of competitive bids of goods, services, or materials by the State or any of its political subdivisions or public agencies on whose behalf the Attorney General may bring an action pursuant to subdivision (c) of Section 16750 of the Business and Professions Code.

2) "Public purchasing body" means the State or the subdivision or agency making a public purchase. Government Code Section 4550.

b. In submitting a bid to a public purchasing body, the bidder offers and agrees that if the bid is accepted, it will assign to the purchasing body all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, materials, or services by the bidder for sale to the purchasing body pursuant to the bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the bidder. Government Code Section 4552.

c. If an awarding body or public purchasing body receives, either through judgment or settlement, a monetary recovery for a cause of action assigned under this chapter, the assignor shall be entitled to receive reimbursement for actual legal costs incurred and may, upon demand, recover from the public body any portion of the recovery, including treble damages, attributable to overcharges that were paid by the assignor but were not paid by the public body as part of the bid price, less the expenses incurred in obtaining that portion of the recovery. Government Code Section 4553.

d. Upon demand in writing by the assignor, the assignee shall, within one year from such demand, reassign the cause of action assigned under this part if the assignor has been or may have been injured by the violation of law for which the cause of action arose and (a) the assignee has not been injured thereby, or (b) the assignee declines to file a court action for the cause of action. See Government Code Section 4554.

16. CHILD SUPPORT COMPLIANCE ACT: For any Agreement in excess of \$100,000, the contractor acknowledges in accordance with Public Contract Code 7110, that:

a. The contractor recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support

enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with section 5200) of Part 5 of Division 9 of the Family Code; and

b. The contractor, to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.

17. UNENFORCEABLE PROVISION: In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

18. PRIORITY HIRING CONSIDERATIONS: If this Contract includes services in excess of \$200,000, the Contractor shall give priority consideration in filling vacancies in positions funded by the Contract to qualified recipients of aid under Welfare and Institutions Code Section 11200 in accordance with Pub. Contract Code §10353.

19. SMALL BUSINESS PARTICIPATION AND DVBE PARTICIPATION REPORTING REQUIREMENTS:

a. If for this Contract Contractor made a commitment to achieve small business participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) report to the awarding department the actual percentage of small business participation that was achieved. (Govt. Code § 14841.)

b. If for this Contract Contractor made a commitment to achieve disabled veteran business enterprise (DVBE) participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) certify in a report to the awarding department: (1) the total amount the prime Contractor received under the Contract; (2) the name and address of the DVBE(s) that participated in the performance of the Contract; (3) the amount each DVBE received from the prime Contractor; (4) that all payments under the Contract have been made to the DVBE; and (5) the actual percentage of DVBE participation that was achieved. A person or entity that knowingly provides false information shall be subject to a civil penalty for each violation. (Mil. & Vets. Code § 999.5(d); Govt. Code § 14841.)

20. LOSS LEADER:

If this contract involves the furnishing of equipment, materials, or supplies then the following statement is incorporated: It is unlawful for any person engaged in business within this state to sell or use any article or product as a "loss leader" as defined in Section 17030 of the Business and Professions Code. (PCC 10344(e).)

California Department of Education
PROGRAM REQUIREMENTS
FOR
ALTERNATIVE PAYMENT PROGRAMS
CAPP
FISCAL YEAR 2018–19

**ALTERNATIVE PAYMENT PROGRAMS
PROGRAM REQUIREMENTS
TABLE OF CONTENTS
Fiscal Year 2018-19**

OPERATIONAL REQUIREMENTS.....	6
A. Purpose of Child Care and Development services.....	6
B. Alternative Payment Programs (CAPP)	6
ELIGIBILITY CERTIFICATION AND FAMILY DATA FILE DOCUMENTATION	7
A. General Requirements	7
B. Eligibility and Need Criteria, Priority of Services	8
C. Certification of Eligibility and Need, Priority of Service	10
D. Duration of Service Agreement	11
E. Contents of Family Data File	12
Family Data File and Documentation	13
A. Application for Services.....	13
B. Documentation and Determination of Family Size	14
C. Documentation of Income Eligibility	15
D. Calculation of Income.....	17
E. Documentation of Need: Public Assistance	18
F. Documentation of Need: Employment, Seeking Employment.....	19
G. Documentation of Need: Employment.....	19
H. Documentation of Need: Employment in Home or Family Day Care Home	22
I. Documentation of Need: Seeking Employment; Service Limitations.....	23
J. Documentation of Need: Training toward Vocational Goals.....	23
K. Documentation of Need: ELL Course, GED/HSE, HS Diploma	27
L. Documentation of Need: Parental Incapacity; Service Limitations	27
M. Documentation of the Child’s Exceptional Needs.....	28
N. Documentation of Eligibility: Homelessness	28
O. Documentation of Need: Seeking Permanent Housing; Service Limitations	29
P. Documentation of Eligibility/Need: Child Protective Services for Recipients Receiving Services; At Risk of Abuse, Neglect or Exploitation	29
Q. Notice of Action, Application for Services –Approving or Denying Services.....	31
R. Family’s Right to Voluntarily Report changes.....	32
S. Requirement to Report when Income Exceeds Eligibility	33
T. Recertification	34
U. Notice of Action, Recipient of Services;Recertifying or Updating Services	34
ADMISSION POLICIES AND PROCEDURES.....	35
A. General Admission Procedures.....	35

B. Admission Priorities, Waiting List and Displacement.....	35
C. Waiting List and Displacement of Families.....	37
FAMILY FEES.....	37
A. Fee Schedule.....	37
B. Fee Assessment; Explanation to Parents.....	37
C. Exceptions to Fee Assessment.....	38
D. Co-Payments.....	38
E. No Additional Payments or Costs; Exceptions.....	39
F. Credit for Fees Paid to Other Service Providers.....	40
G. Receipt for Payment of Fee.....	40
H. Advance Payment of Fees; Delinquent Fees; Notice of Delinquency.....	40
I. Plan for Payment of Delinquent Fees; Consequences of Nonpayment of Delinquent Fees.....	41
J. Offset of Family Fees Paid to Providers.....	41
CONFIDENTIALITY OF RECORDS.....	42
DUE PROCESS REQUIREMENTS.....	42
A. Notice of Action, Application for Services.....	42
B. Notice of Action, Recipient of Services.....	43
C. Changes Affecting Services.....	44
D. Parent(s) Request for a Hearing; Rules and Procedures.....	44
E. Appeal Procedure for CDE Review.....	45
F. Contractor Compliance with the CDE Decision; Reimbursement for Services during the Appeal Process.....	46
INFORMATION ON CONTRACTOR POLICIES.....	46
INFORMATION TO BE GIVEN TO PARENTS.....	47
PROCEDURES FOR PROVIDER PARTICIPATION.....	48
WRITTEN MATERIALS TO BE GIVEN TO PROVIDERS.....	49
PLAN FOR CONTINUITY OF SERVICES AND EXPENDITURES.....	49
PLAN FOR PROVIDER REIMBURSEMENTS AND CERTIFICATES.....	49
ELIGIBLE PROVIDERS FOR ALTERNATIVE PAYMENT PROGRAM.....	50
PROVISIONAL CHILD CARE.....	51
RECEIPT OF NOTIFICATION OF TEMPORARY SUSPENSION OR LICENSE REVOCATION FROM RESOURCE & REFERRAL PROGRAM. NOTIFICATION OF PARENTS AND FACILITIES.....	51

RECEIPT OF NOTIFICATION OF PROBATIONARY STATUS OF PROVIDER OR FACILITY FROM RESOURCE AND REFERRAL PROGRAM. NOTIFICATION OF PARENTS AND FACILITIES52

NOTIFICATION OF INELIGIBLE STATUS OF A LICENSED-EXEMPT PROVIDER...53

RECORDS ON FILE CONCERNING IN-HOME SERVICE PROVIDERS AND OTHER LICENSE EXEMPT SERVICE PROVIDERS.....54

RECORDS ON FILE CONCERNING SERVICE PROVIDERS.....54

IN-HOME CARE (FAIR LABOR STANDARDS ACT55

INFORMATION TO SHARE WITH THE PARENTS.....56

**ALTERNATIVE PAYMENT PROGRAM
QUALITY REQUIREMENTS
TABLE OF CONTENTS
Fiscal Year 2018-19**

I. PROGRAM PHILOSOPHY, GOALS AND OBJECTIVES.....	57
II. STAFF DEVELOPMENT PROGRAM.....	57
III. COMMUNITY INVOLVEMENT	58
IV. PROGRAM SELF-EVALUATION PROCESS	58

I. OPERATIONAL REQUIREMENTS

(EC 8203, 8203.1, 8203.5, 8206, 8235[d], 8245, 45 CFR 98.52[b][1] and 98.33[a][3])

A. Purpose of Child Care and Development services
(EC 8201[a]-[h])

1. To provide a comprehensive, coordinated, and cost-effective system of child care and development services for children from infancy to thirteen years of age and their parents, including a full range of supervision, health and support service through full-and part-time programs.
2. To encourage community-level coordination in support of child care and development services.
3. To provide an environment that is healthy and nurturing for all children in child care and development programs.
4. To provide the opportunity for positive parenting to take place through understanding of human growth and development.
5. To reduce strain between parent and child in order to prevent abuse, neglect, or exploitation.
6. To enhance the cognitive development of children, with particular emphasis upon those children who require special assistance, including bilingual capabilities to attain their full potential.
7. To establish a framework for the expansion of child care and development services.
8. To empower and encourage parents and families of children who require child care services to take responsibility to review the safety of the child care program or facility, and to evaluate the ability of the program or facility to meet the needs of the child.

B. Alternative Payment Programs (CAPP)

1. CAPP operate in a vendor payment mode (5 CCR 18013).
2. CAPP to provide for maximum parental choice, various methods of reimbursement for parental costs for child care may be utilized. Include the following:

- a. A subsidy that follows the family from one provider to another within a given CAPP.
- b. Choices, whenever possible, among hours of service including before and after school, evenings, weekends, and split shifts.
- c. Child care and development services according to parental choice, including those programs in the general service area and are in conformity with the purposes and applicable laws, but excluding state preschool programs. (EC 8220).

All payment arrangements shall conform to the eligibility criteria and the parent fee schedule (EC 8263, 8265).

3. CAPP shall serve an identifiable geographic area approved by the California Department of Education (CDE). (EC 8220.2).
4. To offer maximum support for parents and providers, CAPP shall have access to resource and referral services (EC 8220.5).
5. Alternative payments may be made for services provided in licensed centers and family day care homes, for care provided in the child's home, and for other types of care which conform to applicable law (EC 8221).
6. Contractors will verify that license exempt providers have been trained in Health and Safety Requirements within the first three months of providing services. (45 CFR 98.52[b][1] and 98.33[a][3])

II. ELIGIBILITY CERTIFICATION AND FAMILY DATA FILE DOCUMENTATION

A. General Requirements

(EC 8221, 8263[a][1][2], 8263.4, 5 CCR 18107)

1. To receive child care and development program services, families shall meet eligibility and need criteria. In addition to meeting eligibility and need requirements, to be eligible for services the child must live in the State of California while services are being received. Evidence of a street address or post office address in California will be sufficient to establish residency. A person identified as "homeless" is exempt from this requirement and shall submit a declaration of intent to reside in California.

