* The State Superintendent of Public Instruction has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined; text proposed to be deleted is displayed in ~~strikeout~~.
* The 15-Day text proposed to be added is displayed in “**bold underline**”; text proposed to be deleted is displayed in “**~~bold strikeout~~**”.

#  Title 5. EDUCATIONDivision 1. California Department of Education

**Chapter 18.5. California State Preschool Program**

## Subchapter 1. Definitions

**§ 17700. Definitions.**

Unless otherwise specified, the following definitions apply throughout this chapter:

(a) “Actual and allowable net costs” means the costs which may be reimbursed under a preschool contract after disallowed costs and restricted income have been subtracted from total expenditures.

(b) “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, or one-time-only supplemental funds.

(c) “Adjusted child days of enrollment” means child days of enrollment after adjustment factors specified in Education Code section 8245 have been applied.

(d) “Adjusted monthly income” means the total countable income as defined below, minus verified child support payments paid by the parent whose child is receiving preschool services, excluding the non-countable income listed below:

(1) Earnings of a child under age 18 years;

(2) Loans;

(3) Grants or scholarships to students for educational purposes;

(4) Federal Supplemental Assistance Program (CalFRESH/SNAP) or Women, Infants and Children (WIC) benefits 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 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;

(10) Insurance or court settlements including pain and suffering and excluding lost wages and punitive damages;

(11) Reimbursements for work-required expenses such as uniforms, mileage, or per diem expenses for food and lodging;

(12) Business expenses for self-employed family members;

(13) When there is no cash value to the employee, the portion of medical and/or dental insurance documented as paid by the employer and included in gross pay;

(14) Disaster relief grants or payments, except any portion for rental assistance or unemployment; and

(15) AmeriCorps Volunteers In Service to America (VISTA) and Federal Emergency Management Agency (FEMA) stipends, room and board, and grants.

(16) Foster payments made on behalf of a child pursuant to section 11460, 11461.3, 11461.36, or 11461.4 of the Welfare and Institutions Code including clothing allowance for children placed through child welfare services; and

(17) Guaranteed income payments as set forth in section 17700(ai).

(e) “Administrative costs” means costs incurred for administrative activities where neither the family, the child, nor the service providers operating family child care homes directly benefit from the activity.

(f) “Adult” for the purposes of this chapter means a person who is at least 18 years of age.

(g) “Applicants headquartered in” means:

(1) Contractors or applicants that have provided preschool services in the service delivery area, as defined in subsection (bi), for at least three years immediately preceding the posting date of the request for applications; or

(2) Contractors or applicants that have their primary administrative offices for the preschool program in the service delivery area as defined in subsection (bf). The primary administrative office is that office which houses the executive officer(s), the fiscal functions, and other centralized support services as documented to the Internal Revenue Service and/or the California School Directory website located at [http://www.cde.ca.gov](http://www.cde.ca.gov/).

(h) “Authorized representative” means a person who has been given authority to perform a task for a parent or a contractor.

(i) “Benefit to the state” means that the activity will improve knowledge or expertise in areas directly related to subsidized preschool services.

(j) “California State Preschool Program (CSPP)” means the definition of “California state preschool program” as defined in Education Code section 8205. This is also referred to sometimes as “preschool program.”

(k) “California State Preschool Program eligible four-year-old children” are children that meet the definition of “four-year-old children” in Education Code section 8205.

(l) “California State Preschool Program eligible three-year-old children” are children that meet the definition of “three-year-old children” in Education Code section 8205.

(m) “Ceases operation” means the contractor does not provide subsidized services in accordance with the contractor's program operating calendar submitted to and approved by the California Department of Education (CDE) Early Education Division for the applicable contract period.

(n) “Certified schedule” means the number of hours per day and/or week that a family is approved to receive subsidized preschool services. This is also referred to sometimes as a “childcare schedule.”

(o) “Certification Period” means the period of time in which the family or child is certified as eligible for CSPP services.

(1) For part-day CSPP, a family is eligible for the remainder of the current program year and the following program year, provided the child continues to meet age eligibility requirements.

(2) For full-day CSPP, a family is eligible for at least 24 months as long as applicable age-eligibility requirements are met. If the eligibility period ends before the end of a program year, contractors shall extend eligibility until June 30 of that program year, or longer as required by section 17749.

(p~~o~~) “Child protective services” means children receiving protective services through the local county welfare department as well as children identified by a legal, medical, social service agency or emergency shelter as abused, neglected or exploited or at risk of abuse, neglect or exploitation.

(q~~p~~) “Child with ~~exceptional needs~~disabilities” means the definition of “children with exceptional needs” as defined in Education Code section 8205.

(r~~q~~) “Commingled services” means the provision of services to both CSPP and non-CSPP children in the same classroom at the same time.

(s~~r~~) “Contract period” means the time span the contract is in effect as specified in the preschool contract.

(t~~s~~) “CSPP ~~free and reduced priced meal (FRPM)~~ Neighborhood School S~~s~~ite~~s~~” means a CSPP site that has been verified as operating within the attendance boundaries of a qualified free and reduced price meal (FRPM) school.

(u~~t~~) “Declaration” means a written statement signed by a parent under penalty of perjury attesting that the contents of the statement are true and correct to the best of that parent's knowledge.

(v~~u~~) “Depreciation” means a cost in the current fiscal year that is based on acquisition costs, less any estimated residual value, computed on a straight-line method based on the normal, estimated useful life expectancy of the asset.

(w~~v~~) “Desired Results Developmental Profiles” are documents on the Desired Results website (https://www.desiredresults.us/drdp-forms) used to record the information in the developmental profile defined in subsection (y~~x~~). Contractors must use one of the following developmental profiles, hereby incorporated by reference, that is age-appropriate for the child:

(1) DRDP (2015) Preschool Comprehensive View (rev. 6/24/2019).

(2) DRDP (2015) Preschool Fundamental View (rev. 6/24/2019).

(3) DRDP (2015) Preschool Essential View (rev. 6/24/2019).

(4) DRDP-K (2015) Comprehensive View (rev. 2015).

(5) DRDP-K (2015) Fundamental View (rev. 2018).

(6) DRDP-K (2015) Essential View (rev.2018).

(x~~w~~) “Desired Results System” means the program foundation, frameworks and assessment tools used to inform and facilitate high-quality programs, which include a developmental profile, environment rating scale, program self-evaluation, and a parent survey that measure the following desired results for children and families:

(1) Children are personally and socially competent.

(2) Children are effective learners.

(3) Children show physical and motor competence.

(4) Children are safe and healthy.

(5) Families support their child's learning and development.

(6) Families achieve their goals.

(y~~x~~) “Developmental profile” means a record of a child's physical, cognitive, social, and emotional development that is used to inform teachers and parents about a child's developmental progress in reaching expected child outcomes. In center-based programs, teacher and parent observations shall be included as part of the information used to complete the child's developmental profile. In family child care home networks, the observations of agency staff, in consultation with provider and parents shall be included as part of the information used to complete the child's developmental profile.

(z~~y~~) “Disallowed costs” means costs which have been incurred but are not reimbursable because they are not reasonable and/or necessary for the performance of the contract or are non-reimbursable as specified in section 17806.

(aa~~z~~) “Displace families” means the disenrollment of families in order to reduce service levels due to insufficient funding or inability of a contractor to operate one or more sites because of reasons stated in Education Code section 8249.

(ab~~a~~) “Early childhood programs” is defined as set forth in Education Code section 8205.

(ac~~b~~) “Education program” means the environment, activities, and services provided to the children.

(ad~~c~~) “Environment rating scale” means an instrument that measures program quality by rating the education program as defined in section 17703, the staff professional development program as defined in section 17704, and family engagement as defined in section 17705. Environment rating scales include one or more of the following:

(1) “ECERS-R” means the document entitled, Early Childhood Environment Rating Scale, Revised Edition, 1998, that is incorporated by reference.

(2) “FDCRS” means the document entitled, Family Day Care Rating Scale, 1989, that is incorporated by reference.

(ae~~d~~) “Family” means the parents and the children for whom the parents are responsible who comprise the household in which the child receiving services is living. For purposes of income eligibility and family fee determination, when a child and that child's siblings are living in a family that does not include their biological or adoptive parent, “family” shall be considered the child and related siblings.

(af~~e~~) “Family engagement and strengthening” means those activities specifically designed to include parents in the education of their children, help parents participate in the program, and enhance their understanding of child development.

(ag~~f~~) “Family experiencing homelessness” is defined as set forth in section 11434a(2) of title 42 of the United States Code, known as the McKinney-Vento Homeless Assistance Act.

(ah~~g~~) “Family Fee Schedule” means the fee schedule developed by the State Superintendent of Public Instruction (SSPI), in conjunction with the State Department of Social Services pursuant to Education Code section 8252.

(ai) “Funded Enrollment” means the definition of “funded enrollment” as defined in Education Code section 8205.

(aj) “Guaranteed income payments” is defined as set forth in Education Code section 8213.

(ak~~h~~) “Income eligibility” for the purpose of determining income eligibility for preschool services is defined as set forth in Education Code section 8213(a) and (b) as applicable.

(a*l*~~i~~) “Income fluctuation” means income that varies due to:

(1) Migrant, agricultural, or seasonal work;

(2) Inconsistent, and/or unstable employment, or self-employment resulting in an inconsistent pattern of income; or

(3) Intermittent, occasional, sporadic, or infrequent earnings or income, including but not limited to bonuses, commissions, lottery winnings, inheritance, back child support payment, overtime or net proceeds from the sale of real property or stock.

(am~~j~~) “Indirect cost” means an incurred cost that benefits more than one program and cannot be readily assigned to the benefitting programs.

(an~~k~~) “Indirect cost allocation plan” means a written justification and rationale for assigning the relative share of indirect costs across more than one program or contract.

(ao~~l~~) “Initial certification” means the formal processes the contractor goes through to collect information and documentation to determine that the family and/or child meets the criteria for receipt of subsidized preschool services. The dated signature of the contractor's authorized representative on an application for services certifies that the criteria have been met, and begins the certification period ~~of eligibility~~.

(ap~~m~~) “Legally qualified professional” means a person licensed under applicable laws and regulations of the State of California to perform legal, medical, health or social services for the general public.

