# Final Statement of Reasons

Eligibility and Priority in the California State Preschool Program (CSPP)

## Update of Initial Statement of Reasons

The original proposed text was made available for public comment for at least 45 days from December 15, 2023, through January 30, 2024, inclusive. Four individuals provided comments during the 45-day comment period.

A public hearing was held at 9:00 a.m. on January 30, 2024, via videoconferenceduring which 29 people attended and 1 person spoke and provided comments.

### **Summary and Response to Comments Received During the 45-Day Comment Period of December 15, 2023 Through January 30, 2024, Inclusive**

The California Department of Education (CDE) received three letters, and one oral comment from the public hearing commenter, for a total of four comments. The comments and responses are set forth in the 45-Day Public Comments - Response Chart.

**Oral Comment #1:** John Sweeney on behalf of Doctor Mary Ann Dewan – Santa Clara, County Superintendent of Schools

**Letter #1:** Leah Welch-Jackson – Stanislaus County Office of Education

**Letter #2:** Luis Bautista, – Los Angeles County Office of Education

**Letter #3:** Celine Krimston – Educational Enrichment Systems

#### **After the 45-day comment period, the following changes were made to the proposed text of the regulations and sent out for a 15-Day comment period:**

#### **Section 17700. Definitions**

Section 17700(bd) is amended to remove “full-day” from the definition of recertification because it no longer applies to just full-day programs now that these regulations include a recertification process for part-day in proposed section 17752.5. This is necessary to ensure clarity in these regulations.

#### **Section 17734. Family Fee Assessment: Explanation to Families**

Previous Section 17734(c) and Proposed Section 17734(d) is moved to (d) and amended, based on public comment, to provide more clarity that the Local Educational Agency (LEA) that is responsible for providing a free and appropriate public education (FAPE) is the LEA that is responsible for paying the family fee. This is necessary to ensure that these regulations are clear for contractors.

Section 17734(c) is amended to remove the language “regardless of whether that child has been placed in the CSPP pursuant to an IEP or not” as the language was not as clear as it was intended to be. This is necessary to ensure clarity in these regulations.

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

Section 17747(b)(2) is amended to correct the citations of Education Code section 8208(c)(1) to section 8208(d)(2) to reflect the statute applicable to the required set aside for children with disabilities for full-day CSPP, which was discovered during the 45-day comment period. This is necessary to ensure the correct citation is reflected in these regulations.

#### **Section 17758. Contents of Family Data File**

Section 17758(c)(7) is amended to include the Family Language Instrument and the Family Language and Interest Interview, as applicable in the family data file. This is necessary to implement Education Code section 8241.5 which provides that families do not have to complete the Family Language Instrument or participate in the Family Language and Interest Interview but, if they do, the Department is required to collect such data and report the data to the Department.

NOTE section is amended to include section 8241.5 of the Education Code in the Authority cited and references. This is necessary to ensure that the proper citations of authority are included in these regulations.

#### **Section 17782. Notice of Action, Application for Services**

Section 17782(b) is amended to add “Except as provided in Subsection (h) below” because the directive in subsection (h) with respect to when families are entitled to receive the Notice of Action is different than the directive in Subsection (b). This is necessary to ensure these regulations are not confusing for contractors to follow.

Section 17782(h) is amended to include “provide or”, based on public comment, to clarify that contractors can hand deliver the Notice of Action, and they are not required to be sent by mail or digitally. This is necessary to ensure clarity in these regulations for contractors.

### **Summary and Response to Comments Received During the 15-Day Comment Period**

The amended regulations were made available to the public from July 22, 2024, through August 6, 2024, inclusive. The CDE received two letters from four individuals. The comments and responses are set forth in the 15-Day Public Comments - Response Chart.

**Letter #1:** Adam North – EveryChild California

**Letter #2:** Tony Jordan, Marissa Duran, and Leah Welch Jackson – Stanislaus County Office of Education

During the time that the CDE was preparing the proposed regulations to be noticed to the public for the 15-day comment period, the Legislature passed legislation enacting changes to the CSPP; changes which impact the proposed regulations. Specifically, Senate Bill (SB) 163 was signed by the Governor on July 2, 2024, amending, among other Education Code sections, sections 8208, 8210 and 8211, which detail the rules for eligibility and priority for both part-day and full-day preschool services. SB 163, which was effective immediately upon enactment on July 2, provided that part-day and full-day CSPP contractors would be allowed to enroll two-year old children into services until July 1, 2027, and further established what priority for admission families of two-year old children would have for these programs. Following passage of SB 163, the Legislature identified a need to clean-up some of the newly amended statutory sections. Hence, Assembly Bill (AB) 176 was signed by the Governor on September 30, 2024, which was also effective immediately upon enactment.

As a result of these two bills, the CDE had no choice but to incorporate certain statutory changes to these proposed regulations. These changes are considered non-substantive because they are nothing more than a restatement of law. All of the following edits are necessary to ensure that these regulations are not in conflict with the current statutes for CSPP.

The following changes have been made to the proposed text of the regulations, in addition to general, non-substantive changes necessary to reflect corrections, grammatical changes and additions/deletions in numbering:

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

**Section 17746(d)(2)** is amended **and (d)(3)** is added to align these regulations with the priorities set forth in EC section 8210 which was updated by SB 163, Statutes of 2024.

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

**Section 17747(d)(2)** is amended and **(d)(3)** is added to align these regulations with the priorities set forth in EC section 8210 which was updated by SB 163, Statutes of 2024.

**Renumbered Section 17747(e)(1)** is amended to remove the priority order of enrolling four-year-old children before three-year-old children within this category. This change is necessary to ensure alignment with the changes made to EC section 8211 pursuant to AB 176, Statutes of 2024.

#### **Section 17749.1. Age Limitations; Exceptions for Two-Year-Old Children.**

**Section 17749.1** is added to include the option for contractors to enroll two-year-old children. Pursuant to newly enacted EC section 8207.1, as amended by section 1 of AB 176. Contractors are not required to serve two-year-old children in CSPP; however, if they choose to, they must follow the guidance issued by the CDE, pursuant to EC 8207.1 for implementation of this provision. This addition is necessary to ensure that these regulations are not in conflict with statute and to ensure that contractors are aware where to find the other requirements that apply when enrolling two-year-old children in CSPP.

**Section 17751(c)** is amended to correct the citation from 8208(d)(1)(A) to 8208(d)(1)(C) to reflect changes made by SB 163.

## Alternatives Determination

The State Superintendent of Public Instruction has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

All alternatives were presented in the form of public comments, and those alternatives were accepted or rejected in the attached response charts. No other alternatives have been brought to the CDE’s attention and given the underlying statutory requirements, the CDE has been unable to come up with any reasonable alternatives.

The nonadoption of these changes is not a suitable alternative because clear guidance is needed in order to implement the state laws for eligibility and priority in CSPP.

## Local Mandate Determination

The proposed regulations do not impose any mandate on local agencies or school districts.

2025-01-03 [California Department of Education]