2. The governing board of a school district, community college district, or a County Superintendent of Schools may accommodate children residing outside the district boundaries in accordance with *EC 8322(a)*.
3. The determination of eligibility for child care and development services shall be without regard to the immigration status of the child or the child's parent(s), unless the child or the child's parent(s) are under a final order of deportation from the United States Department Justice (5 *CCR 18107[d]*).
4. Children who have reached their thirteenth birthday are ineligible for subsidized services at initial certification or recertification except those children with exceptional needs. Severely disabled children may be served to age twenty-one. Children with exceptional needs shall also meet the criteria for that age group specified in *EC 56026*, and 5 *CCR 18089*.
5. The preferred placement for children who are eleven or twelve years of age and who are otherwise eligible for subsidized child care and development services shall be in a before or after school program. Children who are eleven or twelve shall continue to receive subsidized child care services when a before or after school program is not available (*EC 8263.4*). This does not apply to 11 and 12 year old children with exceptional needs.

B. Eligibility and Need Criteria, Priority for Services
(*EC 8263[a][1]* and [2], 5 *CCR 18085.5[b]*)

Eligibility Criteria (*EC 8263[a][1]*)

In order for the family to be eligible for enrollment in federal and state subsidized child care services, families shall meet at least one requirement in each of the following areas:

Eligibility shall be established by 1, 2, 3, or 4 below:

1. Family is a current aid recipient;
2. Family is income eligible;
3. Family is homeless or
4. Family has children who are recipients of protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected, or exploited.

For full documentation requirements see the *Family Data File* section.

Need Criteria (EC 8263[a][1][B])

Need shall be established by 1 or 2 below:

The family needs the child care and development services because:

1. The child is identified by a legal, medical, or social services agency, a local educational agency liaison for homeless children and youths designated pursuant to 42 US 11432(g)(1)(j)(ii), a Head Start program, or an emergency shelter or transitional shelter as:
 - a. A recipient of child protective services,
 - b. Being neglected, abused, or exploited, or at risk of neglect, abuse, or exploitation,
 - c. Being homeless.
2. The parent(s) are: (EC 8263[a][1][B])
 - a. Employed,
 - b. Seeking employment,
 - c. Engaged in vocational training leading directly to a recognized trade, paraprofession, or profession,
 - d. Engaged in an educational program for English language learners or to attain a high school diploma or educational development certificate.
 - e. Seeking permanent housing for family stability,
 - f. Incapacitated.

Families who are eligible for subsidized child care and development services based on income, public assistance, or homelessness must document that each parent in the family meets a need criterion (5 CCR 18085.5[a]).

3. Services shall only be available to the extent which:
(5 CCR 18085.5[b])

- a. The parent meets a need criterion that precludes the provision of care and supervision of the family's child for some of the day;
- b. There is no parent in the family capable of providing care for the family's child during the time care is requested; and
- c. Supervision of the family's child is not otherwise being provided by school or another person or entity.

For full documentation requirements see the *Family Data File* section.

Priority of Services are as follows:
(EC 8263[b][1]and [2])

First Priority: (EC 8263[b][1])

1. Neglected or abused children who are recipients of child protective services; or
2. Children who are at risk of being neglected or abused.

If an agency is unable to enroll a child in the first priority category, the agency shall refer the family to local resource and referral services to locate services for the child.

Second Priority: (EC 8263[b][2])

1. After children in the first priority are enrolled, second priority is given equally to eligible families, regardless of the number of parents in the home, who are income eligible. Within this priority, families with the lowest gross monthly income in relation to family size shall be admitted first. The schedule for families is determined by the Superintendent. When two families meet the same priority based on family size and income, priority goes to a family with a child with exceptional needs. If there is no family with a special need, then the family that has been on the waiting list longer shall be admitted first. .

For full requirements see *Admission Priorities* section.

C. Initial certification of Eligibility and Need, Priority of Service
(EC 8261, 8263, 8265, 8269, 5 CCR 18078, 18082, 18094, 18095, 18102)

1. The initial certification of eligibility means a formal process for completing an application for services and collecting information

and documentation to determine that the family and/or child meets the legal requirements for receipt of subsidized child care and development services prior to enrollment in the program. The signature of the authorized representative on an application for services certifies that the need and eligibility requirements have been met and documented.

2. Required documents are listed in the *Family Data File Documentation* section. All information and documentation collected is maintained in the Family Data File (EC 8263[a][1] and[2], 5 CCR 18078[b])
3. The contractor shall designate the staff person(s) authorized to certify family/child eligibility. Prior to initial certification, and at the time of recertification, an authorized representative of the contractor shall: (5 CCR 18082)
 - a. Certify each family's/child's eligibility and need for child care and development services after reviewing the completed application and documentation contained in the family data file.
 - b. Issue a Notice of Action, Application for Services pursuant to 18094 upon initial certification (5 CCR 18094)
4. When a child's residence alternates between the homes of separated or divorced parents, eligibility, need, and fees should be determined separately for each household in which the child is residing during the time child development services are needed (i.e., separate certifications and service agreements). For example, a child may be certified during part of the week and full cost the rest of the week (5 CCR18407[c]).

D. Duration of Service Requirement

At initial certification or recertification contractors shall:

1. Certify services for not less than twelve (12) months;
2. Consider the family to meet the eligibility and/or need requirements for not less than twelve (12) months; and
3. Provide those services for not less than twelve (12) months before having the family's eligibility or need recertified

E. Contents of Family Data File
(EC 8261, 8261.5, 8263, 8269, 5 CCR 18081)

1. Contractors shall establish and maintain a family data file for each family receiving child care and development services.
2. The family data file shall contain a completed and signed application for services, and the following records as applicable to determine eligibility and /or need prior to initial certification as follows: (EC 8263[a][1][A] and [B]] 5 CCR 18081)
 - a. Documentation of income eligibility, including an income calculation worksheet;
 - b. Documentation of employment;
 - c. Documentation of seeking employment;
 - d. Documentation of vocational training;
 - e. Documentation of English language learner courses or courses to attain a general educational development or high school equivalency certificate or high school diploma;
 - f. Documentation of parental incapacity;
 - g. Documentation of child's exceptional needs;
 - h. Documentation of homelessness;
 - i. Documentation of seeking permanent housing for family stability;
 - j. Written Referral from a legally qualified professional from a legal, medical, or social services agency, or emergency shelter for children at risk of abuse, neglect, or exploitation
 - k. Written referral from a county welfare department, child welfare services worker, certifying that the child is receiving protective services and the family requires child care and development services as part of the case plan;
 - l. If the parent of the child was on cash assistance, the date the parental cash aid was terminated.

3. Notice of Action, Application for Services and/or Recipient of Services shall be included.
4. Documentation of Child Health and Emergency Contact Information.

The family data file shall contain all child health and current emergency information required by the *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 a public or private elementary school or for children receiving care in licensed facilities and reimbursed pursuant to EC 8220, 8350, (5 CCR 18081[e]).

III. Family Data File and Documentation

A. Application for Services (EC 8261, 8263, 5 CCR 18083)

The application for services shall contain the following information:

1. The parent's (s') full name(s), address(es), and telephone number(s); Parent is defined in 5 CCR 18078(m).
2. The names, genders, and birth dates of all children under the age of eighteen in the family, whether or not they are served by the program;
3. The number of hours of care needed each day for each child;
4. The reason for needing child care and development services as specified in (EC 8263[a][1][B], 5 CCR 18083[e]):
 - a. Child Protective Services;
 - b. Homeless
 - c. Employment;
 - d. Vocational Training;
 - e. Educational program for English language learner or attainment of high school diploma or general educational development certificate
 - f. Seeking Employment;
 - g. Incapacitation of the parent;

- h. Special need of the child ; or
 - i. Seeking Permanent Housing for Family Stability.
5. Employment or training information for parent(s) including name and address of employer(s) or training institution(s) and days and hours of employment or training, if applicable.
 6. Eligibility status as specified in (*EC 8263[a][1][A]*) is:
 - a. Child Protective Services;
 - b. Current Aid Recipient
 - c. Income Eligible; or
 - d. Homeless (as defined in *EC 8263[ak]*).
 7. Family size and income, if applicable.
 8. The parent's signature and date of the signature.
 9. The signature of the contractor's authorized representative on an application for services (*CD 9600*) certifies that the legal requirements have been met and documented. (*5 CCR 18078[b]* and *5 CCR 18078q*).

B. Documentation and Determination of Family Size
(*EC 8261, 8263, 5 CCR 18100*)

1. The information provided on the application for services shall be used to determine family size. A parent shall provide the names of the parents and the names, gender, and birthdates of the children identified in the family. This information shall be documented on a confidential application for child care and development services and used to determine family size. The parent shall provide supporting documentation regarding the number of children and parents in the family.
2. The number of children shall be documented by providing one of the following documents, as applicable:
 - a. Birth certificates;
 - b. Court orders regarding child custody;
 - c. Adoption documents;

- d. Records of Foster Care placements;
 - e. School or medical records;
 - f. County welfare department records; or
 - g. Other reliable documentation indicating the relationship of the child to the parent.
3. When only one parent has signed an application for enrollment and the information provided on the application indicates there is a second parent who has not signed the application, the parent who has signed the application shall self –certify the presence or absence of the second parent under penalty of perjury. The parent who has signed the application shall not be required to submit additional information documenting the presence or absence of the second parent (*EC* 8263[a][1][B]).
4. For income eligibility and family fee purposes, when a child and his or her siblings are living in a family that does not include their biological or adoptive parent, only the child and related siblings shall be counted to determine family size. In these cases, the adult(s) must meet a need criterion as specified in *EC* 8263(a)(1)(B), to receive services.

C. Documentation of Income Eligibility at Initial Certification and at Recertification (*EC* 8263, 8263.1, 5 CCR 18078[a] and [u], [], 18084, 18096)

At the time of initial certification, recertification and when a family requests a change in their service level a parent must provide the contractor with all supporting documentation, including documentation of income eligibility, if applicable. The parent is responsible for providing documentation of the family's total countable income, if applicable for determining income eligibility and/or family fee, and the contractor is required to verify the information, as described below:

1. The parent(s) shall document total countable income for all the individuals counted in the family size as follows:
- If the parent is employed, provide:
- a. A release authorizing the contractor to contact the employer(s), to the extent known, that includes the employer's name, address, telephone number, and usual business hours; and

- b. All payroll check stubs, a letter from the employer, or other record of wages issued by the employer for the month preceding the initial certification, or the recertification of eligibility for ongoing services, pursuant to *EC 8263(h)(1)*.
2. When the employer refuses or fails to provide requested documentation, or when a request for documentation would adversely affect the parent's employment, provide other means of verification that may include a list of clients and amounts paid, the most recently signed and completed tax returns, quarterly estimated tax statements, or other records of income to support the reported income, along with a self-certification of income.
3. If the parent is self-employed, provide a combination of documentation necessary to establish current income eligibility for at least the month preceding the initial certification, or the recertification of eligibility for ongoing services pursuant to *EC 8263(h)(1)*. Documentation shall consist of as many of the following types of documentation as necessary to determine income:
 - a. A letter from the source of the income;
 - b. A copy of the most recently signed and completed tax returns with a statement of current estimated income for tax purposes; or
 - c. Other business records, such as ledgers, receipts, or business logs.
4. Provide copies of the documentation of all non-wage income referenced in the definition of "total countable income," self-certification of any income for which no documentation is possible, and any verified child support payments referenced in the definition of "adjusted monthly income" (5 *CCR18078(u)*)).
5. The contractor:
 - a. Shall retain copies of the documentation of total countable income and adjusted monthly income in the family data file.
 - b. When the parent is employed, the contractor shall, as applicable, verify the parent's salary/wage; rate(s) of pay; potential for overtime, tips or additional compensation; hours and days of work; variability of hours and days of work; pay periods and frequency of pay, start date for the employee. If the employer refuses or is non-responsive in providing

requested information or a request for employer documentation would adversely affect the parent's employment, and if the information provided is inconsistent with the contractor's knowledge or community practice, shall request clarification in the self-certification of income, additional income information or a reasonable basis for concluding that the employer exists.

