**CALIFORNIA DEPARTMENT OF EDUCATION**

TONY THURMOND

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

# Noticed of Proposed Rulemaking

## **Amendment to California Code of Regulation, Title 5, Regarding Strengthening Teacher-Child Interactions and Supporting Quality Improvement in the California State Preschool Program**

Notice published December 20, 2024

**NOTICE IS HEREBY GIVEN** that the State Superintendent of Public Instruction (SSPI) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

The SSPI invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

### Public Hearing

California Department of Education (CDE) staff, on behalf of the SSPI, will hold a virtual public hearing at 9:00 A.M. on February 4, 2025.

Any interested person may participate in the public hearing via a meeting in Zoom by logging in per the following instructions:

* Click the following link or paste the link to the browser to join the meeting and enter the passcode:

<https://us02web.zoom.us/j/86240376838>

Passcode: 177498

* To connect with audio only and no video, call one of the following telephone numbers and enter the meeting ID and passcode:

+1 669 900 6833 US (San Jose)
+1 213 338 8477 US (Los Angeles)

Meeting ID: 862 4037 6838

Passcode: 177498

 Persons intending to attend the Zoom meeting may check their computers by:

* Clicking on the test link: <https://zoom.us/test>.
* For any issues regarding connecting with Zoom, go to <https://support.zoom.us/hc/en-us> for assistance.

At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SSPI requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

### Reasonable Accommodation for any Individual with a Disability

Pursuant to the *Rehabilitation Act of 1973,* any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Danielle Davis, Early Education Division, 1430 N Street, Sacramento, CA, 95814 or by telephone at 916-323-4883. It is recommended that assistance be requested at least two weeks prior to the hearing.

### Written Comment Period

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to:

Lorie Adame, Regulations Coordinator
Legal, Audits and Charters Branch
California Department of Education
1430 N Street, Room 5319
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-322-2549 or by email to regcomments@cde.ca.gov.

Comments must be received by the Regulations Coordinator prior to or on February 4, 2025. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

### Authority and Reference

Authority: Sections 8207, 8231, 8247.

References: Sections 8202, 8203, 8205, 8207, 8208, 8213, 8231, 8244, 8245, 8249, 8252, 8298, 8314, 8332, 17002, and 48000, Education Code; Section 106 of Senate Bill (SB) 114 (Chapter 48, Statutes of 2023); Section 1596.7925, Health and Safety Code; and Section 101239.1, 22 California Code of Regulations

### Informative Digest/Policy Statement Overview

The California Department of Education (CDE) has administered subsidized early education services since the Child Care and Development Services Act (Act) was established in 1980, chapter 2 of part 6 of the Education Code (EC), starting at section 8200 et seq. The intent of the Act is that qualified subsidized early education services be provided to children and families meeting the eligibility criteria established under the Act. This became known as the Early Education Act in 2021.

The California State Preschool Program (CSPP) as established by EC section 8207, provides three- and four-year-old children with a developmentally appropriate program designed to facilitate their transition to kindergarten.[[1]](#footnote-1) This program includes education, development, health services, social services, nutritional services, parent education and participation, evaluation, and staff development.

Provision 102 of Item 6100-001-0001, Provision 6 of Item 6100-194-0001 and Provision 6 of Item 6100-196-0001 of the Budget Act of 2023 (AB 102 [Chapter 38, Statutes of 2023]) appropriated funding for the CDE to support implementation of the Classroom Assessment Scoring System (CLASS®). Additionally, section 106 of SB 114 (Chapter 48, Statutes of 2023) required that the CDE issue guidance through management bulletins or similar letters of instruction on how the tool for strengthening teacher-child interactions and supporting quality improvement (i.e., CLASS®), funded through the above-referenced sections of the Budget Act shall be implemented at the local level for the California State Preschool Program and included in monitoring processes. It further provided that the guidance also included changes to the Environment Rating Scale (ERS) as required by Section 17711 of Title 5 of the California Code of Regulations.

#### **Policy Statement Overview**

The purpose of these regulations is to fulfill the requirements of the Budget Act of 2023 and implement CLASS® for the CSPP and address other changes necessary in the environment requirements to ensure CSPP contractors are adequately meeting all areas of health and safety as well as offering high quality environments for children in the CSPP. These proposed regulations will provide clear instruction for the implementation of CLASS®, ensuring more efficient administration of the CSPP.