(aq~~n~~) “Magnet school” means an entire school with a focus on a special area of study, such as science, the performing arts, or career education, designed to attract pupils from across the school district who may choose to attend the magnet school instead of their local public school.

(ar~~o~~) “Maximum reimbursable amount” means the total dollar amount of a contract. Reimbursement from the state shall not exceed the maximum reimbursable amount. The initial maximum reimbursable amount shall be the approved original version of the annual contract based on the Budget Act as signed by the Governor.

(as~~p~~) “Net reimbursable program costs” means the portion of the actual and allowable net costs which are incurred in the provision of preschool services for CSPP children.

(at~~q~~) “New contract” means a contract awarded to applicants who do not currently contract with the CDE for preschool services.

(au~~r~~) “Parent” means a biological parent, adoptive parent, stepparent, foster parent, caretaker relative, legal guardian, domestic partner of the parent as defined in Family Code section 297, or any other adult living with a child who has responsibility for the care and welfare of the child.

(av~~s~~) “Parent survey” means a questionnaire completed by the parent to assess the child care program or services that the child and family receive. The parent survey asks for information about how the program helps parents support their child's learning and development and meets the family's needs.

(aw~~t~~) “Parental incapacity” means the temporary or permanent inability of the child's parent(s) to provide care and supervision of the child(ren) for any part of the day due to a physical and/or mental health condition.

(ax~~u~~) Preschool services means services provided through a California state preschool program.

(ay~~v~~) “Private contractor” means an entity other than a public agency which is tax exempt or non-tax exempt and under contract with CDE for the provision of preschool services.

(az~~w~~) “Program self-evaluation process” means those activities and procedures used by the contractor to evaluate its program quality and compliance with applicable laws, regulations, and contractual provisions.

(~~ax~~ba) “Public contractor” means a school district, community college district, county superintendent of schools, campus of the California State University or the University of California system, county, city or other public agency under contract with the CDE for the provision of preschool services.

(~~ay~~bb) “Qualified FRPM school” is a public elementary school, that is not a charter or magnet school, where at least 80 percent of the enrolled students are eligible for ~~the~~ free and reduced price meals ~~program~~.

(~~az~~bc) “Reasonable and necessary costs” means expenditures that, in nature and amount, do not exceed what an ordinarily prudent person would incur in the conduct of a competitive business.

(bd~~a~~) “Recertification” means the formal processes the contractor goes through to collect information and documentation to determine that the family and/or child continues to meet the criteria for receipt of subsidized **~~full-day~~** preschool services. The dated signature of the contractor's authorized representative on an application for services certifies that the criteria have been met, and begins the certification period ~~of eligibility~~.

(be~~b~~) “Recipients of services” means families and/or children enrolled in a preschool program subsidized by the CDE.

(bf~~c~~) “Request for applications (RFA)” means an announcement issued by the CDE for an award of new funding for preschool services or expansion of existing level of services. The RFA includes, but is not limited to:

(1) The application content requirements;

(2) Procedures and timelines for submission of an application for funding; and

(3) How the application will be scored.

(bg~~d~~) “Restricted income” means income which the donor designates may only be expended for specific limited purposes that are reimbursable according to the contract.

(bh~~e~~) “Self-certification of income” means a declaration signed by the parent under penalty of perjury, identifying:

(1) To the extent known, the employer's name, address, start date of work, the rate and frequency of pay, the total amount of income received for the preceding month(s), the type of work performed, and the hours and days worked; or

(2) That the parent does not have income from employment and any source of income used to support the family including non-wage income.

(bi~~f~~) “Service delivery area” means the community, geographic area or political subsection in which the preschool services are to be provided as specified in the RFA.

(bj~~g~~) “Staff professional development program” means those activities that address the needs, interests, and skills of program staff or service providers to improve program quality.

(bk~~h~~) “Subcontract” means a written agreement between the contractor and any entity to perform a service on behalf of the contractor.

(b*l*~~i~~) “Total countable income” means all income of the individuals counted in the family size that includes, but is not limited to, the following:

(1) Gross wages or salary, commissions, overtime, tips, bonuses, gambling or lottery winnings;

(2) Wages for migrant, agricultural, or seasonal work;

(3) CalWORKs cash aid;

(4) Gross income from self-employment less business expenses with the exception of wage draws;

(5) Disability or unemployment compensation;

(6) Workers compensation;

(7) Spousal support, child support received from the former spouse or absent parent, or financial assistance for housing costs or car payments paid as part of or in addition to spousal or child support;

(8) Survivor and retirement benefits;

(9) Dividends, interest on bonds, income from estates or trusts, net rental income or royalties;

(10) Rent for room within the family's residence;

~~(11) Foster care grants, payments or clothing allowance for children placed through child welfare services;~~

(~~12~~11) Financial assistance received for the care of a child living with an adult who is not the child's biological or adoptive parent;

(~~13~~12) Veterans pensions;

(~~14~~13) Pensions or annuities;

(~~15~~14) Inheritance;

(~~16~~15) Allowances for housing or automobiles provided as part of compensation;

(~~17~~16) Insurance or court settlements for lost wages or punitive damages;

(~~18~~17) Net proceeds from the sale of real property, stocks, or inherited property; or

(~~19~~18) Other enterprise for gain.

(bm~~j~~) “Total expenditures” means all costs for the provision of subsidized services under the contract and any nonsubsidized services which are provided in classrooms with commingled preschool services.

(bn~~k~~) “Unnecessarily increase the value” means an improvement of a site beyond what is required to meet California Code of Regulations, title 22, Community Care Licensing Standards.

(bo~~l~~) “Unrestricted income” means income that has no restrictions regarding use by the donor, and income restricted by the donor for purposes that are not reimbursable according to the contract, including income for services to children not subsidized by the contract.

(bp~~m~~) “Use allowance” means an alternate method for claiming the use of the contractor's assets as a cost when depreciation methods are not used.

(bq~~n~~) “Vocational training” means an educational or job training/apprenticeship/internship program, courses and/or classes leading to a recognized trade, paraprofession or profession.

NOTE: Authority cited: Sections 8207, 8231 and 8247, Education Code. Reference: Sections 8202, 8203, 8205, 8207, 8208, 8213, 8231, 8244, 8245, 8249, 8252, 8314 and 8332, Education Code.

## Subchapter 4. Programmatic Requirements

### Article 1. Operational Requirements

§ 17729. Verification of CSPP Contractor Site(s) within Qualified FRPM **Elementary School Attendance Boundary.**

(a) ~~The c~~Contractors opting to enroll children using Neighborhood School Eligibility shall submit the following documentation and information, as applicable and obtain ~~prior~~ written approval from the California Department of Education (CDE) ~~before~~ prior to enrolling children using this ~~free and reduced priced meals (FRPM)~~ eligibility category for the first time.

(1) California State Preschool Program (CSPP) contractors must determine the elementary school’s boundaries in which the CSPP site sits and use the address of the CSPP site to document the boundaries in one of the following ways:

(A) Utilize the local school district or county office of education website tool to verify that the CSPP site is located within the elementary school’s attendance boundaries and keep a copy of the results, noting the expiration date if applicable; or,

(B) Utilize a printed or online map of the school district which indicates that the CSPP site is within the elementary school boundary. Contractors must ensure that the map used is for the program year in which the contractor is applying as a CSPP Neighborhood School Site; or,

(C) Contact the elementary school for boundary information and have the principal or authorized representative sign a statement certifying that the CSPP site falls within the same attendance boundaries of the elementary school.

(2) Contractors must then confirm and indicate that the elementary school identified in subsection (1) is a qualified free and reduced price meals (FRPM) school, pursuant to 17700, by viewing the List of Eligible Public Elementary Schools posted to the CSPP Neighborhood School Site webpage at <http://www.cde.ca.gov/sp/cd/ci/neighborhoodschoolelig.asp> which identifies non-charter, non-magnet schools, by county, where at least 80 percent of the enrolled students are eligible for free and reduced price meals.

(b) Once approved by the Early Education Division as a CSPP Neighborhood School Site pursuant to subsection (a), the contractor shall verify on an annual basis that it continues to operate as a CSPP Neighborhood School Site before continuing to enroll children under this eligibility criteria, and must keep the following documentation on file for purposes of monitoring:

(1) Written confirmation from CDE that the site has been re-verified as a CSPP Neighborhood School Site through an online verification on the CSPP Neighborhood School Site webpage at www.cde.ca.gov/sp/cd/ci/neighborhoodschooleligibility.asp.

(2) Documentation that the site continues to operate as a CSPP Neighborhood School Site, pursuant to the requirements of subsection (a) above.

(c) Verification that the CSPP site is a Neighborhood School Site is only valid for one program year at a time. If a CSPP site does not qualify as a Neighborhood School Site for one program year or longer, it must seek prior approval from CDE as set forth in subdivision (a) before again enrolling children under this eligibility category.

NOTE: Authority cited: Sections 8217 and 8231, Education Code. Reference: Sections 8207, 8217 and 8242, Education Code.

#### § 17732.1. Funded Enrollment Set Aside for Children with Disabilities

(a) Contractors are required to set aside a percentage of their funded enrollment for enrolling children with disabilities pursuant to Education Code section 8208.

(b) Children can only be enrolled under the set aside if:

(1) The child is a child with disabilities as defined in section 17700; or

(2) The child is three-years old and had an Individualized Family Service Plan (IFSP), and is waiting until the determination is made as to whether the child is eligible for an Individualized Education Program (IEP).

(c) Contractors must adopt a written policy to inform families of the family’s obligation to provide up-to-date copies of the IFSP or the IEP at least annually, as well as inform the contractor of any changes to the status of the IFSP or the IEP. If a current IFSP or IEP is not on file, the child does not count toward meeting the set aside requirement and the contractor will not receive the adjustment factor.

NOTE: Authority cited: Sections 8208, Education Code. Reference: Sections 8205 and 8208, Education Code.

### Article 2. Family Fees for Full-Day C~~spp~~SPP

**§ 17734. Family Fee Assessment: Explanation to Families.**

(a) Except as noted in section 17735, families with children enrolled in full-day~~, full-year~~ programs shall be assessed a family fee as described in this section.