- c. When the parent is self-employed the contractor shall obtain and make a record of independent verification regarding the cost for services provided by the parent that may be obtained by contacting clients, reviewing bank statements, or confirming the information in the parent's advertisements or Web site. If the income cannot be independently verified, the contractor shall assess whether the reported income is reasonable or consistent with the community practice for this employment.
- d. May request additional documentation to verify total countable income to the extent that the information provided by the parent or the employer is insufficient to make a reasonable assessment of income eligibility.
- e. To establish eligibility, shall, by signing the application for services, certify to the contractor's reasonable belief that the income documentation obtained and, if applicable, the self-certification support the reported income, are reliable and are consistent with all other family information and the contractor's knowledge, if applicable, of this type of employment or employer.
- f. If the family is receiving child care and development services because the child(ren) is/are identified as being abused, neglected, exploited, or at risk of abuse, neglect, exploitation, or receiving child protective services, and the written referral required by 5 CCR 18081(b)(9) and (b)(10) specifies that it is necessary to exempt the family from paying a fee, then the parent will not be required to provide documentation of total countable income.

D. Calculation of Income

(EC 8261 8263, 8263.1, 5 CCR 18078[a], [q] and [s], 18096)

When income is required to be calculated, including when the family voluntarily reports a change in income that results in a reduction of fees or when the family reports income in excess of 85% of State Median Income (SMI) in accordance

with Section 18084.3 of the Implementation Guidance, the contractor shall calculate total countable income based on income information reflecting the family's current and on-going income:

1. 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 referenced in the definition of "total countable income" pursuant to 5 CCR 18078(u).
2. When income fluctuates because of:
 - a. Agricultural work, as referenced in 5 CCR 18078(j)(1), by averaging income from the preceding 12 months. Or the recertification or when the family reports income in excess of 85% of SMI in accordance with Section 18084.3 of the Implementation Guidance.
 - b. Intermittent income as referenced in 5 CCR 18078(i)(2) by averaging the intermittent income from the preceding 12 months by dividing by 12 and then adding this amount to the other countable income.
 - c. Unpredictable income as referenced in 5 CCR 18078(i)(3) by averaging the income from at least three consecutive months and no more than the preceding 12 months or the recertification or when the family reports income in excess of 85% of SMI.
3. Exceptions to Calculation for Military Personnel 37 U.S.C. 403.

For programs located on or in close proximity to a military base or base housing for purposes of determining eligibility and income ranking for families whose child is eligible for part-day/part-year services, when an individual counted in the family size is on federal active duty, state active duty, active duty for special work, or active guard and reserve duty in the military, and the families reside on a military base or in military housing, the contractor with prior written approval from the SSPI or his designee may exclude the amount of the basic allowance for housing provided to the individual.

E. Documentation of Need: Public Assistance
(EC 8261, 8263, 5 CCR 18085)

If the basis of eligibility in EC 8263(a)(1) is a current aid recipient, the parent shall provide documentation of public cash assistance, unless the contractor has and elects to use other means of obtaining verification.

F. Documentation of Need: Based on Employment, Seeking Employment, Training, Seeking Housing, and Incapacity (*EC 8261, 8263, 8265, 5 CCR 18085.5*)

1. Families who are eligible for subsidized child care and development services based on income, public assistance, or homelessness must document that each parent in the family, meets a need criterion as specified in *EC 8263(a)(2)(B)*. The need criteria are: vocational training leading directly to a recognized trade, paraprofession, or profession; English language learner courses or courses to attain a general educational development or high school equivalency certificate or high school diploma employment or seeking employment; seeking permanent housing for family stability/homelessness; and incapacitation.
2. Subsidized child care and development services shall only be available to the extent to which:
 - a. The parent meets a need criterion as specified in subdivision (a) above that precludes the provision of care and supervision of the family's child for some of the day;
 - b. There is no parent in the family capable of providing care for the family's child during the time care is requested; and
 - c. Supervision of the family's child is not otherwise being provided by school or another person or entity.

G. Documentation of Need: Employment
(*EC 8261, 8263, 5 CCR 18086*)

1. If the basis of need as stated on the application for services is employment of the parent(s), the documentation of the parent(s) employment shall include the days and hours of employment.
2. If the parent has an employer, the documentation of need based on employment shall consist of one of the following:
 - a. The pay stubs provided to determine income eligibility that indicates the days and hours of employment;
 - b. When the provided pay stubs do not indicate the days and hours of employment, the contractor shall verify the days and hours of employment by doing one of the following:
 - i. Secure an independent written statement from the employer;

- ii. Telephone the employer and maintain a record;
 - iii. If the provided pay stubs indicate the total hours of employment per pay period and if the contractor is satisfied that the pay stubs have been issued by the employer, specify on the application for services the days and hours of employment to correlate with the total hours of employment and the parent's need.
- c. 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 for the actual hours worked, 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.
- d. If the employer refuses or is non-responsive in providing the requested information, record the contractor's attempts to contact the employer, and specify and attest on the application for services to the reasonableness of the days and hours of employment based on the description of the employment and community practice; or
- e. If the parent asserts in a declaration signed under penalty of perjury that a request for employer documentation would adversely affect the parent's employment, on the application for services:
- i. When the employed parent does not have pay stubs or other record of wages from the employer and has provided a self-certification of income, as defined in 5 CCR 18078(s), the contractor shall assess the reasonableness of the days and hours of employment based on the description of the employment and the documentation provided in 5 CCR 18084(a)(3), and authorize only the time determined to be reasonable.
3. If the parent is self-employed, the documentation of need based on employment shall consist of the following:

Parent provided information that includes:

- a. A declaration of need under penalty of perjury that includes a description of the employment and an estimate of the days and hours worked per week;
- 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
- c. As applicable, a copy of a business license, a workspace lease, or a workspace rental agreement.
- d. 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 5 CCR 18084.
- e. 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.
- f. 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:
 - i. If the self-employment occurs in a rented space, contacting the parent's lessor or the other person holding the right of possession to verify the parent's renting of space;
 - ii. If the self-employment occurs in variable locations, independently verify this information by contacting one or more clients whose names and contact information have been voluntarily provided by the parent; or
 - iii. Making other reasonable contacts or requests to determine the amount of time for self-employment.
- g. 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 by the applicable minimum wage (5 CCR 18078[u][4]). The

resulting quotient shall be the maximum hours needed for employment per month.

- h. For the instances identified in previous sections above, the parent shall provide a release to enable the contractor to obtain the information it deems necessary to support the parent's asserted days and hours worked per week.
- i. If additional services are requested for travel time or sleep time to support employment, the contractor shall determine, as applicable, the time authorized for:
 - i. Travel to and from the location at which services are provided and the place of employment, not to exceed half of the daily hours authorized for employment to a maximum of four hours per day; or
 - ii. Sleep, if the parent is employed anytime between 10:00 p.m. and 6:00 a.m., not to exceed the number of hours authorized for employment and travel between those hours.

H. Documentation of Need: Employment in the Home or a Licensed Family Day Care Home
(EC 8261, 8263, 8265, 5 CCR 18086.1)

The requirements of this section are in addition to those stated above.

1. If the parent's employment is in the family's home or on property that includes the family's home, the parent must provide justification for requesting subsidized child care and development services based on the type of work being done and its requirements, the age of the family's child for whom services are sought, and if the child is more than five years old, the specific child care needs. The contractor shall determine and document whether the parent's employment and the identified child care needs preclude the supervision of the family's child.
2. If the parent is a licensed family day care home provider pursuant to the California *Health and Safety Code (HSC)* Section 1596.78, or an individual license-exempt provider pursuant to the California *HSC* Section 1596.792, subdivisions (d) or (f), the parent is not eligible for subsidized services during the parent's business hours because the parent's employment does not preclude the supervision of the family's child.

3. If the parent is employed as an assistant in a licensed large family day care home, pursuant to the California *HSC* Section 1596.78(b), and is requesting services for the family's child in the same family day care home, the parent shall provide documentation that substantiates all of the following:
 - a. A copy of the family day care home license indicating it is licensed as a large family day care home;
 - b. A signed statement from the licensee stating that the parent is the assistant, pursuant to the staffing ratio requirement of 22 *CCR* 102416.5(c);
 - c. Proof that the parent's fingerprints are associated with that licensed family day care home as its assistant, which the contractor may verify with the local community care licensing office; and
 - d. Payroll deductions withheld for the assistant by the licensee, which may be a pay stub.

I. Documentation of Need: Seeking Employment; Service Limitations
(*EC* 8261, 8263, 8265, 5 *CCR* 18086.5, 18101)

1. 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 for not less than twelve (12) months
 - a. Services shall occur on no more than five (5) days per week and for less than thirty (30) hours per week.
2. 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.

J. Documentation of Need: Training toward Vocational Goals; Service Limitations
(*EC* 8261, 8263, 8265, 5 *CCR* 18087)

1. When the need for services is training toward vocational goals, the parent's period of eligibility for services shall be for not less than twelve (12) months, up to the limitation set forth in subdivision (b). If the parent has reached the limitation described in subdivision (b), the family shall receive services until the end of the fiscal year in which the limit was reached.

2. If the basis of need on the application for services is vocational training leading to a recognized trade, para-profession, or profession, child care and development services shall be limited, except for whichever expires first:
 - a. Six years from the initiation of services pursuant to this section; or
 - b. Twenty-four semester units, or its equivalent, after the attainment of a Bachelor's Degree.
3. The parent shall provide documentation of the days and hours of vocational training to include:
 - a. A statement of the parent's vocational goal;
 - b. The name of the training institution that is providing the vocational training;
 - c. The dates that current quarter, semester, or training period, as applicable, will begin and end;
 - d. 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:
 - i. The classes in which the parent is currently enrolled;
 - ii. The days of the week and times of day of the classes; and
 - iii. The signature or stamp of the training institution's registrar.
 - e. The anticipated completion date of all required training activities to meet the vocational goal.
4. Services may be provided for classes related to the High School Equivalency Test (HSET) or English language acquisition if such courses support the attainment of the parent's vocational goal.
5. 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.