#### **Anticipated Benefits of the Proposed Regulation**

The benefit of enacting the proposed regulations will ensure implementation of the CLASS® instrument is fully supported and provides many avenues for professional development, training, and materials. The CLASS® scores provide contractors and the CDE with important data that will then be utilized to create professional development and coaching plans to improve overall program quality. With this data and action plans for each program, the CDE will be able to provide additional support, resources, and training and technical assistance that may be needed to ensure each program meets high quality standards. The data from the CLASS® tool will provide a quantitative measurement of the level of quality within the CSPP programs. This will inform the Legislature, Administration, external partners, and public policy of the data necessary to ensure school readiness remains a top priority in California. These regulations will achieve clarity, consistency, and an efficient administration of the CSPP for early education contractors.

#### **Evaluation of Inconsistency/Incompatibility with Existing State Regulations**

An evaluation of the proposed regulations has determined they are not inconsistent/incompatible with existing regulations, pursuant to Government Code section 11346.5(a)(3)(D). After conducting a review of any regulations that would relate to or affect this area of law, the SSPI has concluded that these are the only regulations that concern the Strengthening Teacher-Child Interactions and Supporting Quality Improvement in the California State Preschool Program.

### Incorporation by Reference

Pursuant to title 1 of the California Code of Regulations section 20, the following documents are hereby incorporated by reference:

* Classroom Assessment Scoring System Observation Field Guide, Second Edition, 2023
* Classroom Assessment Scoring System Environment Manual, 2022

The CDE determined that it would be impractical to publish these documents in 5 CCR due to their size. In addition, these documents are available to the public to view upon request to the CDE and are available to purchase through Teachstone, Inc.

### Disclosures Regarding the Proposed Action/Fiscal Impact

The SSPI has made the following initial determinations:

Other statutory requirements: There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

Mandate on local agencies and school districts: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None

Cost or savings to any state agency: None.

Other non-discretionary costs or savings imposed on local agencies, including local educational agencies: None.

Costs or savings in federal funding to the state: None.

Effect on housing costs: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or business: The SSPI is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Report required: The proposed regulations do not require a report to be made.

Effect on small businesses: The proposed regulations would not have an effect on any small business because they are only relevant to California State Preschool Programs contracted through the CDE.

### Results of the Economic Impact Analysis/Assessment

**Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment – Gov. Code Section 11346.5(a)(10):**

The SSPI concludes that it is unlikely that these proposed regulations will: 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Benefits of the Proposed Action: The proposed regulations will benefit the children and families in California as they take advantage of high-quality early education programs guided by these proposed regulations. The proposed regulations are not expected to affect worker safety or the state’s environment.

### Consideration of Alternatives

In accordance with Government Code section 11346.5(a)(13), the SSPI must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SSPI, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The SSPI invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

### Contact Persons

Inquiries concerning the content of these proposed regulations should be directed to:

Danielle Davis, Education Administrator
Early Education Division
California Department of Education
1430 N Street
Sacramento, CA 95814
Telephone: 916-323-4883

Email: ddavis@cde.ca.gov

Inquiries concerning the regulatory process may be directed to Lorie Adame, Regulations Coordinator, or the backup contact person, Gerri White, Analyst. The Regulations Coordinator and the Analyst may be reached by email at regulations@cde.ca.gov or by telephone at 916-319-0860.

### Availability of Initial Statement of Reasons, Text of Proposed Regulations and Information

As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulations, the Initial Statement of Reasons (ISOR) and Fiscal and Economic Impact Statement (STD. 399). These documents upon which the proposed action is based may be obtained upon request from the Regulations Coordinator. In addition, this Notice, the text of the proposed regulations and the ISOR may also be viewed on CDE’s website at [http://www.cde.ca.gov/re/lr/rr/.](http://www.cde.ca.gov/re/lr/rr/)

### Availability of Changed or Modified Text

Following the public hearing and considering all timely and relevant comments received, the SSPI may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available to the public for at least 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations. The CDE will accept written comments on the modified regulations for 15 days after the date on which they are made available.

### Availability and Location of the Final Statement of Reasons and Rulemaking File

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

### Availability of Documents on the Internet

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications highlighted, as well as the Final Statement of Reasons, when completed, and modified text, if any, can be accessed via CDE’s website at [http://www.cde.ca.gov/re/lr/rr/.](http://www.cde.ca.gov/re/lr/rr/%22%20%5Co%20%22California%20Department%20of%20Education%20Regulations%20Web%20Page)

2024-12-09 [California Department of Education]

1. Pursuant to Senate Bill 163 (Chapter 73, Statutes of 2024), starting July 1, 2024, through June 30, 2027, eligible two-year old children will be allowed in CSPP. [↑](#footnote-ref-1)