(b) The contractor shall utilize the following factors in determining the family fee to be assessed for each family:

(1) The adjusted monthly family income;

(2) Family size; and

(3) Certified schedule.

**~~(c) If the Individualized Education Program (IEP) states that the child’s offer of a free appropriate public education for special education program services is in the California State Preschool Program (CSPP), the Local Educational Agency (LEA) is responsible for paying the family fee and the fees shall not be collected from the family.~~**

(**c~~d~~**~~c~~) The family fee shall be assessed and collected based on the family’s child who is certified~~enrolled~~ for the greater number of hours~~longest period~~**~~, regardless of whether that child has been placed in the CSPP pursuant to an IEP or not~~**.

**(d) Notwithstanding subsection (c) above, if the Individualized Education Program (IEP) of any of the children in the family states that the child’s offer of a free appropriate public education (FAPE) is in the California State Preschool Program (CSPP), the Local Educational Agency (LEA) that is responsible for providing FAPE to the child with the IEP is responsible for paying the family fee and the fee shall not be collected from the family.**

(e~~d~~) The family fee assessed and collected shall be either the family fee indicated on the family fee schedule, the actual costs of services, or the contract maximum daily/hourly rate, whichever is less.

(f~~e~~) No adjustment shall be made for excused or unexcused absences.

(g~~f~~) The family fee shall be the full portion of the family's cost for services. No additional fees shall be required.

(h~~g~~) 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 family fees collected and any amounts which are delinquent.

(i~~h~~) The contractor shall provide written information to the parent(s), in advance of collecting family fees, about the policies regarding family fee assessment, collection, and the consequences for delinquent payment of fees.

(j~~i~~) When assessing the family fee, contractors shall use the certified schedule as documented on the application for services.

(1) When a family is certified for 130 hours or more per month, a full-time monthly fee is assessed.

(2) When a family is certified for under 130 hours, a part-time monthly fee is assessed.

(3) When the initial enrollment is not on the first day of the month, the contractor must assess a fee based on the certified hours for the partial month and another fee for subsequent months based on the certified need as documented in the application for services.

(4) Contractors shall factor in the approved program calendar and include in the Notice of Action which months the part-time and/or full-time fees apply.

(k~~j~~) Contractors shall assess a family fee for families who are certified based on an eligibility criterion other than income eligibility~~eligible~~, and are not exempt from a family fee as described in section 17735. These families are required to self-certify their income for purposes of assessing a family fee.

(*l*~~k~~) Families whose incomes are higher than the maximum income for their family size represented on the annual family fee schedule shall pay the highest fee rate for their family size.

NOTE: Authority cited: Sections 8207, 8247, and 56040(a), Education Code. Reference: Section 8252, Education Code.

**§ 17737. Credit for Fees Paid to Other Service Providers.**

This section shall apply to early childhood services provided by someone other than the contractor:

(a) When a contractor cannot meet all of a family's needs for child care for which eligibility and need as specified in Education Code section 8208(d)~~(c)~~ have been established, the contractor shall grant a credit to the family's fee equal to the amount paid to the other provider(s) of these services.

(b) The contractor shall apply the credit to the subsequent family fee billing period. The family shall not be allowed to carry over the credit beyond the subsequent family fee billing period.

(c) The contractor shall obtain copies of receipts or cancelled checks for the other childcare services from the parent. The copies of the receipts or cancelled checks shall be maintained in the contractor's fee assessment records.

NOTE: Authority cited: Section 8207, Education Code. Reference: Sections 8208 and 8242, Education Code.

## Subchapter 5. Admission and Enrollment Requirements

### Article 2. Enrollment Priorities

**§ 17746. Enrollment Priorities for Part-Day California State Preschool Program.**

(a) The first priority for services shall be given to California State Preschool Program (CSPP) three-year-old or CSPP four-year-old children who are recipients of child protective services or who are at risk of being neglected, abused or exploited and for whom there is a written referral from a legal, medical or social service agency.

(b) The second priority for service shall be given to all three- and four-year-old children with disabilities whose family’s income is at or below the income eligibility threshold.

(1) Within this priority category, children from families with the lowest income according to the most recent Schedule of Income Ceiling eligibility table as published by the State Superintendent of Public Instruction (SSPI) at the time of enrollment shall be enrolled first.

(2) Second priority applies to children with disabilities enrolling in CSPP outside of the mandated enrollment set aside pursuant to paragraph (1) of subdivision (c) of section 8208 of the Education Code.~~eligible CSPP four-year-old children, not enrolled in transitional kindergarten (TK), in the following order:~~

~~(1) Eligible children who were enrolled in CSPP as a three-year-old.~~

~~(2) Children whose families have the lowest income ranking based on the most recent Schedule of Income Ceiling eligibility table as published by the State Superintendent of Public Instruction (SSPI) at the time of enrollment.~~

~~(A) When two or more families have the same income ranking, according to the most recent Schedule of Income Ceiling eligibility table, a child with exceptional needs, as defined in section 17700, shall be admitted first.~~

~~(B) If there are no families with children with exceptional needs, the family that has been on the waiting list for the longest time shall be admitted first.~~

(c)(1) The third priority for services shall be given to eligible CSPP three- and four-year-old children, not enrolled in transitional kindergarten (TK). This priority does not include children eligible based on having disabilities if they are from families with incomes above the income eligibility threshold. ~~and shall be enrolled based on the priorities described in subsection (b)(2).~~

(2) Within this priority category, children from families with the lowest income according to the most recent Schedule of Income Ceiling eligibility table as published by the State Superintendent of Public Instruction (SSPI) at the time of enrollment shall be enrolled first.

(A) If two or more families have the same income ranking, according to the most recent Schedule of Income Ceiling eligibility table, the child that is a dual language learner shall be admitted first.

(B) If there are no children that are dual language learners, the child that has been on the waiting list for the longest time shall be admitted first.

(d) The fourth priority for services shall be given to children from families whose income is no more than 15 percent above the eligibility income threshold. Children from families enrolled under this eligibility category may not exceed 10 percent of the participating CSPP's total contract enrollment. Children with disabilities do not count toward the 10 percent limitation. Within this priority category, children shall be enrolled in the following order:

(1) Three- and four-year-old children with disabilities interested in enrolling beyond those already enrolled in the percent of funded enrollment set aside pursuant to Education Code section 8208,

(2) Four-year-old children without disabilities before three-year-old children without disabilities.

(e~~d~~) After all otherwise eligible children have been enrolled, the contractor may enroll the following children in the order listed:

~~(1) Children from families whose income is no more than 15 percent above the eligibility income threshold. Children from families enrolled under this exception may not exceed 10 percent of the participating CSPP's total contract enrollment. Priority shall be given to four-year-old children before three-year-old children.~~

~~(2) A child with exceptional needs, whose family's income is above the income eligibility threshold. Children enrolled pursuant to this subsection, shall not count towards the 10 percent limitation. Priority shall be given to four-year-old children before three-year-old children.~~

(1~~3~~) For CSPP Neighborhood School ~~s~~Sites operating within the attendance boundaries of a qualified free and reduced priced meals (FRPM) school, in accordance with section 17729, the contractor may enroll CSPP three- and four-year-old children whose families reside within the attendance boundary of the same qualified FRPM elementary school without establishing eligibility pursuant to Education Code section 8208(a)(1). These families shall, to the extent possible, be enrolled in income ranking order, lowest to highest.

(2) Transitional kindergarten and kindergarten pupils enrolling in the CSPP for extended learning and care, pursuant to subdivision (*l*) of Section 48000.

~~(e) When not all of the children in a family are certified based on the child receiving child protective services, or because of the child's exceptional needs, the parents in the family must meet eligibility criteria as specified in section 17750 prior to enrollment of additional children and those children shall be admitted in accordance with priorities specified in this section.~~

~~(f)~~ ~~Contractors shall not deny service to nor assign a lower priority to a family that needs less than full-time services.~~

(f) After all families have been enrolled in the priorities above, contractors shall enroll children with disabilities that are not income eligible and have not been enrolled pursuant to any of the priorities above.

NOTE: Authority cited: Section 8207, Education Code. Reference: Sections 8205, 8207, 8208, ~~8209,~~ 8210 and 8217, Education Code.

**§ 17747. Enrollment Priorities for Full-Day California State Preschool Program.**

(a) The first priority for services shall be given to CSPP three- or four-year-old children who are recipients of child protective services or who are at risk of being neglected, abused or exploited upon written referral from a legal, medical or social service agency.

(b) The second priority for services shall be given to ~~eligible CSPP four-year-old children, not enrolled in TK, whose families have the lowest income ranking based on the most recent Schedule of Income Ceiling eligibility table as published by the SSPI at the time of enrollment.~~ all three- and four-year-old children with disabilities whose family’s income is at or below the income eligibility threshold.

(1) Within this priority category, children from families with the lowest income according to the most recent Schedule of Income Ceiling eligibility table as published by the State Superintendent of Public Instruction (SSPI) at the time of enrollment shall be enrolled first.

(2) Second priority applies to children with disabilities enrolling in CSPP outside of the mandated enrollment set aside pursuant to paragraph (**~~1~~2**) of subdivision (**~~c~~d**) of Education Code section 8208.

~~(1) When two or more families have the same income ranking, according to the most recent Schedule of Income Ceiling eligibility table, the child with exceptional needs as defined in section 17700 shall be admitted first.~~

~~(2) If there are no families with children with exceptional needs, the family that has been on the waiting list for the longest time shall be admitted first.~~

(c)(1) The third priority for services shall be given to eligible CSPP three- and four-year-old children ~~who shall be~~ not enrolled ~~based on the priorities described in subsections (b)(1) and (2) above~~ in TK. This priority does not include children eligible based on having disabilities if they are from families with incomes above the income eligibility threshold.

(2) Within this priority category, children from families with the lowest income according to the most recent Schedule of Income Ceiling eligibility table as published by the SSPI at the time of enrollment shall be enrolled first.

(A) If two or more families have the same income ranking, according to the most recent Schedule of Income Ceiling eligibility table, the child that is a dual language learner shall be admitted first.

(B) If there are no children that are dual language learners, the child that has been on the waiting list for the longest time shall be admitted first.