6. Ongoing eligibility for services based on training is contingent upon making adequate progress. At recertification the parent shall provide documentation of the adequate progress form the most recently completed quarter, semester, or training period. To make adequate progress, the parent shall obtain, in the college classes, technical school, or apprenticeship for which subsidized care is provided:
 - a. In a graded program, earn a 2.0 grade point average; or
 - b. In a non-graded program, pass the program's requirements in at least 50 percent of the classes or meet the training institutions standard for making adequate progress.
7. The first time the parent does not meet the condition the parent may be recertified and continue to receive ongoing services as described in subdivision (a). At the conclusion of this eligibility period, the parent shall have made adequate progress in order to be certified for service based on vocational training. If the parent has not made the adequate progress services for this purpose shall be:
 - a. Disenrolled; and
 - b. Services based on vocational training are only available to the parent, to the extent provided on the basis of need above, and explained, after six months from the date of disenrollment.
8. To document adequate progress the parent shall provide the contractor with a copy of the parent's official progress report from the most recent completed quarter, semester or training period. The contractor may require the parent to:
 - a. Have an official copy of a progress report sent directly from the training institution to the contractor; or
 - b. Provide a release, as may be required by the training institution, to enable the contractor to verify the parent's progress within the institution.

9. 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.
10. 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.
11. 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:
 - a. 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
 - b. Study time, including study time on-line and televised instructional classes, according to the following:
 - i. Two hours per week per academic unit in which the parent is enrolled;
 - ii. 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
 - iii. On a case-by-case basis, no more than the number of class hours per week for non-academic or non-unit bearing training.
12. The service limitations specified above shall not apply to a parent who demonstrates he or she is:
 - a. As of June 27, 2008, receiving services for vocational training and has attained a Bachelor's Degree;
 - b. Receiving services from a program operating pursuant to EC 66060;
 - c. Attending vocational training when the parent has been deemed eligible for rehabilitation services by the California Department of Rehabilitation; or

- d. Attending retraining services available through the Employment Development Department of the State or its contractors due to a business closure or mass layoff.

K. Documentation of Need: ELL Courses, GED/HSE Certificate, or High School Diploma

- 1. Contractors must be provided with written documentation evidencing the parent's enrollment in a recognized English language learner educational program or a program to attain a high school diploma or general educational development certificate.

L. Documentation of Need: Parental Incapacity; Service Limitations
(EC 8261, 8263, 8265, 5 CCR 18088)

- 1. If the basis of need as stated on the application for services is parental incapacity, child care and development services shall not exceed 50 hours per week.
- 2. 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 (5 CCR 18078), and needs services.
- 3. The documentation of incapacitation provided by the legally qualified health professional shall include:
 - a. 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
 - b. 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;
 - c. 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.

4. The contractor may contact the legally qualified health professional for verification, clarification, or completion of the provided statement.
5. 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.
6. The period of eligibility for services when the need for services is incapacitation is for not less than twelve (12) months.

M. Documentation of the Child's Exceptional Needs
(EC 8261, 8263, 5 CCR 18089)

The family data file shall contain documentation of the child's exceptional needs. If the contractor is claiming adjustment factors pursuant to EC 8265.5(b)(4) or (b)(5), the child with exceptional needs is thirteen through twenty-one years of age, or the contractor is operating a program pursuant to EC 8250(d), the documentation of exceptional needs shall include:

1. A copy of the portion of the active individual family service plan (IFSP) or the individualized education program (IEP) that includes the information as specified in EC 56026 and 5 CCR 3030, 3031; and
2. A statement signed by a legally qualified professional that:
 - a. The child requires the special attention of adults in a child care setting; and
 - b. Includes the name, address, license number, and telephone number of the legally qualified professional who is rendering the opinion.

N. Documentation of Eligibility: Homelessness
(EC 8261, 8263, 5 CCR 18090)

1. If the basis of eligibility as specified in EC 8263(a)(1)(A) is homelessness, the family data file shall include documentation of homelessness. The documentation of homelessness shall include:
 - a. A written referral from an emergency shelter or other legal, medical, social service agency, local educational agency liaison for homeless children and youths, designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code, or a Head Start program; or

- b. A written parental declaration that the family is homeless and a statement describing the family's current living situation.
 - 2. If homelessness is as specified in *EC 8263(a)(1)(B)* the basis of need, the child must be identified as homeless by one of the following entities:
 - a. A legal, medical or social services agency
 - b. A local educational agency liaison for homeless children and youth
 - c. A Head Start Program
 - d. Emergency or transitional shelter
 - 3. The period of eligibility for services when the need for services is homelessness is for not less than twelve (12) months, pursuant to *EC 8263(h)(1)*.
- O. Documentation of Need: Seeking Permanent Housing; Service Limitations (*EC 8261, 8263, 5 CCR 18091*)
 - 1. If the basis of need as stated in the application for services is seeking permanent housing for family stability, the parent's initial certification or recertification period for child care and development services shall be for no less than twelve (12) months.. Services shall occur on no more than 5 days per week and for less than 30 hours per week.
 - 2. 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. Documentation of Eligibility/Need: Child Protective Services for Recipients Receiving Services; Children Identified As, or At Risk of Abuse, Neglect or Exploitation (*EC 8261, 8263[b][1], 18081[b][10], 18092*)
 - 1. If eligibility and need as specified in *EC 8263(a)(1)(A)* and *(a)(1)(B)*, are based on a child receiving child protective services, the family data file shall contain a written referral, dated within the six months

immediately preceding the date of application for services. The written referral shall include:

- a. A statement from the local county welfare department, child protective services unit certifying that the child is receiving child protective services and the child care and development services are a necessary component of the child protective services plan; or
- b. The probable duration of the child protective services plan or the at-risk situation; and
- c. The name, address, telephone number, and signature of the legally qualified professional who is making the referral.

2. Child is identified as, or is at risk of abuse, neglect, or exploitation

If eligibility and need are based on the child being identified as abused, neglected, exploited, or at risk of abuse, neglect, or exploitation, the family data file shall contain: (5 CCR 18081)

- a. A written referral from a legally qualified professional from a legal, medical, or social services agency, or emergency shelter, transitional shelter, Head Start program or a Local Education Agency (LEA) liaison for homeless children and youth pursuant to 42 US 11432(g)91)(j)(ii) certifying that:
 - i. The child is identified as being abused, neglected, exploited, or is at risk of abuse, neglect, or exploitation, and that the family needs child care and development services; and
 - ii. The probable duration of the need for child care and development services; and
 - iii. The name, business address, telephone number, and signature of the legally qualified professional who is making the referral and information that identifies the agency, LEA, Head Start Program, or shelter with whom the individual is associated.

Q. Notice of Action, Application for Services –Approving or Denying Services
(EC 8261, 8263, 5 CCR 18081, 18083, 18094, 18095)

After initial certification, the contractor's decision to approve or deny services shall be communicated to the applicant through a written statement referred to as a Notice of Action (NOA), Application for Services, in accordance with 5 CCR 18118.

The contractor shall maintain copies of the NOA, Application for Services in the basic data file. The NOA, Application for Services shall include: (5 CCR 18094)

1. The applicant's name and address;
2. The contractor's name and address;
3. The name and telephone number of the contractor's authorized representative who made the decision;
4. The date of the notice;
5. The method of distribution of the notice.

If services are approved, the notice shall contain:

1. Basis of eligibility;
2. Daily/hourly fee, if applicable;
3. Duration of the eligibility;
4. Names of children approved to receive services;
5. Hours of service approved for each day;

If the services are denied, the notice shall contain:

1. The basis of denial; and
2. Instructions for the parent(s) on how to request a hearing if they do not agree with the contractor's decision as stated in the NOA, Application for Services in accordance with procedures specified in 5 CCR 18120, 18121, and the Due Process section.

R. The Family's Right to Voluntarily Report Changes (Implementation Guidance Section 18084.2)

1. Upon a family voluntarily reporting changes in accordance with 8263(h)(4) the contractor shall:
 - a. Use information as applicable to reduce the family fee, increase the family's services, or extend the period of eligibility.
 - b. Collect documentation to support the changes requested,
 - c. Not later than 10 business days after receipt of applicable documentation, issue a NOA in accordance with section 18095 and,
 - d. Not use any information received to make any other changes to the service agreement.
2. 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. Submit a written request that includes:
 - i. Days and hours per day requested;
 - ii. Effective date of proposed reduction of service level; and
 - b. Acknowledge in writing that they understand that they may retain their current service level.
3. Upon receipt of the parent's written request in subsection (b), the contractor shall:
 - a. Notify the family in writing of the parents right to continue to bring their child pursuant to the original certified service level, and
 - b. Collect documentation to support the changes requested, and

- c. Not later than 10 business days after receipt of applicable documentation, issue a Notice of Action pursuant to section 18095, and
- d. Not use any information received to make any other changes to the service agreement.

S. Requirement to Report when Income Exceeds Ongoing Income Eligibility

1. When a family is initially certified or recertified on the basis of income eligibility, the family shall, within thirty (30) calendar days, report changes to ongoing income that causes their adjusted monthly income, adjusted for family size to exceed ongoing income eligibility.
2. When a family is initially certified or recertified on the basis of income eligibility the Contractor shall:
 - a. At initial certification and recertification, notify the parent, in writing of;
 - i. The adjusted monthly income amount, based on the family size, that would render the family ineligible for services, based on ongoing income eligibility requirements, and
 - ii. The requirement to notify the contractor, within thirty (30) calendar days, of any change in ongoing income that causes the family's adjusted monthly income to exceed eighty-five percent (85%) of SMI.
 - b. Upon notification of income changes by the family, the contractor shall:
 - i. Obtain income documentation, pursuant to section 18084 as applicable;
 - ii. Calculate the family's adjusted monthly income, pursuant to section 18096;
 - iii. Assess if the family's adjusted monthly income exceeds the eighty-five percent (85%) of the most recent SMI as published by the SSPI; and
 - iv. When the family's calculated adjusted monthly income exceeds the eighty-five percent (85%) of the SMI threshold

for the verified family size the contractor shall determine if the family is eligible for services based upon other eligibility criteria pursuant to *EC 8263(a)(1)(A)*. If the contractor establishes another basis for eligibility, the contractor shall document the new basis for eligibility and issue a NOA reflecting the change of eligibility.

- v. If the family does not meet another basis for eligibility, the contractor shall issue a Notice of Action to dis-enroll the family, pursuant to section 18095.

T. Recertification
(*EC 8261, 8263(b)(1)(B) and (C), 5 CCR 18103*)

After initial certification and enrollment, the contractor shall verify eligibility and recertify each family/child once each contract period at intervals not less than twelve (12) months.