(d) The fourth priority shall be given to children from families whose income is no more than 15 percent above the income eligibility threshold. Children from families enrolled under this eligibility category may not exceed 10 percent of the participating CSPP's total contract enrollment. Children with disabilities are not counted within the 10 percent limitation. Children within this priority category shall be enrolled in the following order:

(1) Three- and four-year-old children with disabilities interested in enrolling beyond those already enrolled in the percent of funded enrollment set aside pursuant to Section 8208,

(2) Four-year-old children without disabilities before three-year-old children without disabilities.

(e~~d~~) After all otherwise eligible children have been enrolled, the contractor may enroll the following children in the order listed:

(1) The contractor may enroll CSPP three- and four-year-old children from families that meet eligibility criteria without establishing a need for services pursuant to section 17751. Within this priority, contractors shall enroll families in income ranking order, lowest to highest, and within income ranking order, enroll four-year-olds before three-year-olds.

(2) For CSPP Neighborhood School ~~s~~Sites operating within the attendance boundaries of a qualified FRPM school, in accordance with section 17729, the contractor may enroll CSPP three- and four-year-old children whose families reside within the attendance boundary of the same qualified FRPM elementary school without establishing eligibility or a need for services pursuant to section 17751. These families shall, to the extent possible, be enrolled in income ranking order, lowest to highest.

~~(e) When not all of the children in a family are certified based on the child receiving child protective services, or because of the child's exceptional needs, the parents in the family must meet both eligibility and need criteria as specified in section 17751 prior to enrollment of additional children and those children shall be admitted in accordance with priorities specified in this section.~~

(f) After all families have been enrolled in the priorities above, contractors shall enroll children with disabilities that are not income eligible and have not been enrolled pursuant to any of the priorities above.

(~~f~~g) Contractors shall not deny service to nor assign a lower priority to a family that needs less than full-time services.

NOTE: Authority cited: Section 8207, Education Code. Reference: Sections 8205, 8207, 8208, 8211 and 8217, Education Code.

**§ 17748. Enrollment Priorities for Head Start Collaborative.**

 (a) When the CSPP contractor is also a Head Start grantee or delegate agency or has a signed collaboration agreement with a Head Start grantee or delegate agency, and is providing collaborative full-day services using both Head Start and CSPP contract funds, the contractor shall utilize the CSPP waiting list in conjunction with the Head Start program waiting list and enroll children in the following priority order:

 (1) First priority shall be given to CSPP age eligible children that have been identified at risk of abuse, neglect, or exploitation or who are receiving child protective services in accordance with section 17773;

 (2) Second priority shall be given to ~~CSPP eligible four-year-old children from families that meet Head Start income guidelines, and have the lowest income ranking based on the most recent income ranking schedule adopted by the SSPI;~~ children with disabilities beyond the required set aside pursuant to paragraph (1) of subdivision (c) of Education Code section 8208, whose families are income eligible for CSPP.

 (3) Third priority shall be given to CSPP eligible three- and four-year-old children from families that meet ~~applicable~~ Head Start income guidelines, and have the lowest income ranking based on the most recent income ranking schedule adopted by the State Superintendent of Public Instruction;

~~priorities as stipulated in the Eligibility, Recruitment, Selection, Enrollment, and Attendance requirements (45 C.F.R. § 1302);~~

 (4) Fourth priority shall be given to CSPP eligible three- and four-year-old children from families that meet applicable Head Start priorities as stipulated in the Eligibility, Recruitment, Selection, Enrollment, and Attendance requirements (45 C.F.R. § 1302);

~~income guidelines, and have the lowest income ranking based on the most recent income ranking schedule adopted by the SSPI; and~~

 ~~(5) Fifth priority shall be given to CSPP eligible three-year-old children from families that meet applicable Head Start priorities as stipulated in the Eligibility, Recruitment, Selection, Enrollment, and Attendance requirements (45 C.F.R. § 1302).~~

 (b) All families shall meet CSPP eligibility criteria as described in sections 17750 and 17751.

NOTE: Authority cited: Section 8207, Education Code. Reference: Sections 8205, 8207, 8208 and 56443, Education Code; and 45 C.F.R. Part 130

## Subchapter 6. Certifying Eligibility and Need for Services

### Article 1. Eligibility and Need Requirements

**§ 17749. Age Limitations.**

California State Preschool Program (CSPP) services shall be limited to:

(a) CSPP eligible four-year-old children, as defined in Education Code section 8205;

(b) CSPP eligible three-year-old children, as defined in Education Code section 8205; and

(c) Kindergarten-age eligible children receiving full-day services during the summer immediately prior to their enrollment in kindergarten. These children must have received full-day services as a CSPP eligible four-year-old on or before June 30 of that year, and may only receive services until the child's first day of kindergarten, or September 30, whichever comes first, at which point they must be disenrolled.

(d) Transitional kindergarten and kindergarten pupils that are enrolled in part-day CSPP for extended learning and care.

NOTE: Authority cited: Section 8207, Education Code. Reference: Sections 8205, 8207, ~~and~~ 8231, and 48000, Education Code.

**§ 17750. Eligibility Requirements for Part-Day CSPP.**

(a) ~~Unless otherwise specified in this subchapter~~ Except as set forth in (b), to be eligible for CSPP part-day services, families shall meet the eligibility requirements described in Education Code section 8208(a)(1).

(b) After all otherwise eligible families have been enrolled, a part-day CSPP may enroll children that do not meet the eligibility requirements described in Education Code section 8208(a)(1), with the following circumstances:

(1) Children from families whose income is no more than 15 percent above the income eligibility threshold. Children from families enrolled under this exception may not exceed 10 percent of the participating CSPP's total contract enrollment.

~~(2) Children with exceptional needs as defined in section 17700. Children enrolled pursuant to this subsection shall not count towards the 10 percent limitation.~~

(2~~3~~) CSPP three- and four-year-old children without establishing eligibility if the CSPP Neighborhood School ~~free and reduced priced meals (FRPM)~~ ~~s~~Site and the family reside within the same attendance boundary of a qualified free and reduced priced meals (FRPM) school.

(c) Unless otherwise specified in this chapter, if the family is eligible for services based on any criterion other than income eligibility, the family must self-certify their income for purposes of determining priority, unless the family chooses to provide income documentation pursuant to section 17762.

(d) When not all of the children in a family are certified based on a child-specific eligibility category, such as the child is receiving child protective services, or because a child has a disability, the parents in the family must meet another eligibility criterion as specified in this section prior to enrollment of additional children and those children shall be admitted in accordance with priorities specified in section 17746.

NOTE: Authority cited: Sections 8207 and 8217, Education Code. Reference: Sections 8207, 8208 and 8217, Education Code.

**§ 17751. Eligibility and Need Requirements for Full-Day CSPP.**

 (a) Except as set forth in subsections (b), ~~and~~ (c), and (d), to be eligible for CSPP full-day services, families shall meet the eligibility and need requirements described in Education Code section 8208(d)(1)~~(a)(1) and (c)(1)~~.

 (b) After all otherwise eligible children have been enrolled, ~~a full-day CSPP contractor may enroll CSPP three-year-old and CSPP four-year-old children from families that are eligible for services pursuant to Education Code section 8208(a)(1) but do not have a need for services.~~ children from families whose income is no more than 15 percent above the income eligibility threshold may be enrolled. Children from families enrolled under this exception may not exceed 10 percent of the participating CSPP's total contract enrollment.

 (c) After all eligible children have been enrolled pursuant to subsection (a) and (b), a full-day CSPP contractor may enroll CSPP three-year-old and CSPP four-year-old children from families that are eligible for services pursuant to Education Code section 8208(d)(1)(A) but do not have a need for services.

 (d~~c~~) After all children have been enrolled pursuant to the above subsections, a full-day CSPP contractor may enroll three- and four-year-old children, without establishing eligibility or a need for services, if the CSPP Neighborhood School ~~FRPM~~ ~~s~~Site and the family reside within the same attendance boundary of a qualified FRPM school.

 (e) A family may receive services based on more than one need criterion at any one time, provided that applicable documentation has been collected.

 (f) Unless otherwise specified in this chapter, if the family is eligible for services based on any criterion other than income eligibility, the family must self-certify their income for purposes of determining priority and a family fee, unless the family chooses to provide income documentation pursuant to section 17762.

 (g) When not all of the children in a family are certified based on a child specific eligibility category, such as the child is receiving child protective services, or because a child has a disability, the parents in the family must meet another eligibility criteria as specified in this section prior to enrollment of additional children and those children shall be admitted in accordance with priorities specified in section 17747.

NOTE: Authority cited: Sections 8207 and 8217, Education Code. Reference: Sections 8207, 8208 and 8217, Education Code.

**§ 17751.1. Eligibility for State-Subsidized CSPP Services**

 (a) Subsidized preschool services shall only be available to the extent to which supervision of the family's child(ren) is(are) not otherwise being provided at the same time by:

 (1) Scheduled time in a public educational program;

 (2) A private school in which the child(ren) is(are) enrolled and attending; or

 (3) A time when a child(ren) is(are) receiving services from any other early childhood program.

NOTE: Authority cited: Sections 8207 and 8231, Education Code. Reference: Sections 8208, Education Code

### Article 2. Certification and Recertification of Eligibility Requirements

**§ 17752. Initial Certification of Eligibility for Part-Day and Full-Day CSPP.**

(a) The contractor shall designate the staff person(s) authorized to certify family/child eligibility.

(1) At initial certification, the authorized representative of the contractor shall certify or deny each family's/child's eligibility and need for preschool services after reviewing the completed application and documentation contained in the family data file, as applicable, as provided in section 17758.

(2) Part-day California State Preschool Program (CSPP) contractors shall certify initial eligibility no more than 120 calendar days prior to the first day of the beginning of the new preschool year. A child shall not be enrolled in more than one part-day CSPP session per day.

(3) Full-day CSPP contractors shall certify initial eligibility no more than 30 calendar days prior to the first day of the beginning of the new preschool year.

(4) Once certified as eligible to receive services, except as otherwise provided in law or regulation, the contractor shall consider the family to meet all eligibility and/or need requirements for the certification period~~:~~

~~(A) For part-day CSPP, only for the remainder of the program year;~~

~~(B) For full-day CSPP for not less than 12 months, at which point, the family's eligibility and/or need shall be recertified as provided in section 17753.~~

~~(b) When a family is certified as income eligible for full-day CSPP, the contractor shall, at the same time, notify the family in writing of the requirement to report if their income exceeds ongoing income eligibility limits, as provided in section 17755.~~

(b~~c~~) For full-day CSPP, e~~E~~xcept as otherwise provided for in law or regulation, disenrollment cannot occur prior to the end of the ~~12-month~~ certification period, with the following exceptions:

(1) When the family is initially certified or recertified on the basis of income eligibility and the recalculation of income, pursuant to section 17755, based on the provided documentation indicates that the family's adjusted monthly income exceeds the income eligibility threshold set forth in Education Code section 8213 and the family does not meet the requirements for another eligibility basis pursuant to sections 17750 or 17751;

(2) When the parent changes residency outside of California; or

(3) When there is substantiated evidence of fraud that invalidates the initial certification and the family is not otherwise eligible.

(c) For part-day CSPP, except as otherwise provided for in law or regulation, disenrollment cannot occur prior to the end of the certification period, with the following exceptions:

(1) When the parent changes residency outside of California; or

(2) When there is substantiated evidence of fraud that invalidates the initial certification and the family is not otherwise eligible.

(d) Families disenrolled prior to the last day of the ~~12-month~~certification period shall be issued a Notice of Action for disenrollment pursuant to section 17783.

NOTE: Authority cited: Sections 8207 and 8247, Education Code. Reference: Sections 8207, 8208 and 8213, Education Code.

**§ 17752.5. Recertification of Eligibility for Part-Day CSPP.**

 (a) CSPP contractors shall make determinations on recertification no more than 30 calendar days after the parent has signed the application for services.

 (b) A part-day CSPP contractor shall recertify eligibility and enroll families into their program within 120 calendar days prior to the first day of the beginning of the new preschool year. Subsequent to enrollment, a child shall be deemed eligible for a part-day CSPP for the remainder of the certification period.

 (c) The contractor shall make every effort to make the recertification process convenient for families by providing early morning, evening, or weekend appointments, or appointments at alternative locations as needed. The contractor may use technology to complete the recertification process if there is no reasonable way for the family to complete the process in person.

NOTE: Authority cited: Sections 8207 and 8231, Education Code. Reference: Sections 8207, 8208, 8213 and 8231, Education Code.

**§ 17753. Recertification of Eligibility for Full-Day CSPP.**

(a) Full-day CSPP contractors shall ~~recertify eligibility~~ make determinations on recertification no more than 30 calendar days after the parent has signed the application for services.

(b) Families shall be recertified for services by the contractor no later than August 15 ~~50 calendar days following the last day of the 12-month certification period, which starts with the day the agency's authorized representative signed the last application for services~~.

(c) In order to recertify families, the contractor's authorized representative shall:

(1) Notify the parent in writing ~~in the final 30 days of the 12-month certification period, which starts with the day the contractor's authorized representative signed the last application for services~~ on or after May 1, of:

(A) The requirement that the families be recertified in order to receive ongoing services;

(B) The date that the recertification must be completed by;

(C) The recertification appointment date, which can be no earlier than ~~one day following the last day of the 12-month certification period~~ June 1;

(D) Information on the recertification process;

(E) Required information/documentation needed for the recertification appointment; and

(F) A telephone contact number and an optional email address in the event the parent may have any questions regarding the recertification process;

(2) Recertify or deny each family's/child's eligibility and need for preschool services after reviewing the completed application and documentation contained in the family data file, as provided for in section 17758; and

(3) Issue a Notice of Action pursuant to section 17783 to recertify eligibility for services or disenroll the family.

(d) Once recertified as eligible to receive services, except as otherwise provided in law or regulation, the contractor shall consider the family to meet all eligibility and/or need requirements for ~~12 months~~ the certification period, at which point the family's eligibility and/or need must be recertified as set forth in this section.

~~(e) When a family is recertified as income eligible, the contractor shall at the same time provide notice to the family of the requirement to report if their income exceeds the income threshold, as provided in section 17755.~~

(e~~f~~) Except as otherwise provided for in law or regulation, disenrollment cannot occur prior to the end of the ~~12-month~~ certification period, even if disqualifying information is discovered during the preliminary collection of documentation for recertification, with the following exceptions:

(1) When the recalculation of income, pursuant to section 17755, based on the provided documentation indicates that the family's adjusted monthly income, adjusted for family size, exceeds the income threshold set forth in Education Code section 8213 and the family does not meet the requirements for another eligibility basis pursuant to sections 17750 or 17751; or

(2) When the parent changes residency outside of California; or

(3) When there is substantiated evidence of fraud that invalidates the initial certification or recertification.

(f) If the family’s recertification appointment is between June 1, and June 30, the contractor shall not use the information from the recertification to change the original certification period.

(g) Families disenrolled prior to the last day of the ~~12-month initial~~ certification ~~or recertification~~ period shall be issued a Notice of Action for disenrollment pursuant to section 17783.

(h) The contractor shall make every effort to make the recertification process convenient for families by providing early morning, evening, weekend appointments, or appointments at alternative locations as needed. The contractor may use technology to complete the recertification process if there is no reasonable way for the family to complete the process in person.

NOTE: Authority cited: Sections 8207 and 8231, Education Code. Reference: Sections 8207, 8208, 8213 and 8231, Education Code.

**§** **17753.1. Enrollment in CSPP When Transferring from Another State-Funded Early Childhood Program.**

When a child is transferred from another state-funded early childhood program, the CSPP contractor must issue a Notice of Action, pursuant to section 17783, to extend the certification period through the remainder of the program year in which the certification period for the other state-funded early childhood program would otherwise end.

NOTE: Authority cited: Sections 8207 and 8231, Education Code. Reference: Section 8208, Education Code.

**§ 17754. Certified Schedule for CSPP Full-Day Families with No Established Need.**

 (a) The certified schedule for families with no established need who are enrolled pursuant to Education Code section 8208, subsections (d)(4)~~(c)(2)~~ or (d)(5)~~(c)(3)~~ shall be based upon the parent's request and be limited to no more than 10 hours per day and no more than five days per week.

 (b) Notwithstanding subsection (a), families that request services for more than 10 hours per day shall provide documentation to support the need for additional services pursuant to applicable regulations.

NOTE: Authority cited: Sections 8207 and 8231, Education Code. Reference: Section 8208, Education Code.

**§** **17755. Requirement to Report when Income Exceeds Statutory Threshold for Income Eligibility for Full-Day CSPP.**

(a) When a full-day family is initially certified or recertified on the basis of income eligibility, the contractor shall:

(1) Provide the parent a copy of the income calculation worksheet that verifies the family is income eligible;

(2) Provide the parent with a copy of the most recent Schedule of Income Ceiling eligibility table, as published by the State Superintendent of Public Instruction; and

(3) Notify the parent in writing of the following:

(A) The maximum adjusted monthly income, adjusted for family size, taking into account income fluctuations pursuant to section 17759, that the family could earn before the family would be disqualified for services, based on on-going eligibility requirements; and

(B) The requirement to notify the contractor, within 30 calendar days, of any current and on-going income change that causes the family's adjusted monthly income, adjusted for family size, to exceed this maximum amount.

(b) Upon notification by the parent that they may have exceeded the maximum income threshold, the contractor shall utilize the process set forth in sections 17759 and 17762 to recalculate the family's adjusted monthly income, adjusted for family size, to determine if the family remains income eligible for continued services.

(1) If the contractor determines, based on the provided documentation, that the family is still income eligible for services, the contractor shall inform the family in writing.

(2) If the contractor concludes the family is no longer income eligible based upon the documentation provided by the parent or the parent fails to provide the documentation as requested by the contractor within 15 calendar days from the day of the parent's notification and the family does not establish another basis for eligibility based on documentation, the contractor shall issue a Notice of Action to disenroll the family pursuant to section 17783.

(3) If the contractor concludes the family remains eligible for services based on documentation supporting another basis of eligibility, the contractor shall issue a Notice of Action approving services on the new basis for eligibility pursuant to section 17783.

NOTE: Authority cited: Sections 8207, 8231 and 8247, Education Code. Reference: Sections 8208, 8213 and 8231, Education Code.

**§ 17756. A Family's Right to Voluntarily Request Changes.**

(a) A family may, at any time, voluntarily request to reduce a family fee or increase their certified schedule, and shall provide applicable supporting documentation, as required for the requested change.

(b) Contractors shall notify all families annually when the updated family fee schedule has been released by the California Department of Education (CDE) and remind families that they can voluntarily request a reduction to their family fee based on the new family fee schedule.

(c~~b~~) When a family voluntarily requests to reduce their family fee, the contractor shall:

(1) Use the documentation provided by the parent to reduce the family fee, if applicable, pursuant to sections 17757, 17759 and 17762;

(2) Within 10 business days after receipt of applicable documentation, issue a Notice of Action pursuant to section 17783;

(3) Only use any information received to reduce the family fee, if applicable. No other changes to the certified schedule shall be made unless requested by the family pursuant to subsection (~~e~~f) below.

(d~~c~~) Notwithstanding any other law or regulation, the effective date of any family fee reduction shall be the first day of the subsequent month.

(e~~d~~) When a family voluntarily requests an increase to their certified schedule, the contractor shall:

(1) Use the documentation provided by the parent to increase the certified schedule;

(2) Within 10 business days after receipt of applicable documentation, issue a Notice of Action pursuant to section 17783;

(3) Notwithstanding any other law or regulation, make the effective date of the increase in certified schedule immediate. For CSPP contractors, this is based on hours of operation and space availability, as applicable; and

(4) Only use any information received to increase the certified schedule. No other changes to the certified schedule shall be made.

(f~~e~~) When a family voluntarily requests a reduction to their certified schedule, the parent shall:

(1) Submit a written request that includes:

(A) Days and hours per day requested; and

(B) Date of the proposed reduction of their certified schedule.

(2) Acknowledge in writing that they understand that they may retain their current certified schedule.