U. Notices of Action, Recipient of Services – Recertifying or Updating Services or Change in Services or Fees (*EC 8261, 8263, 5 CCR 18095*)

1. If upon recertification the contractor determines that the need or eligibility requirements are no longer being met, or at any time the fee or amount of service needs to be modified or some other change is made to the family's service agreement, the contractor shall notify the family through a written NOA, Recipient of Services (*5 CCR 18119*).
2. The contractor shall maintain copies of all NOA, Recipient of Services in the family's basic data file. The NOA, Recipient of Services shall include: (*5 CCR 18095*)
 - a. The type of action being taken;
 - b. The effective date of the action;
 - c. The name and address of the recipient;
 - d. The name and address of the contractor;
 - e. The name and telephone number of the contractor's authorized representative who is taking the action;
 - f. The date the notice is mailed or given to the recipient;

- g. The method of distribution to the recipient;
- h. A description of the action;
- i. A statement of the reason(s) for the changes;
- j. A statement of the reason(s) for termination, if applicable; and
- k. Instructions to the parent(s) on how to request a hearing if they do not agree with the contractor's decisions as stated in the NOA, Recipient of Services in accordance with procedures specified in 5 CCR 18120 and 18121. These instructions shall inform parents how to request a hearing from the contractor and, if necessary, from the Early Education and Support Division as described in 5 CCR 18120 and 18121.

For full due process and documentation requirements see section on Due Process.

IV. ADMISSION POLICIES AND PROCEDURES

A. General Admission Procedures (EC 8203, 8263, 5 CCR 18105[a])

Contractors shall develop written admission policies and procedures which shall be made available to the public (5 CCR 18105[a]) including plans for the care of children when they are sick (EC 8251)

B. Admission Priorities, Waiting List and Displacement (EC 8261, 8263[b], 5 CCR 18106)

1. Admission Priorities (EC 8261, 8236, 8263[b], 5 CCR 18106)

- a. First Priority: Families whose children are receiving child protective services through the county welfare department shall be enrolled before children identified as at risk of being neglected or, abused (EC 8263[b][1]). If an agency is unable to enroll a child in this first priority category, the agency shall refer the child's parent or guardian to local resources and referral services so that services for the child can be located.
 - i. Except for situations where not all of the children in a family are certified based on child protective services,

or the child's special need, a family that has a child or children enrolled in a program shall be allowed to enroll additional children provided there exists an appropriate program opening such as infant care or services to school age care children in which to enroll the child.

- ii. When not all of the children in a family are certified based on child protective services or the child's special need, the other children or the parents in the family must meet both eligibility and need criteria (*EC 8263[a][1][A]*) prior to enrollment and shall be admitted in accordance with priorities specified (*EC 8263[b]*).
- b. **Second Priority:** All children and families who are not within the first priority for admission shall be admitted in accordance with family income, with the lowest ranked families admitted first.
- c. For purposes of determining the order of admission, families with the lowest gross monthly income in relation to family size as determined by a schedule adopted by the Superintendent shall be admitted first. Public assistance grants are counted as income. When two or more families have the same income the family that has a child with exceptional needs shall be admitted first. If there is no family of the same priority with a child with exceptional needs, the same priority family that has been on the waiting list for the longest shall be admitted first (*EC 8263[b][2]*).
- d. Contractors shall not deny service to nor assign a lower priority to a family that needs less than full-time services (*5 CCR 18106[d]*).
- e. In accordance with *EC 8263(b)(3)*, the CDE may grant a waiver to the priorities specified above in order for the contractor to serve specific populations. Requests may not include waiver of the fee schedule or admission of ineligible families. Waiver requests shall be submitted to the CDE and approved prior to implementation.

C. Waiting List and Displacement of Families
(EC 8227[e], 8236, 8261, 8263 3[b], 5 CCR 18106)

Contractors shall maintain a current waiting list in accordance with admission priorities. Contractors may satisfy the requirement for maintaining a waiting list by participating in a county child care centralized eligibility list, where applicable. Contractors shall contact applicants in order of priority from the waiting list as vacancies occur. Families shall be enrolled in accordance with admission priorities above (5 CCR 18106[e]).

If it is necessary to displace families, families shall be displaced in reverse order of admission priorities.

After serving any transfers or siblings in families already enrolled in another CDE program, contractors shall enroll using priorities. (EC 8263[c])

V. FAMILY FEES
(EC 8263(h)(4), EC 8273, 8273.2, 5 CCR 18108, 18109)

A. Fee Schedule

Contractors shall use the most recently approved fee schedule prepared and issued by the CDE when determining whether a family fee is applicable, and the amount of a family fee.

Family fees shall be assessed at initial enrollment and recertification or when a parent voluntarily reports a change in order to reduce the family fee.

B. Fee Assessment; Explanation to Parents
(EC 8273, 8273.2, 5 CCR 18109)

Families shall be assessed a flat fee based on:

1. Adjusted monthly family income.
2. Family size.
3. The fee shall be assessed and collected based on the family's child who is enrolled for the longest period.
4. The fee assessed and collected shall be either the fee indicated on the fee schedule, the actual costs of services, or the contract maximum daily/hourly rate, whichever is least.

5. No adjustment shall be made for excused or unexcused absences.
6. The fee shall be the full portion of the family's cost for services.

The contractor shall maintain a record of each family's fee assessment, the effective date(s) of each fee increase or decrease, the dates and amounts of fees collected and any amounts which are delinquent (5 CCR 18109[b]).

The contractor shall provide the family a copy of and explain to the parent(s) the contractor's policies regarding fee assessment and collection and the possible consequences for delinquent payment of fees (5 CCR 18109[c]).

For child protective services and at risk children, that do not have a fee exemption in families whose adjusted monthly income is over 70 percent of the state median income based on the family fee schedule, the family will pay the amount of fees assessed to a family whose total adjusted monthly income is 70 percent of the state median income (EC 8273.1).

C. Exceptions to Fee Assessment
(EC, 8273.1, 5 CCR 18110)

No fees shall be collected from the following types of families whose children are enrolled:

1. Families with an income level that, in relation to family size, is less than the first entry in the fee schedule;
2. Families receiving CalWORKs cash aid;
3. Families whose children are enrolled in part-day CSPP;
4. Families whose children are eligible for services pursuant to EC 8263(b)(1)(B) may be exempt from family fees for up to three months if the case plan/referral so specifies; and
5. Families whose children are eligible for services pursuant to EC 8263(b)(1)(C) may be exempt from family fees for up to twelve months if the case plan/referral so specifies.

Note: Pursuant to EC 8273.1, the total period of exemption from family fees pursuant to subsections (4) and (5) above shall not exceed 12 months.

D. Co-Payments
(EC 8269, 8273, 5 CCR 18220.6)

A family may choose any eligible provider regardless of the provider's rate.

However, when a provider's rate and other allowable charges exceed the maximum subsidy amount, the family shall be responsible for paying the provider the difference between the provider's rate and the maximum subsidy amount. This shall be considered the family's co-payment. The contractor shall not be responsible for collecting the family's co-payment.

E. No Additional Payments or Costs; Exceptions
(EC 8273.3, 5 CCR 18111)

Except as provided below, neither a contractor nor a provider of services shall require or solicit, in cash or in kind, additional payments from the recipients of service. The prohibition includes activities or services that would increase the family's cost of participation including meals, recreation and field trips. If additional payments are made or additional costs are incurred by the family, the contractor shall refund to the parent(s) the amount of payments made or costs incurred. (5 CCR 18111[a])

A contractor or a provider of service need not make a refund as specified in subdivision (a) above when the family is enrolled in an Alternative Payment Program and the parent(s) has voluntarily placed the child with a service provider that requires all parent(s) to provide a sack lunch or supplies such as diapers (5 CCR 18111[b]).

The contractor may require parents to provide diapers. The contractor providing field trips may charge parents the cost of the field trip or may charge parents an additional fee. No federal or state money shall be used to reimburse parents for the costs of field trips if those costs are charged as an additional fee. A contractor that charges parents an additional fee for field trips shall inform parents, prior to enrolling the child, that a fee may be charged and that no reimbursement will be available. (EC 8273.3[a]) A contractor may charge parents for field trips or require parents to provide diapers, subject to all of the following conditions: (EC 8273.3[b])

1. The contractor has a written policy adopted by the agency's governing board that includes the parents' in the decision making process regarding both of the following:
 - a. Whether or not, and how much, to charge for field trip expenses.
 - b. Whether or not to require parents to provide diapers
 - i. The maximum total charges per child in a contract year does not exceed \$25.

2. No child is denied participation in a field trip due to the parent's inability or refusal to pay the charge. No adverse action shall be taken against any parent for that inability or refusal (*EC 8273.3(b)(B)(3) and (4)*).

The contractor shall establish a payment system that prevents the identification of children based on whether or not their parents have paid a field trip charge.

Expenses incurred and income received for field trips shall be reported to the CDE. Income received shall be reported as restricted income.

F. Credit for Fees Paid to Other Service Providers
(*EC 8269, 8273, 5 CCR 18112*)

This section shall apply to child care and development services provided by someone other than the contractor. When a contractor cannot meet all of a family's needs for child care for which eligibility and need have been established, the contractor shall grant a fee credit equal to the amount paid to the other provider(s) of these child care and development services. (*5 CCR 18112[a]*)

The contractor shall apply the fee credit to the family's subsequent fee billing period. The family shall not be allowed to carry over the fee credit beyond the family's subsequent fee billing period. (*5 CCR 18112[b]*)

The contractor shall obtain copies of receipts or cancelled checks for the other child care and development services from the parent. The copies of the receipts or cancelled checks shall be maintained in the contractor's fee assessment records (*5 CCR 18112[c]*).

G. Receipt for Payment of Fee
(*EC 8269, 8273, 5 CCR 18113*)

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. The contractor shall retain a copy of the receipt in its fee assessment records.

H. Advance Payment of Fees; Delinquent Fees; Notice of Delinquency
(*EC 8269, 8273, 5 CCR 18114*)

Contractors shall adopt a policy for the collection of fees in advance of providing services. The written policy shall be provided to families at the time of initial enrollment into the program.

For contractors providing services through Alternative Payment programs, fees shall be considered delinquent on the date the contractor is notified by the provider that fees have not been paid.

A Notice of Action, Recipient of Services shall be used to inform the family of the following:

1. The total amount of unpaid fees.
2. The fee rate.
3. The period of delinquency; and
4. That services shall be terminated two weeks from the date of the Notice unless all delinquent fees are paid before the end of the two week period.

I. Plan for Payment of Delinquent Fees; Consequences of Nonpayment of Delinquent Fees
(EC 8269, 8273, 5 CCR 18115, 18116)

The contractor shall accept a reasonable plan from the parent(s) for payment of delinquent fees. The contractor shall continue to provide services to the child, provided the parent(s) pays current fees when due and complies with the provisions of the repayment plan.

Upon termination of services for nonpayment of delinquent fees, the family shall be ineligible for child care and development services until all delinquent fees are paid.

J. Offset of Family Fees Paid to Providers
(EC 8269, 8273, 5 CCR 18228)

If the contractor's policy allows parents to make direct payments of their fees to the provider, the provider shall submit a copy of the parent's receipt to the contractor.

The contractor shall offset the amount of the fee paid by the parent in calculating the reimbursement due to the provider.

The contractor shall report the amount of fee collected and retained by the provider as "income" on the attendance and expenditure reports as specified in 5 CCR 18068.

The contractor shall report its payment to the provider along with the amount of fees paid directly by the parent which served in lieu of payment from the

contractor to the provider as "expense" on the attendance and expenditure reports.

VI. CONFIDENTIALITY OF RECORDS

(EC 8358.5, 5 CCR 18117)

The use or disclosure of all information pertaining to the child and his/her family shall be restricted by the contractor to purposes directly connected with the administration of the program. The contractor shall permit the review of the family data file by the child's parent(s) or parent's authorized representative, upon request and at reasonable times and places.