(g~~f~~) Upon receipt of the parent's written request in subsection (f), the contractor shall:

(1) Notify the family in writing of the parent's right to continue to bring the enrolled child pursuant to the original certified schedule;

(2) Use the documentation provided by the parent to reduce the certified schedule, as applicable;

(3) Issue a Notice of Action pursuant to section 17783; and

(4) Only use any information received to reduce their certified schedule. No other changes to the certified schedule shall be made.

NOTE: Authority cited: Sections 8207, 8231 and 8247, Education Code. Reference: Sections 8208, 8213 and 8231, Education Code.

## Subchapter 7. Family Data File

### Article 1. Requirements of the Family Data File

**§ 17757. Application for Services: Contents.**

The application for services shall contain the following information, as applicable:

(a) The parent's(s') full name(s), mailing address(es), telephone number(s), and email address(es), if available;

(b) The names and birth dates of all children under the age of 18 years in the family, as defined in section 17700, whether or not they are served by the program;

(c) The number of hours of care needed each day for each child;

(d) The basis of the family's eligibility for the ~~part-day~~ California State Preschool Program (CSPP), which may be any one of the following:

(1) The parent is receiving CalWORKs cash aid;

(2) The family is income eligible;

(3) The family is experiencing homelessness;

(4) The child is receiving child protective services;

(5) The child is identified as being abused, neglected or exploited or at risk thereof;

(6) The child has a disability;

(7) A member of the household is certified to receive benefits from Medi-Cal, CalFresh, the California Food Assistance Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the federal Food Distribution Program on Indian Reservations, Head Start, Early Head Start or CalWORKs;

(8~~6~~) The family's income is no more than 15 percent above the income eligibility threshold;

~~(7) The child has exceptional needs; or~~

(9~~8~~) The family resides within the boundaries of the same qualified free and reduced price meals (FRPM) school as the CSPP Neighborhood School~~FRPM~~ Site.

~~(e) The basis of the family's eligibility for full-day CSPP, which may be any one of the following:~~

~~(1) The parent is receiving CalWORKs cash aid;~~

~~(2) The family is income eligible;~~

~~(3) The family is experiencing homelessness;~~

~~(4) The child is receiving child protective services;~~

~~(5) The child is identified as being abused, neglected or exploited or at risk thereof; or~~

~~(6) The family resides within the boundaries of the same qualified FRPM school as the preschool program.~~

(e~~f~~) The reason(s) for needing services for full-day CSPP is (are):

(1) The child is receiving child protective services;

(2) The child is identified as being abused, neglected or exploited or at risk thereof;

(3) The family is experiencing homelessness;

(4) The parent is employed;

(5) The parent is seeking employment;

(6) The parent is enrolled in vocational training;

(7) The parent is enrolled in educational programs;

(8) The parent is incapacitated;

(9) The parent is seeking permanent housing for family stability;

(10) The parent does not have a need for services pursuant to Education Code section 8208(d)(4)~~(c)(1)~~; or

(11) The parent does not have a need for services pursuant to Education Code section 8217.

(~~g~~f) Employment, vocational training, or educational program information for the parent(s) shall include:

(1) Name and phone number of the employer or contact person;

(2) Name and address of the business, vocational training, or educational program; and

(3) Days and hours of employment, enrollment in vocational training, or an educational program, as applicable.

(~~h~~g) Family size and family's adjusted monthly income, if applicable.

(~~i~~h) The parent's signature, signed under penalty of perjury, and date of the signature.

(~~j~~i) The signature of the contractor's authorized representative certifying that the family and/or child meets the criteria for receipt of services.

(~~k~~j) The parent's preference of receiving official communication from the contractor by mail or electronic means.

NOTE: Authority cited: Sections 8207 and 8231, Education Code. Reference: Sections 8207, 8208 and 8231, Education Code.

**§** **17758. Contents of Family Data File.**

(a) Contractors shall establish and maintain a family data file for each family receiving preschool services.

(b) The family data file shall contain a completed and signed application for services and the pertinent records used to determine eligibility and need, as applicable, in accordance with article 3 of this subchapter.

(c) The family data file shall also include the following:

(1) Documentation of a child's ~~exceptional needs~~ disability, pursuant to section 17770, if applicable;

(2) Applicable Notice(s) of Action as required in sections 17782, 17783, and 17784.

(3) The family data file shall contain all child health and current emergency information required by California Code of Regulations (CCR), title 22, Social Security, division 12, Community Care Facilities Licensing Regulations.

(4) Documentation of the notification to the parent of their requirement to report when the family's income exceeds the income threshold as described in section 17755.

(5) Documentation of family residency as required by section 17774, if applicable.

(6) If a kindergarten-age child is enrolled in part-day CSPP for extended learning and care, the parent shall provide a self-certification that the child is enrolled in kindergarten.

**(7) As applicable, the Family Language Instrument and the Family Language and Interest Interview.**

NOTE: Authority cited: Sections 8207, 8231**, 8241.5** and 8247, Education Code. Reference: Sections 8207, 8231, 8232**, 8241.5** and 8247, Education Code; and Sections 16500.5 and 16506, Welfare and Institutions Code.

### Article 3. Documentation Requirements

**§ 17762. Documentation of Income Eligibility; Income and Family Fees.**

(a) The parent shall obtain and provide documentation of the family's total countable income for the purposes of determining whether a family is income eligible and/or assessing the appropriate family fee, as applicable. The parent(s) shall provide documentation of total countable income for all the individuals counted in the family size as follows:

(1) If the parent is employed, the parent shall provide:

(A) A release authorizing the contractor to contact the employer(s) that includes, to the extent known, the employer's name, address, telephone number, and usual business hours; and

(B) Payroll check stubs, or an independently drafted letter from the employer, or other record of wages issued by the employer from either month of the two-month window immediately preceding the initial certification, or the recertification of eligibility for services.

(2) When the employer refuses or fails to provide requested documentation or when the parent states a request for documentation would adversely affect the parent's employment, the parent shall obtain and 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, the parent shall obtain and provide a combination of documentation necessary to establish current income eligibility from either month of the two-month window immediately preceding the initial certification, or the recertification of eligibility for services. Documentation shall consist of a self-certification of income as defined in section 17700, and as many of the following types of documentation as reasonably necessary to determine income:

(A) An independently drafted letter from the source of the income; or

(B) A copy of the most recently signed and completed tax return with a statement of current estimated income for tax purposes; or

(C) Other business records, such as ledgers, receipts, or business logs.

(4) The parent shall also provide documentation of all non-wage income, which includes, self-certification of any income for which no documentation is possible, and any verified child support payments as defined in section 17700 of this chapter.

(b) The contractor shall:

(1) Retain copies of the documentation of total countable income and adjusted monthly income, in the family data file.

(2) When the parent is employed, verify the following information using the documentation provided by the parent or by contacting the employer if the required information is not contained in the documentation: the parent's salary/wage; rate(s) of pay; hours and days of work or total hours worked each week; inconsistent and/or unstable hours and days of work; pay periods and frequency of pay; and the start date for the employee.

(3) When the parent is self-employed, make a record of independent verification regarding the cost for services provided by the parent that may be obtained by contacting clients, or confirming the information in the parent's advertisements or website. 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.

(4) Establish income eligibility and/or family fee by signing the application for services, certifying to the contractor's reasonable belief that the income documentation obtained and, if applicable, the self-certification of income, 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.

(c) If the family is receiving preschool services because the child(ren) is/are at risk of abuse, neglect, or exploitation or receiving child protective services, and the written referral pursuant to section 17773 specifies that it is necessary to exempt the family from paying a family fee, then the parent shall not be required to provide documentation of total countable income.

(d) Using the income calculation pursuant to this section and family size determination pursuant to section 17761, contractors shall, as applicable, assess a family fee.

NOTE: Authority cited: Sections 8207, 8231 and 8247, Education Code. Reference: Sections 8207, 8213, 8231, 8252 and 8253, Education Code.

**§** **17763. Documentation of Need for Full-Day CSPP: In General.**

(a) Except for families eligible for services pursuant to Education Code sections 8208(d)(4)~~(c)(2)~~ and 8217, families who are eligible for full-day California State Preschool Program (CSPP) shall document that each parent in the family, as defined in section 17700, meets at least one of the following need criteria:

(1) The child is receiving child protective services;

(2) The child is identified as being abused, neglected or exploited or at risk thereof;

(3) The family is experiencing homelessness;

(4) The parent is employed;

(5) The parent is seeking employment;

(6) The parent is enrolled in vocational training;

(7) The parent is enrolled in educational programs;

(8) The parent is incapacitated; or

(9) The parent is seeking permanent housing for family stability.

(b) When a family has a need for services pursuant to subdivisions (a)(1) through (9) above, ~~S~~subsidized preschool services shall only be available to the extent to which the need for services precludes the provision of care and supervision of the family’s child(ren) for any part of the day, and no parent in the family is available and capable of providing care for the child(ren) during the time services are requested.~~:~~

~~(1) The parent(s) meets a need criterion as specified in subsection (a) that precludes the provision of care and supervision of the family's child(ren) for any part of the day;~~

~~(2) There is no parent in the family available and capable of providing care for the family's child(ren) during the time care is requested; and~~

~~(3) Supervision of the family's child(ren) is(are) not otherwise being provided by:~~

~~(A) Scheduled time in a public educational program;~~

~~(B) A private school in which the child(ren) is(are) enrolled and attending; or~~

~~(C) A time when a child(ren) is(are) receiving services from any other early childhood program.~~

(c) At any time during the ~~12-month~~certification period, a parent may request an increase to the certified schedule based on provided documentation of need.

(d) At any time during the ~~12-month~~certification period, a parent may request to decrease the certified schedule based on provided documentation of need. Requests for decrease in hours shall be provided in writing. In such a case, the contractor shall inform the family of the right to maintain the current certified schedule.

~~(e) A family may receive services based on more than one need criterion at any one time, provided that applicable documentation has been collected.~~

NOTE: Authority cited: Sections 8207, 8231 and 8242, Education Code. Reference: Sections 8207, 8208 and 8231, Education Code.

**§ 17766. Documentation of Need for Full-Day CSPP: Seeking Employment; Service Limitations.**

(a) If the basis of need as stated on the application for services is seeking employment, the following shall apply:

(1) Services as requested by the parent shall occur on no more than five days per week and for less than ~~30~~10 hours per ~~week~~day.

(2) The parent's period of eligibility for preschool services shall be for not less than ~~12 months~~ the certification period and the parent shall receive services for not less than ~~12 months~~ the certification period before having eligibility and need recertified.

(b) Documentation of seeking employment shall include a written parental declaration signed under penalty of perjury stating that the parent is seeking employment. The declaration shall include the parent's general plan to secure, change, or increase employment and services shall occur as requested by the parent pursuant to subsection (a)(1) above.

NOTE: Authority cited: Sections 8207, 8231 and 8242, Education Code. Reference: Sections 8208 and 8231, Education Code.

**§ 17767. Documentation of Need for Full-Day CSPP: Educational Programs; Service Limitations.**

(a) If the basis of need as stated on the application for services is educational programs as defined in section 17700, preschool services shall be limited in total to six years from the initiation of services based on enrollment in educational programs.

(b) The parent shall obtain and provide to the contractor documentation of enrollment in either:

(1) Classes or courses for English language learner (ELL) or English as a Second Language (ESL); or

(2) Classes or courses to attain a high school diploma, a General Education Development (GED), or a High School Equivalency (HSE) certificate.

(c) The parent shall provide documentation of the days and hours of enrollment in an educational program, which shall include:

(1) The name of the institution that is providing the instruction;

(2) The parent's current class schedule that is either an electronic print-out from the educational program or, if unavailable, a document that includes all of the following:

(A) The classes in which the parent is currently enrolled;

(B) The days of the week and times of day of the classes; and

(C) A registration confirmation from the educational program.

(d) The contractor shall determine the days and hours needed per week based on the provided documentation.

(e) Online 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 as applicable. The accrediting body of the training institution shall be among those recognized by the United States Department of Education.

(f) When the parent requests study time, travel time, or both, the contractor shall determine the amount of service time needed based on the documentation provided by the parent.

(1) Study time shall be determined based on the following:

(A) When the educational program, on-line, or televised instructional classes are based on academic units, study time is determined at two hours per week per academic unit in which the parent is enrolled. Additional time for studying may be approved by the contractor, on a case-by-case basis, if the parent provides a declaration signed under penalty of perjury as to why the additional time is needed for the specified course(s). Additional time, if approved, shall not exceed one hour per week per academic unit for the specified course(s) in which the parent is enrolled.

(B) When the educational program is not based on academic units, the contractor shall determine the hours approved for study time but in no case may the number of study hours exceed the number of class hours per week.

(2) Travel time shall be determined based on the location where the preschool services are provided and the location of the educational program, based on actual travel time needed, not to exceed a maximum of four hours per day.

(g) Pursuant to section 17756, a parent may voluntarily request changes at any time.

(h) At recertification, the continuation of services in an educational program is contingent upon the parent making adequate progress. To document adequate progress for the last enrolled quarter, semester, or training period, as applicable, the parent shall provide documentation from the educational program for which subsidized care is provided demonstrating the following:

(1) In a graded program, achievement of a minimum 2.0 grade point average for the last enrolled quarter, semester, or academic enrollment period; or

(2) In a non-graded program, passing the program's requirements in at least 50 percent of the classes or meeting the educational institution's standards for making adequate progress.

(i) If at recertification the parent has made adequate progress based on the provided documentation, the certified schedule may be established pursuant to subsections (c), (d), (e), and (f).

(j) If at recertification the parent has not made adequate progress pursuant to subsection (h), the parent shall be recertified to receive services for another ~~12 months~~ certification period. At the conclusion of this ~~12-month~~ certification period, the parent shall have made adequate progress pursuant to subsection (h) to be recertified for services based on enrollment in an educational program. If the parent has not made adequate progress pursuant to subsection (h), and cannot establish another basis of need for services, the family shall be:

(1) Disenrolled from services; and

(2) Once disenrolled, the parent shall be ineligible to be certified for services based on enrollment in educational programs for six months from the date of disenrollment.

NOTE: Authority cited: Sections 8207, 8231 and 8242, Education Code. Reference: Sections 8208 and 8231, Education Code.

**§ 17768. Documentation of Need for Full-Day CSPP: Vocational Training; Service Limitations.**

(a) If the basis of need as stated on the application for services is vocational training as defined in section 17700, preschool services shall be limited in total, to whichever occurs first:

(1) Six years from the initiation of services based on need for vocational training; or

(2) Twenty-four semester units, or the equivalent, after the attainment of a Bachelor's Degree.

(b) The service limitations specified in subsection (a) shall not apply in the following instances:

(1) When a parent is receiving services from a program operating pursuant to Education Code section 66060;

(2) When a parent is attending vocational training and is participating in rehabilitation services through the California Department of Rehabilitation; or

(3) When a parent is attending retraining services available through the California Employment Development Department or its contractors due to a business closure or mass layoff.

(c) The parent shall provide documentation of the days and hours of vocational training, which shall include:

(1) The name of the training institution that is providing the vocational training;

(2) The parent's current class schedule that is either an electronic print-out from the training institution or, if unavailable, a document that includes all of the following:

(A) The classes in which the parent is currently enrolled;

(B) The days of the week and times of day of the classes; and

(C) The signature or stamp of the training institution's registrar.

(d) The contractor shall determine the days and hours needed per week based on the provided documentation. The contractor may request that the parent provide additional information from the training institution describing the classes.

(e) 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, as applicable. The accrediting body of the training institution shall be among those recognized by the United States Department of Education.

(f) When a parent requests study time, travel time, or both, the contractor shall determine the amount of services time needed based on the documentation provided by the parent.

(1) Study time shall be determined by the following:

(A) When the vocational training, on-line, or televised instructional classes are based on academic units, study time is determined at two hours per week per academic unit in which the parent is enrolled. Additional time for studying may be approved by the contractor, on a case-by-case basis, if the parent provides a declaration signed under penalty of perjury as to why the additional time is needed for the specified course(s). Additional time, if approved, shall not exceed one hour per week per academic unit for the specified course(s) in which the parent is enrolled.

(B) When the vocational training is not based on academic units, the contractor shall determine the hours approved for study time but in no case may the study hours exceed the number of class hours per week.

(2) Travel time shall be determined based on the location where the preschool services are provided and the training location, of the vocational program, based on actual travel time needed, not to exceed a maximum of four hours per day.

(g) Pursuant to section 17756, a parent may voluntarily request changes at any time.

(h) At recertification, the continuation of services for vocational training is contingent upon the parent making adequate progress. To document adequate progress for the last enrolled quarter, semester, or training period, as applicable, the parent shall provide documentation from the college classes, technical school, or apprenticeship for which subsidized care is provided demonstrating the following:

(1) In a graded program, achievement of a minimum 2.0 grade point average for the last enrolled quarter, semester, or academic enrollment period; or

(2) In a non-graded program, passing the program's requirements in at least 50 percent of the classes or meeting the training institution's standard for making adequate progress.

(i) If at recertification the parent has made adequate progress based on the provided documentation, the certified schedule may be established pursuant to subsections (c), (d), (e), and (f).

(j) If at recertification the parent has not made adequate progress pursuant to subsection (h), the parent shall be recertified for services for another ~~12 months~~ certification period. At the conclusion of this ~~12-month~~ certification period, the parent shall have made adequate progress pursuant to subsection (h). If the parent has not made adequate progress pursuant to subsection (h), and cannot establish another basis of need for services, the family shall be:

(1) Disenrolled from services; and

(2) Once disenrolled, the parent shall be ineligible to be certified for services based on participation in vocational training for six months from the date of disenrollment.

NOTE: Authority cited: Sections 8207, 8231 and 8242, Education Code. Reference: Sections 8208 and 8231, Education Code.

**§ 17769. Documentation of Need for Full-Day CSPP: Parental Incapacity; Service Limitations.**

(a) If the basis of need as stated on the application for services is parental incapacity, the following shall apply:

(1) The certified schedule for preschool services shall not exceed 50 hours per week.

(2) The parent's period of eligibility for preschool services shall be for no less than ~~12 months~~ the certification period and the parent shall receive services for not less than ~~12 months~~ the certification period before having eligibility and need recertified.

(b) Documentation of parental incapacity 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 parental incapacity, pursuant to section 17700, and needs services.

(c) The documentation of incapacitation provided by the legally qualified health professional shall include:

(1) A statement that the parent is incapacitated and that the parent is incapable of providing care or supervision for the child for part of the day;

(2) The days and hours per week that services are recommended to accommodate the incapacitation, taking into account the age of the child and the child's care needs. This may include time for the parent's regularly scheduled medical or mental health appointments;

(3) 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

(4) If applicable, the name of the health organization with which the professional is associated.

(d) The contractor may contact the legally qualified health professional for verification, or clarification of the provided statement.

(e) The contractor shall determine the days and hours of the certified schedule based on the parent's requested days and hours and the recommendation of the health professional, consistent with the provisions of this article.

NOTE: Authority cited: Sections 8207, 8231 and 8242, Education Code. Reference: Sections 8208 and 8231, Education Code.

**§ 17770. Documentation of Child's Disability ~~Exceptional Needs~~.**

(a) The family data file shall contain documentation of the child's disability ~~exceptional needs~~ if the contractor is claiming adjustment factors pursuant to Education Code sections 8244(b)(1) and (b)(2). The documentation of the child's exceptional needs shall include~~:~~

~~(a) A~~ 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 Education Code section 56026 and CCR, title 5, sections 3030 and 3031~~; and~~.

~~(b) A statement signed by a legally qualified professional that:~~

~~(1) The child requires the special attention of adults in a child care setting; and~~

~~(2) Includes the name, address, license number, and telephone number of the legally qualified professional who is rendering the opinion.~~

(b) Contractors shall keep the following additional documentation in the family data file:

(1) Information about the status of the transition from IFSP to IEP, as applicable.

(2) Information about the status of the annual review of the IEP, as applicable.

(3) Communication with the family, Regional Centers, the Local Educational Agency, or any additional members of the IEP team about the status of (1) and (2) above.

NOTE: Authority cited: Sections 8207 and 8231, Education Code. Reference: Sections 8205, 8208, 8224, 8231 and 56026, Education Code.