VII. DUE PROCESS REQUIREMENTS

(EC 8261 and 8263; 5 CCR 18094)

A. Notice of Action, Application for Services

(5 CCR 18094)

1. The contractor's decision to approve or deny services shall be communicated to the applicant by mailing or delivering a completed statement referred to as a Notice of Action, Application for Services within 30 calendar days from the date the application is signed by the parent(s).
2. The Notice of Action, Application for Services shall include:
 - a. The applicant's name and address;
 - b. The contractor's name and address;
 - c. The name and telephone number of the contractor's authorized representative who made the decision;
 - d. The date of the notice;
 - e. The method of distribution of the notice.
3. If services are approved, the notice shall also contain:
 - a. Basis of eligibility;
 - b. Daily/hourly fee, if applicable;
 - c. Duration of the eligibility;
 - d. Names of children approved to receive services; and

- e. Hours of service approved for each day.
4. If the services are denied, the notice shall contain:
 - a. The basis of denial; and
 - b. Instructions for the parent(s) on how to request a hearing if they do not agree with the contractor's decision in accordance with procedures specified in 5 CCR 18120 and 18121.

**B. Notice of Action, Recipient of Services
(EC 8261, 8263, 5 CCR 18095)**

If upon re-certification or during the period of eligibility, the contractor determines that the income eligibility requirements are no longer being met, or the fee or amount of service needs to be modified, or other changes are made to the service agreement, the contractor shall notify the family through a written Notice of Action, Recipient of Services (5 CCR 18119) below. The contractor shall maintain copies of all Notices of Action, Recipient of Services in the family's family data file.

The Notice of Action, Recipient of Services shall include:

1. The type of action being taken;
2. The effective date of the action;
3. The name and address of the recipient;
4. The name and address of the contractor;
5. The name and telephone number of the contractor's authorized representative who is taking the action;
6. The date the notice is mailed or given to the recipient;
7. The method of distribution to the recipient;
8. A description of the action;
9. A statement of the reason(s) for the changes;
10. A statement of the reason(s) for termination, if applicable;

11. Instructions for the parent(s) on how to request a hearing if they do not agree with the contractor's decisions in accordance with procedures specified in clients request for a hearing (5 CCR 18120) and appeal procedures (5 CCR 18121).

C. Changes Affecting Services
(EC 8263[c], 5 CCR 18119)

The contractor shall complete a Notice of Action, Recipient of Services when changes are made to the service agreement. Such changes may include, but are not limited to, a decrease in parent fees, an increase or decrease in the amount of services when sought by a parent, or termination of service.

The contractor shall mail or deliver the Notice of Action to the parents at least 14 calendar days before the effective date of the intended action whenever:

1. The contractor has factual information that confirms the death of the parent or the child;
2. The contractor receives notification from the parent that the parent no longer wants the service;
3. The agreement for services was a limited term authorization which has come to the end of the term, and at the time of approval of the limited term authorization, the parent was informed in writing of the date services would terminate; or
4. The parent does not provide eligibility or need information after a written request by the contractor.
5. If the Notice of Action is mailed, the 14 calendar day period is extended by 5 calendar days, which establishes a presumption that the parent received the Notice of Action. [Code of Civil Procedure section 1013(a)]

D. Parent(s) Request for a Hearing; Rules and Procedures
(EC 8261, 5 CCR 18120)

1. If the parent disagrees with an action, the parent(s) may file a request for a hearing with the contractor within 14 calendar days of the date the Notice of Action was received. Upon the filing of a request for hearing, the intended action shall be suspended until the review process has been completed. The review process is complete when the appeal process has been exhausted or when the parent(s) abandons the appeal process.

2. Within 10 calendar days following the receipt of the request for a hearing, the contractor shall notify the parent(s) of the time and place of the hearing. The time and place of the hearing shall, to the extent possible, be convenient for the parent(s).
3. The hearing shall be conducted by an administrative staff person who shall be referred to as "the hearing officer". The hearing officer shall be at a staff level higher in authority than the staff person who made the contested decision.
4. The parent(s) or parent's authorized representative is required to attend the hearing. If the parent or the parent's designated representative fails to appear at the hearing, the parent will be deemed to have abandoned his or her appeal. Only persons directly affected by the hearing shall be allowed to attend.
5. The contractor shall arrange for the presence of an interpreter at the hearing, if one is requested by the parent(s).
6. The hearing officer shall explain to the parent(s) the legal, regulatory, or policy basis for the intended action.
7. During the hearing, the parent(s) shall have an opportunity to explain the reason(s) they believe the contractor's decision was incorrect. The contractor's staff shall present any material facts omitted by the parent(s).
8. The hearing officer shall mail or deliver to the parent(s) a written decision within 10 calendar days after the hearing. The written decision shall contain procedures for submitting an appeal to the CDE.

E. Appeal Procedure for CDE Review
(EC 8261, 5 CCR 18121)

1. If the parent disagrees with the written decision from the contractor, the parent has 14 calendar days in which to appeal to the CDE. If the parent(s) do(es) not submit an appeal request to the CDE within 14 calendar days, the parents' appeal process shall be deemed abandoned and the contractor may implement the intended action.
2. The parent(s) shall specify in the appeal request the reason(s) why he/she believes the contractor's decision was incorrect. A copy of the contractor's notice of intended action and written decision shall be submitted by the parent(s) with the appeal request.

3. Upon receipt of an appeal request, the CDE may request copies of the family data file and other relevant materials from the contractor. The CDE may also conduct any investigations, interviews or mediation necessary to resolve the appeal.
4. The decision of the CDE shall be mailed or delivered to the parent(s) and to the contractor within 30 calendar days after receipt of the appeal request.

F. Contractor Compliance with the CDE Decision; Reimbursement for Services during the Appeal Process
(EC 8261, 5 CCR 18122)

The contractor shall comply with the decision of the CDE immediately upon receipt thereof. The contractor shall be reimbursed for child care and development services delivered to the family which is appealing during the appeal process. If a contractor's determination that a family is ineligible is upheld by CDE, services to the family shall cease upon receipt of the CDE's decision by the contractor.

VIII. INFORMATION ON CONTRACTOR POLICIES
(EC 8222, 8261, 8357, 8447(b), 5 CCR 18221)

The contractor shall develop and implement a written policy statement which shall include information regarding:

- A. A description of the program's purpose, design, and organization framework
- B. Priorities for enrollment
- C. Family eligibility requirements
- D. Conditions for participation
- E. Reimbursement of providers not to exceed the applicable regional market rate ceiling for the type of care provided
- F. Requirements for provider participation
- G. Range of services available including licensed care, sectarian care, and exempt care including in-home care.
- H. Parent fee collection policy and procedures including direct reimbursement payment of fees to the provider, if allowable.

- I. Voucher or certificate procedures ensuring that the certificate will be easy for the parent to obtain, the provider will receive timely reimbursement for services rendered and that the parent may use the certificate with any provider at the applicable regional market rate ceiling established by statute (unless the parent is willing to make a co-payment if the provider is above the applicable regional market rate ceiling established by statute).

IX. INFORMATION TO BE GIVEN TO PARENTS

(EC 8225, 8226, 8261, 5 CCR 18222 18224.4[b])

- A. The contractor shall provide parents with the following information upon enrollment in the program:
 1. The policy statement as specified in 5 CCR 18221.
 2. Information regarding the confidentiality of records.
 3. Information regarding grievance procedures for parents, including information regarding Uniform Complaint Procedures.
 4. Information regarding the rights of parents to change child care setting
 5. If the parent(s) speak(s) a language other than English or is (are) hearing impaired, the information shall be provided either through written materials or by presentation of an interpreter in the language the parent understands.
 6. Responsibility to sign and submit the Health and Safety Self-Certification for non-relative license-exempt care and responsibility to sign and submit the Declaration of Exemption from TrustLine Registration and Health and Safety Self-Certification for care provided by the child's grandparent, aunt, or uncle.
 7. Information regarding legal and financial reporting requirements if the parent selects in-home care.
 8. Information regarding the voucher or certificate procedures.
- B. Within two business days of receiving license suspension or revocation information from the Resource and Referral program, the contractor shall notify in writing the parents utilizing the facility

that the reimbursement has been terminated and the reason for the termination.

- C. Within two days of being notified by the Resource and Referral program that a facility has been placed on probation, the contractor shall provide written notice to the parents utilizing the facility that the parents have an option to select a different child day care provider or to remain with the facility without risk of subsidy reimbursement being terminated.
- D. When making referrals:

Contractors operating both a direct service program and an Alternative Payment program shall provide at least four referrals, at least one of which shall be a provider over which the contractor has no fiscal or operational control, as well as information on the family's ability to choose a license-exempt provider (EC 8225).

- 1. Contractors shall provide information to any person who requests a child care referral of his or her right to view the licensing information of a licensed facility required to be maintained at the facility pursuant to Section 1596.859 of the Health and Safety Code and to access any public files pertaining to the facility that are maintained by the State Department of Social Services Community Care Licensing Division (EC 8226).

X. PROCEDURES FOR PROVIDER PARTICIPATION (EC 8261, 5 CCR 18223)

- A. The contractor shall develop and implement written policies and procedures for provider participation which include the following:
 - 1. Maximizing parental choice with consideration of the contractor's ability to pay for the services within the funding provided in the annual child development contract.
 - 2. Procedures for ensuring that:
 - a. The provider selected by the parent is licensed or a registered child care provider prior to receiving reimbursement for services;
 - b. License-Exempt family child care or in-home providers (except grandparents, aunts and uncles) complete a Health and Safety Self-Certification and TrustLine application process within 14 calendar days

3. Acceptance, rejection and termination of provider affiliation with the program.
4. Grievance procedures for parents and providers in the program.

XI. WRITTEN MATERIALS TO BE GIVEN TO PROVIDERS
(*EC 8261, 5 CCR 18224*)

The contractor shall give to all providers the following information:

1. A copy of the contractor's policy statements as specified in 5 CCR 18221(e), (f), and (h), 18223, 18226;
2. A statement prohibiting the provider from engaging in any form of unlawful discrimination;
3. A schedule for when the reimbursement of services will be made, which shall be signed by the provider, and
4. Instructions on enrollment and recordkeeping requirements.

XII. PLAN FOR CONTINUITY OF SERVICES AND EXPENDITURES
(*EC 8263, 5 CCR 18225*)

The contractor shall develop and implement a plan to ensure that services are provided to families enrolled in the program continuously throughout the contract period.

To promote the continuity of child care and development services, a family that no longer meets a particular program's income, eligibility or need criteria may have their services continued if the contractor is able to transfer that family's enrollment to another state of federally funded program for which the family continues to be eligible prior to the date of termination of services. The transfer of enrollment may be to another program within the same contracting agency or to another agency that administers state or federally funded child care and development programs.

XIII. PLAN FOR PROVIDER REIMBURSEMENTS AND CERTIFICATES
(*EC 8261, 5 CCR 18226, 5 CCR 18224.2*)

The contractor shall develop and implement a plan for the timely reimbursement to providers. The plan shall include a description of parent fee collection methods in accordance with the policy required above (5 CCR 18221[h]).

Procedures shall include measures to ensure security of certificates and prevent fraud and/or abuse and provide for timely redemption of certificates by either parents or providers.

Within two business days of receiving license suspension or revocation notification from the Resource and Referral program, the contractor shall terminate payment to the affected facility as of the effective date of the suspension or revocation.

XIV. ELIGIBLE PROVIDERS FOR ALTERNATIVE PAYMENT PROGRAM
(EC 8221.5, 5 CCR 18227)

- A. In addition to any other requirements that may be applicable, to be eligible for reimbursement, a provider must a child care center that is one of the following:
1. Licensed, pursuant to Chapter 3.35 of Division 2 of the *Health and Safety Code*, commencing with Section 1596.70; or
 2. A center operated on tribal or federal lands; or
 3. A center or program exempt from licensure, pursuant to *Health and Safety Code* section 1596.792(g), (h), (i), (j), (k), or (l), or section 1596.793, that meets the following requirements for reimbursement from an Alternative Payment program:
 - a. Meets minimum attendance and invoice requirements pursuant to EC 8221.5; and provides adult supervision for all children during all hours of operation; and
 - b. Submits a signed statement to the program director certifying that all employees who have contact with children have completed criminal history background examinations comparable to the criminal history background examinations required by Chapter 3.35 of Division 2 of the *Health and Safety Code*, commencing with Section 1596.60.
 4. A family child care home that is:
 - a. Licensed, pursuant to *Health and Safety Code*, commencing with Section 1596.70; or

- b. Providing child care services in a home setting on tribal or federal land.
5. An individual exempt from licensure, pursuant to *Health and Safety Code* sections 1596.792(d) or (f), who does not have active tuberculosis and has not been convicted of any crime involving violence against, or abuse or neglect of, children and is:
- a. Pursuant to *Health and Safety Code* Section 1596.66(a), an aunt, uncle, or grandparent of the child receiving services; or
 - b. A registered TrustLine provider, pursuant to *Health and Safety Code* Section 1596.605; or
 - c. A provisional child care provider pursuant to 5 *CCR* 18078(o) who becomes TrustLine registered within 30 calendar days as provided in 5 *CCR* 18227.1.

XV. PROVISIONAL CHILD CARE
(5 *CCR* 18227.1)

- A. A family may select a provisional child care provider as defined in 5 *CCR* 18078(o) if there is an immediate need for child care.
- B. A family may use a provisional child care provider during a single 30 calendar day period. The first day on which child care services are provided marks the beginning of this 30 day period.
- C. At the conclusion of 30 consecutive calendar days the provisional child care provider must become TrustLine registered and, if so, may be reimbursed for child care services performed or the parent shall select an eligible provider who can meet the parent's need for care.

XVI. RECEIPT OF NOTIFICATION OF TEMPORARY SUSPENSION OR
LICENSE REVOCATION
(EC 8261, 8212 and 8220; 5 *CCR* 18224.2)

- A. When an Alternative Payment program is notified by the Resource and Referral program that a licensed child care facility's license has been temporarily suspended or revoked, the Alternative Payment program shall do the following within two business days of receiving the notification:

1. Terminate payment to the licensed child care facility for services provided as of the effective date of the temporary suspension or license revocation. The facility will be reimbursed for services provided prior to that date;
 2. Notify the licensed child care facility and the parents funded by the Alternative Payment program and enrolled in the facility in writing that the payment has been terminated and the reason for the termination; and
 3. To extent feasible, the Alternative Payment program shall provide the notice to the parent in the primary language of the parent.
- B. The Alternative Payment Program shall document action taken pursuant to (1) and (2) above. The Alternative Payment Program shall retain the documentation and make it available to the California Department of Education upon request.

XVII. RECEIPT OF NOTIFICATION OF PROBATIONARY STATUS (5 CCR 18224.4)

- A. Notification applies to providers already on probation and to providers that are placed on probation.
- B. When an Alternative Payment program is notified by the Resource and Referral program that a facility has been placed on probation, the Alternative Payment program shall provide, within two business days, written notice to the parents funded by the Alternative Payment program enrolled in the facility that the facility has been placed on probation and that the parents have an option to make different child care arrangements or may remain with the facility without risk of subsidy payments being terminated.
- C. To the extent feasible, the Alternative payment program shall provide the notice to the parent in the primary language of the parent.
- D. The Alternative Payment program shall document notification provided pursuant to (B) above. The Alternative Payment program shall retain the documentation and make it available to the CDE upon request (EC 8261, 8212, 5 CCR 18224.4)

XVIII. NOTIFICATION OF INELIGIBLE STATUS OF A LICENSED-EXEMPT PROVIDER (5 CCR 18224.6)

- A. A license-exempt provider shall not be eligible to receive reimbursement for child care and development services when an Alternative Payment program is notified by the California Child Care Resource and Referral (R&R) Network that the provisional child care provider's:
 - 1. TrustLine case has been closed; or
 - 2. TrustLine application has been denied; or
 - 3. TrustLine application has not been approved within the 30-day period pursuant to 5 CCR 18078(o).

- B. A license-exempt provider shall not continue to receive reimbursement for child care services when an Alternative Payment Program:
 - 1. Is notified by the R&R Network that the provider's TrustLine registration has been revoked; or
 - 2. Receives reliable and documented information that a license-exempt provider has:
 - a. Active or contagious tuberculosis; or
 - b. Been convicted of any crime involving violence against, or abuse or neglect of, children.

- C. Upon receipt of any of the documented information above, the Alternative Payment program shall terminate reimbursement to the provider for services provided as of the effective date on the TrustLine revocation notice or the date on which the Alternative Payment Program received reliable and documented information of active or contagious tuberculosis or of a conviction of any crime involving violence against, or abuse or neglect of, children. The provider will be reimbursed for services provided through the effective day of the TrustLine revocation or the day of receipt of documentation of active or contagious tuberculosis, or a conviction of any crime involving violence against, or abuse or neglect of, children.

- D. Upon receipt of the documented information, the Alternative Payment Program shall do all of the following:

1. Notify in writing both the provider and the parent of the child receiving services that the payment has been denied or terminated, as applicable, and the reasons for the denial or termination; and
2. Refer the parent to the local Resource and Referral Program for assistance with finding a new provider; and
3. Document the action and retain the documentation and make it available to the CDE upon request. When this action affects the provider of a current CalWORKs cash aided parent, the program shall inform the local county welfare department if services cannot be transferred to another provider without a gap in services.

XIX. RECORDS ON FILE CONCERNING IN-HOME SERVICE PROVIDERS AND OTHER LICENSE EXEMPT SERVICE PROVIDERS
(EC 8261, 8269, 5 CCR 18230)

- A. If the contractor's policies allow payment for in-home care, the contractor shall maintain in its file the following records concerning in-home care providers:
 1. A description of the caregiver's qualifications and work experience obtained during a personal interview with the care-giver.
 2. A declaration by the care giver that he or she is in good health.
 3. A signed statement from the parent verifying that the parent has interviewed and approved of the caregiver.
 4. A California driver's license number or other valid and recognized form of identification to verify that the caregiver is at least eighteen years of age.

XX. RECORDS ON FILE CONCERNING SERVICE PROVIDERS
(C.F.R. 98.31, EC 8261, 5 CCR 18231)

The contractor shall maintain in its files the following records concerning each service provider:

- A. A statement of the service provider's current fees with information regarding the provider's usual and customary services provided for those fees.

- B. A statement signed by the provider that the child care and development services being provided do not include religious instruction or worship.
- C. A document that contains the rate and schedule of payment for approved services that is signed by both the service provider and the contractor.
- D. A copy of the facility license that shows the authorized capacity of the facility.
- E. The name, address and telephone number of the service provider.
- F. The age group(s) served by the provider.
- G. A declaration by the provider that the parents have unlimited access to their children and providers caring for their children during normal hours of provider operation and whenever the children are in the care of the provider.

XXI. IN-HOME CARE (FAIR LABOR STANDARDS ACT (FLSA) REQUIREMENT, TITLE 29, U.S. SECTION 206)

- A. Contractors shall ensure that, for license-exempt individuals providing subsidized child care services in the home of the child, the sum of the subsidy reimbursement, the family fee, and any additional parent payment is equal to or greater than the applicable state or local minimum wage. At the time that a child(ren) is enrolled or at re-certification, the contractor shall ensure the minimum wage requirement is met through one of the following:
- B. Determine the minimum number of children or combination of children by reimbursement-age category needed for the reimbursement, inclusive of any parent fee, to meet or exceed minimum wage. Note: The contractor may adopt policies identifying the minimum number of children needed to meet this requirement.
- C. Divide the estimated reimbursement, inclusive of any parent fee, by the estimated hours to be worked for that period to determine if the quotient meets or exceeds the minimum wage. Note: Use hours to be worked, not hours per each child for whom care is provided.
- D. If the parent chooses to be the employer, require the parent to submit copies of employer documents filed with the appropriate federal and state agencies, copies of check stubs to the provider, and copies of any required withholding tax payments for an amount

that in conjunction with the reimbursement, inclusive of any parent fee, equals or exceeds minimum wage. Note: In this case, reimbursement should be in the form of a two-party check to both the parent and the provider.

XXII. INFORMATION TO SHARE WITH THE PARENTS

Effective on January 1, 2007, each child care facility shall permanently post, in a prominent location, information about the registered sex offender database that is available on the Megan's Law Web site, <http://www.meganslaw.ca.gov>, and give families one of the two licensing forms (LIC 995 or 995A, Notification of Parents' Rights) provided by the State Department of Social Services.

**ALTERNATIVE PAYMENT PROGRAM
QUALITY REQUIREMENTS
Fiscal Year 2018–19**

I. PROGRAM PHILOSOPHY, GOALS AND OBJECTIVES
(*EC 8261, 5 CCR 18271*)

Each contractor shall have a written philosophical statement and goals and objectives that support that philosophy. The governing body of each contractor shall approve the program philosophy, goals and objectives.

The goals and objectives shall address the requirements contained in all of the sections of this article.

The goals and objectives shall reflect the cultural and linguistic characteristics of the families served by the contractor.

II. STAFF DEVELOPMENT PROGRAM
(*EC 8261, 5 CCR 18274*)

Each contractor shall develop and implement a staff development program that includes the following:

- A. Identification of training needs of staff.
- B. Written job descriptions.
- C. An orientation plan for new employees.
- D. An annual written performance evaluation procedure unless a different frequency of performance evaluations is specified in a contractor's collective bargaining agreement with their employees.
- E. Staff development opportunities that include topics related to the functions specified in each employee's job descriptions and those training needs identified by the contractor; and
- F. An internal communication system that provides each staff member with the information necessary to carry out his or her assigned duties.

III. COMMUNITY INVOLVEMENT
(EC 8261; 5 CCR 18277)

Each contractor shall include in its program a community involvement component which shall include, but not be limited to, the following:

- A. Each contractor shall solicit support from the community including the solicitation for donated goods and services.
- B. Providing information to the community regarding the services available.
- C. Contractors may utilize media or other forms of communication in the community.