**§ 17771. Documentation of Eligibility and Need: Family Experiencing Homelessness.**

A family experiencing homelessness may establish both eligibility and need as follows:

(a) In order to meet the eligibility requirements for a family experiencing homelessness, the family must obtain and provide documentation which includes either of the following:

(1) A written referral dated within three months prior to the application for services, from one of the following entities, which identifies the child as experiencing homelessness:

(A) A legal, medical, or social services agency;

(B) A local educational agency liaison for children and youth experiencing homelessness;

(C) A Head Start program; or

(D) An emergency or transitional shelter.

(2) A written parental declaration, signed under penalty of perjury, that the family is experiencing homelessness.

(b) The referral described in subsection (a)(1) above shall contain:

(1) The name of the identifying entity;

(2) Physical address;

(3) Telephone number; and

(4) Title and signature of the person identifying the family as experiencing homelessness.

(c) To meet the need requirements for receiving services on the basis that the family is experiencing homelessness, the parent shall comply with one of the following:

(1) If the basis of eligibility is established pursuant to subsection (a)(1) above, no additional documentation of need is required.

(2) If the basis of eligibility is established by parental declaration pursuant to subsection (a)(2) above, the parent shall provide documentation to establish a need in accordance with Education Code section 8208(d~~c~~)(1).

(d) If the basis of need is a family experiencing homelessness, services shall be as requested by the parent and shall occur on no more than five days per week and for less than ~~30~~10 hours per ~~week~~day.

(e) The contractor shall permit the enrollment of children to begin immediately upon the parent signing the application for services when the basis for eligibility is family experiencing homelessness. The parent shall provide all required documentation, including immunization records, within 30 days from the date the application for services is signed.

(f) The contractor shall approve or deny services and issue a Notice of Action in accordance with section 17782.

NOTE: Authority cited: Sections 8207, 8231 and 8242, Education Code. Reference: Sections 8208 and 8231, Education Code.

**§ 17772. Documentation of Need for Full-Day CSPP: Seeking Permanent Housing; Service Limitations.**

(a) If the basis of need as stated on the application for services is the parent seeking permanent housing for family stability, the following shall apply:

(1) Services, as requested by the parent, shall occur on no more than five days per week and for less than ~~30~~10 hours per ~~week~~day.

(2) The parent's period of eligibility for preschool services shall be for no less than ~~12 months~~ the certification period and the parent shall receive services for not less than ~~12 months~~ the certification period before having eligibility and need recertified.

(b) Documentation of seeking permanent housing shall include a written parental declaration signed under penalty of perjury that the family is seeking permanent housing. The declaration shall include the parent's general search plan to secure a fixed, regular, and adequate residence. If the family is residing in a shelter, services shall also be provided while the parent attends appointments or activities necessary to comply with the shelter participation requirements within the certified schedule.

NOTE: Authority cited: Sections 8207, 8231 and 8242, Education Code. Reference: Sections 8208 and 8231, Education Code.

**§ 17773. Documentation of Eligibility and Need: Child Protective Services.**

(a) If eligibility and need as specified in Education Code sections 8208(a)(1)(D),~~(c)(1)(A) and~~ (d)(1)(A)(iv), (d)(1)(B)(i)(I) and (d)(1)(B)(i)(II)~~(c)(1)(B)~~ are based on 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, from a legal, medical, social service agency or emergency shelter. The written referral shall include either:

(1) A statement from the local county welfare department, child protective services unit certifying that the child is receiving child protective services and that early childhood services are a necessary component of the child protective services plan; or

(2) A statement by a legally qualified professional that the child is at risk of abuse or neglect and the early childhood services are needed to reduce or eliminate that risk; and

(b) The probable duration of the child protective service 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.

NOTE: Authority cited: Sections 8207 and 8231, Education Code. Reference: Sections 8208 and 8231, Education Code.

**§ 17774. Documentation of Eligibility: Family Residency for Neighborhood School ~~FRPM~~ Eligibility.**

(a) Families enrolling pursuant to Education Code sections 8208(a)(4) and (d)(5)~~(c)(3)~~ must provide proof of residency within the attendance boundaries of the same qualified free and reduced price meals (FRPM) elementary school as the preschool program to be eligible for enrollment in a CSPP Neighborhood School~~FRPM~~ ~~s~~Site.

(b) Acceptable documentation for proof of residency may include any of the following with one or more parents' names on the documentation:

(1) Current utility bill;

(2) Current property tax bill;

(3) Current rental or lease agreement with landlord's information;

(4) Current voter registration;

(5) Current government agency letter;

(6) Current employment pay stub; or

(7) Any documentation that a contractor reasonably relies upon to prove a family's residency.

NOTE: Authority cited: Sections 8207 and 8231, Education Code. Reference: Section 8217, Education Code.

**§ 17774.5. Documentation of Eligibility: Public Assistance.**

(a) If the basis of eligibility is that a member of the household is certified to receive benefits from a means-tested government program, pursuant to Education Code section 8208(a)(1)(F) or Education Code section 8208(d)(1)(A)(i), or a parent is a current aid recipient pursuant to Education Code section 8208(a)(1)(A) or Education Code section 8208(d)(1)(A)(vi), the family shall provide the following documentation:

(1) Documentation demonstrating that a member of the household is certified to receive benefits from a means-tested government program at the time of initial certification or recertification; and

(2) A copy of the application for the means-tested government program that shows the family’s income at the time of certification for the means-tested government program. If the family does not have access to the application, contractors shall have the family self-certify that they do not have access to the application, and to the best of their recollection, the income declared on the application for the means-tested government program.

(b) The income reported by the family pursuant to subsection (a)(2) above will be used by the contractor as income documentation for the purposes of prioritizing enrollment and calculating family fees, as applicable.

(c) If the contractor elects to use other means of obtaining verification, the parent is not required to provide documentation required in subsection (a) above.

(d) For purposes of this section a member of the household means the same as “Family” as defined in section 17700.

NOTE: Authority cited: Sections 8207, 8213.5, and 8231, Education Code. Reference: Sections 8208, 8213.5, and 8231, Education Code.

## Subchapter 9. Due Process

### Article 1. Notice of Action

**§ 17782. Notice of Action, Application for Services.**

(a) The contractor's decision to approve or deny services at initial certification shall be communicated to the applicant through a written statement referred to as a Notice of Action, Application for Services. The contractor shall maintain copies of the Notice of Action, Application for Services in the family data file. The written statement may be communicated to the applicant through electronic means.

(b) **Except as provided in subsection (h) below, t~~T~~**he contractor shall certify eligibility and send the Notice of Action, Application for Services to the parent(s) within 30 calendar days from the date the application is signed by the parent(s) in accordance with sections 17782 and 17783 of this chapter. The statement should be transmitted to the parent in the manner requested by the parent in the Application for Services.

(c) The contractor must attempt to provide the family with a Notice of Action, Application for Services in the parent's primary language.

(d) The Notice of Action, Application for Services shall include:

(1) The applicant's name and address;

(2) The contractor's name and address;

(3) The name, telephone number, and email address of the contractor's authorized representative who made the decision;

(4) The date of the notice; and

(5) The method of distribution of the notice.

(e) If services are approved, the notice shall contain:

(1) Basis of eligibility and need, if applicable;

(2) Monthly family fee, if applicable, including the income used to calculate the family fee, and an explanation of how the fee was calculated;

(3) Duration of the certification period ~~eligibility, which must be no less than 12 months for full-day California State Preschool Program (CSPP), and through the end of the program year for part-day CSPP~~;

(4) Names of children approved to receive services; and

(5) Hours of service approved for each day.

(f) If the services are denied, the Notice of Action, Application for Services shall contain the specific basis for the denial of services and shall provide:

(1) Detailed information sufficient for the family to understand the reason for the action being taken and to decide whether to appeal the Notice of Action.

(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 Notice of Action, Application for Services in accordance with procedures specified in sections 17784 and 17785 of this chapter.

(g) If the family has applied for California State Preschool Program (CSPP) services through a family childcare home provider, the provider shall be sent a copy of the Notice of Action, Application for Services at the same time the family is sent the notice.

(h) If the family has been certified for full-day CSPP services, the contractor must **provide or** send the Notice of Action to the family the same day it is signed by the contractor approving services.

NOTE: Authority cited: Sections 8207 and 8231, Education Code. Reference: Section 8208, Education Code.

## Subchapter 10. General Fiscal Requirements

### Article 4. Determination of Reimbursement

**§ 17812. Determination of Reimbursable Amount.**

(a) All contractors shall be reimbursed for an audited claim that is the least of the following:

(1~~a~~) The maximum reimbursable amount (MRA) as stated in the annual preschool contract; or

(2~~b~~) The net reimbursable program costs; or

(3~~c~~) The product of the adjusted child days of enrollment for certified children, times the contract rate per child day of enrollment, times the actual percentage of attendance plus 5 percent, but in no case to exceed 100 percent of enrollment.

(b) Contractors not meeting the set aside requirement pursuant to section 17732.1 will have the service level exemption credit added to their reimbursement, up to the MRA.

NOTE: Authority cited: Sections 8207, 8231 and 8247, Education Code. Reference: Sections 8208 and 8242, Education Code.

### Article 5. Accounting and Reporting Requirements

**§ 17822. Report Data.**

(a) Contractors shall submit statistical, administrative, cost and program data, including, but not limited to, child, family, teacher, and classroom data, as requested by the California Department of Education (CDE) in order for the CDE to prepare various legislatively mandated reports, for purposes of determining reimbursement, to meet state and federal reporting requirements, and for the effective administration of preschool programs.

(b) Contractors shall submit the data to the CDE by the date specified in the CDE's request for this information.

(c) Reports not received by the required due date shall be considered delinquent. Penalties for delinquent reporting are specified in section 17814 of this chapter.

(d) Contractors shall update their agency information in CDE’s data and information systems, including, but not limited to, site information and personnel changes, as they occur. Contractors must confirm the accuracy of the information at least annually, no later than October 1.

NOTE: Authority cited: Sections 8231 and 8247, Education Code. Reference: Section 8232, Education Code.

2024-05-21 [California Department of Education]