IV. PROGRAM SELF-EVALUATION PROCESS
(EC 8261, 5 CCR 18270.5, 18279)

- A. Each contractor shall develop and implement an annual plan for its program self-evaluation process.
- B. The annual plan shall include the following:
 - 1. A self-evaluation based on the use of the Federal Program Monitoring/Contract Monitoring Review (FPM/CMR);
 - 2. An assessment of the program by staff and board members as evidenced by written documentation;
 - 3. A written list of tasks needed to modify the program in order to address all areas that need improvement, as indicated in the analysis specified in 5 CCR 18279(b)(4);
 - 4. Procedures for the ongoing monitoring of the program to assure that areas of the program that are satisfactory continue to meet standards, and areas requiring modification pursuant to 5 CCR 18279(b)(5) are addressed in a timely and effective manner.
- C. The contractor shall use the Agency Annual Report, to submit a summary of the findings of the program self-evaluation to the CDE by June 1 of each year (5 CCR 18270.5[a]).

- D. The contractor shall modify its program to address any areas identified during the self-evaluation as needing improvement.

CALIFORNIA DEPARTMENT OF EDUCATION

FUNDING TERMS AND CONDITIONS (FT&C)

FOR

CalWORKs Stage 2 (C2AP)

CalWORKs Stage 3 (C3AP)

Alternative Payment Program (CAPP)

General Child Care and Development (CCTR)

Family Child Care Home Education Networks (CFCC)

Severely Disabled Program (CHAN)

Migrant Alternative Payment Program (CMAP)

Migrant Child Care and Development Program (CMIG)

Resource and Referral Program (CRRP)

California State Preschool Program (CSPP)

FISCAL YEAR 2018-2019

**FUNDING TERMS AND CONDITIONS
TABLE OF CONTENTS
Fiscal Year 2018-19**

I.	DEFINITIONS	7
II.	GENERAL PROVISIONS	24
	A. Notification of Address Change	24
	B. Notification of E-mail Contact Changes	24
	C. Materials Developed with Contract Funds	24
	D. Prohibition Against Religious Instruction or Worship	24
	E. Issuance and Use of Checks	25
	F. Prohibition Against Loans and Advances	25
	G. Contracts with Multiple Service Areas	25
	H. Compliance Reviews for Child Care and Development Programs Contractors	26
	I. Reviews of Alternative Payment Agencies	26
	J. Contractor's Termination for Convenience.....	26
	K. Uniform Complaint Procedures	27
	L. Eligibility for Funding.....	27
	M. Review of Contracts for Continued Funding	28
	N. Applicability of Corporations Code.....	28
	O. Conflicts of Interest.....	29
	P. Unlawful Denial of Services	31
	Q. Computer Software Copyright Compliance.....	31
	R. Recycled Paper Certification.....	31
	S. Healthy Schools Act.....	32
III.	FACILITIES AND EQUIPMENT.....	33
	A. Depreciation and Use Allowance	33
	B. Capital Outlay	33
	C. Obtaining Bids For Equipment Purchases-Private Agencies	35
	D. Obtaining Bids For Equipment Purchases-Public Agencies	36
	E. Approval from CDE for Equipment and Improvements	36
	F. Equipment Inventory	37
	G. Title, Use, Disposition and Retention of Equipment.....	37
	H. Renovation and Repair	38
IV.	SUBCONTRACTS.....	39
	A. Subcontracts Excluded from Requirements of this Section	39
	B. Required Subcontract Provisions.....	40
	C. Private Agencies-Bids for Subcontracts.....	42
	D. Public Agencies Subcontracts	42
	E. Prior CDE Approval for Subcontracts \$10,000 and Above	42
	F. Audit Requirements for Subcontracts	43

V.	COSTS, EARNINGS AND REIMBURSEMENT	44
A.	Contract Amount Adjustments	44
B.	Reasonable and Necessary Costs.....	44
C.	Indirect Costs.....	44
D.	Administrative Costs	45
E.	Service Level Exemption (Start-Up) for New or Expanded Programs.....	45
F.	Costs for Travel and Per Diem.....	46
G.	Specific Items of Reimbursable Costs	47
H.	Nonreimbursable Costs	48
I.	Charging of Expenditures	50
J.	Recoupment of Advanced Contract Funds	50
K.	Use of Subsidized Family Fees	50
L.	Determination of Reimbursable Amount	50
M.	Minimum Days of Operation	52
N.	Reduction, Withholding, and Canceling Apportionments to Contractors.....	52
O.	Order of Expenditure	52
VI.	ACCOUNTING AND REPORTING REQUIREMENTS	53
A.	General Provisions	53
B.	Child Development Fund and Interest Bearing Accounts	53
C.	Enrollment and Attendance Accounting.....	53
D.	Attendance and Absences.....	54
E.	General Record Keeping Requirements	55
F.	Attendance and Expenditure Reports	56
G.	Expenditures.....	57
H.	Fiscal Reports.....	57
I.	Fiscal and Caseload Reports.....	58
J.	Expenditure Reports	59
K.	Service Data Report for Resource and Referral Programs.....	59
L.	Child Development Data Collection	60
M.	Other Report Data	61
N.	Annual Financial and Compliance Audits	61
O.	Review of Audit by the CDE Audits and Investigations Division	62
P.	Delinquent Audits and One-Time-Only Extensions.....	63
Q.	California State Auditor.....	63
R.	Budget and Calendar.....	63
S.	Reserve Accounts.....	63
VII.	TECHNICAL ASSISTANCE	65
VIII.	CONTRACT CLASSIFICATIONS	65
A.	Clear Contract.....	65
B.	Provisional Contract.....	65
C.	Conditional Contract	65

IX.	APPEALS AND TERMINATION.....	66
	A. Resolution of Contract Administration Disputes.....	66
	B. Independent Appeal Procedures	66
	C. Immediate Termination.....	67
	D. Non-Immediate Termination	68
	E. Appeals Procedures For Independent Appeals	69
	F. Contractor's Responsibility After Notice of Termination/Nonrenewal.....	71
X.	CONTRACT STATUS CHANGE PROCEDURES	72
	A. Administrative Review of Changes in Contract Status.....	72
	B. Conditional Status Imposed During the Contract Period.....	73
	C. Conditional Status Addendum	73
	D. Duration of Conditional Contract Status.....	73
	E. Contractor's Responsibility After Notice of Termination/Nonrenewal.....	74

INTRODUCTION

These are the Funding Terms and Conditions (FT&C) for child care and development contracts for fiscal year 2018-2019. Each contractor is required as a condition of its contract with the California Department of Education (CDE), to adhere to the following:

1. *Education Code* statutes applied to child care programs identified within the Child Care and Development Services Act;
2. The FT&C;
3. The specific Program Requirements;
4. The *CDE Audit Guide*;
5. The *California School Accounting Manual*;
6. The procedures and standards set forth in the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, (2 CFR Part 200), hereinafter referred to as Uniform Guidance (UG);
7. *Title 5* California Code of Regulations (5 CCR) Division 1, Chapter 19 and 19.5, sections 18000 et seq., including 12-Month Eligibility Implementation Guidance (Implementation Guidance);
8. *Title 22* California Code of Regulations, Community care facilities license regulations, including child care centers.
9. Any other requirements incorporated into the contract, in addition to all other applicable laws and regulations, including any applicable law and regulations that may become effective during the term of this contract.

Any variance from the contract, the FT&C, requirements, laws, or regulations may be considered a noncompliance issue and subject the contractor to possible termination of the contract. Unless otherwise noted, these requirements apply to all programs.

Any interpretation of the FT&C or Program Requirements must be in writing from the CDE and signed by the Director of the Early Education and Support Division (EESD) or his or her authorized designee.

Contractors may adopt any reasonable policies relating to the program that are not in conflict with law, regulations, or the terms of this contract including any contract amendments. Those potentially affected shall be duly notified and due process, if applicable, shall be assured.

California *Education Code (EC)* Section 8385(f) requires all child care and development contracts entered into by the CDE for means-tested child care and development

programs, including, but not limited to, Alternative Payment, General Child Care and Child Care for Recipients of the California Work Opportunities and Responsibility to Kids (CalWORKs) Programs (described in EC 8220, EC 8240 and EC 8350) to implement best practices identified pursuant to subdivision (c) which states, "In developing its recommendations, the CDE shall place priority on prevention of fraud and overpayments, and shall consider existing best practices for doing so." The CalWORKs and Alternative Payment Best Practices are posted on the CDE Web site at the following link: <https://www.cde.ca.gov/sp/cd/ci/bestpractices.asp>

Child Care and Development contracts are funded with state general funds, federal funds, or a combination of funds. The funding amounts are listed on the contract encumbrance page.

This contract may be fully or partially funded through a grant from the federal Department of Health and Human Services and subject to *Code of Federal Regulations (CFR) 45, Parts 98 and 99*, the Child Care and Development Block Grant (CCDBG) Act of 1990, as amended by the CCDBG Act of 2014, *Public Law 111-186*, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, 42 USC 9858.

If the Catalogue of Federal Domestic Assistance (CFDA) number is 93596 (shown as FC# in the funding block), the fund title is Child Care Mandatory and Matching Funds of the Child Care and Development Fund. If the CFDA number is 93575, the fund title is Child Care and Development Block Grant subject to the Child Care and Development Block Grant Act of 1990, the Omnibus Budget Reconciliation Act of 1990, Section 5082, *Public Law 101-508*, as amended, Section 658J and 658S, and *Public Law 102-586*.

I. DEFINITIONS (As applicable to each specific program type)

Any terms not defined in this section shall be defined, if applicable, as set forth in the *Education Code* or in Title 5 of the *California Code of Regulations (CCR)*.

"12-Month Eligibility Implementation Guidance" or "Implementation guidance" provides guidance and instruction for implementation of the new requirements in California *EC 8263(h)*, referred to as "12-month eligibility." See *Management Bulletin 17-14*

"Actual and allowable net costs" means the costs which may be reimbursed under a particular child development contract after disallowed costs and restricted income have been subtracted from total expenditures. 5 *CCR 18013 (a)*

"Additional funds" means award of new contracts or expanded contracts that increase the contractor's level of administrative responsibility. Additional funds do not include cost of living adjustments, rate increases and one-time-only supplemental funds or Alternative Payment program contingency funds. 5 *CCR 18000*

"Adjusted child days of enrollment" means child days of enrollment after special needs adjustment factors specified in *EC 8265.5* have been applied. 5 *CCR 18013*

"Adjusted monthly income" means total countable income, minus verified child support payments paid by the parent whose child is receiving child development services, excluding the non-countable income listed below: 5 *CCR 18078 (a)*

1. Earnings of a child under age eighteen (18) years;
2. Loans;
3. Grants or scholarships to students for educational purposes other than any balance available for living costs;
4. Food stamps or other food assistance;
5. Earned Income Tax Credit or tax refund;
6. GI Bill entitlements, hardship duty pay, hazardous duty pay, hostile fire pay, or imminent danger pay;
7. Adoption assistance payments received pursuant to *Welfare and Institutions (W&I) Code Section 16115 et seq.*;
8. Non-cash assistance or gifts;
9. All income of any individual counted in the family size who is collecting federal Supplemental Security Income (SSI) or State Supplemental Program (SSP) benefits;