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Management Bulletin 20-14

Early Learning and Care Division

Subject: Guidance Regarding the Temporary Extension of Emergency Childcare Services, Transition into Ongoing Childcare Services, and Assessment of Family Fees for Essential Workers and At-risk Populations

Number: 20-14

Date: July 13, 2020

Expires: June 30, 2021, or until rescinded

Authority: Senate Bill 117 (Chapter 3, Statutes of 2020); Executive Order N-33-20; Executive Order N-45-20; Executive Order N-47-20; Senate Bill 89 (Chapter 2, Statutes of 2020); Executive Order N-66-20; Assembly Bill 89 (Chapter 7, Statutes of 2020); Senate Bill 98 (Chapter 24, Statutes of 2020)

Attention: Executive Directors and Program Directors of All State-Subsidized Early Learning and Care Programs

Purpose

This Management Bulletin (MB) rescinds and replaces MB 20-06A, which set forth directives for “Emergency Childcare” services for essential workers, and other designated populations, after the signing of Executive Order (EO) N-33-20, EO N-45-20, EO N-47-20, and EO N-66-20.

This MB provides guidance to state-subsidized early learning and care (ELC) programs on the extension of services for families whose children were enrolled in Emergency Childcare during Fiscal Year (FY) 2019–20, and the assessment of Family Fees beginning July 1, 2020. This MB also provides guidance for the transition and prioritization of enrolling eligible families into ongoing childcare services in FY 2020–21.

The directives below only apply to FY 2020–21, pursuant to Senate Bill (SB) 98 (Chapter 24 of the Statutes of 2020). As the situation evolves, the Legislature may choose to change or modify the actions they have taken in the 2020–21 Budget Act. To the extent that any changes are made, the California Department of Education (CDE) will release or update additional guidance.

Background

The California *Education Code (EC)* Section 8263(a) sets forth the eligibility and need requirements for families receiving subsidized ELC services. Generally, families must meet one eligibility requirement and one need requirement to be eligible for ELC services.

With the exception of the California State Preschool Program (CSPP), *EC* Section 8263(b) specifies the priority order for enrolling families. Families with children who are receiving child protective services (CPS) or are at-risk of abuse, neglect, or exploitation receive first priority for services.

EC Section 8263(c) specifies the requirements for promoting continuity of care in a state- or federally-funded child care program.

Additionally, *EC* Section 8263(h) specifies that a family who is certified as meeting eligibility and need requirements must receive services for no less than 12 months from the certification date, and must not be required to report changes to income or other changes for at least 12 months.

In accordance with *EC* sections 8227.3, 8262.1, and 8262.2, contractors are authorized to use digital signatures and maintain records electronically, or convert records from a paper format to an electronic format. Please refer to MB 16-02, located at <https://www.cde.ca.gov/sp/cd/ci/mb1602.asp>, or additional guidance.

EC Section 8273 requires the State Superintendent of Public Instruction (SSPI) to establish a family fee schedule for families receiving ELC services, subject to the approval of the schedule by the Department of Finance. The SSPI is charged with designing the family fee schedule, based on the most current State Median Income (SMI), adjusted for family size.

On March 19, 2020, April 4, 2020, and April 7, 2020, respectively, the Governor issued EO N-33-20, EO N-45-20, and EO N-47-20 which in pertinent part, during the State of Emergency:

- Required that all California residents stay at home unless they are considered “Essential Critical Infrastructure Workers” (essential workers).
- Defined “essential workers,” which can be found at: <https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf>.
- Sustained childcare subsidies for currently enrolled families.
- Waived eligibility requirements for children with parents who are essential workers, as defined above, and children with disabilities and special health care needs whose Individual Education Plans (IEPs) or Individual Family Service Plans (IFSPs), which include ELC services in the following subsidized ELC programs: California Alternative Payment Program (CAPP), California State Preschool Program (CSPP), General Child Care (CCTR), California Migrant Child Care (CMIG), California Migrant Alternative Payment Program (CMAP), and Family Child Care Home Education Networks (CFCC).
- Waived enrollment priorities in *EC* Section 8263(b)(2) and (3), other than prioritizing income-eligible families over families that are not income eligible; and any accompanying regulations, with respect to non-CalWORKs ELC services provided to children of essential workers and children with disabilities or special health care needs whose IEPs and IFSPs include early childhood education services.

- Waived requirements to allow children enrolling in Emergency Childcare, that are at-risk of abuse, neglect, or exploitation to enroll without the need for a written referral from a legal, medical, or social services agency.

On March 17, 2020, the Governor signed SB 89 (Chapter 2, Statutes of 2020), which appropriated funds for Coronavirus Disease (COVID) response. The Governor and the Legislature identified \$50 million of these funds for CAPP contractors for new Emergency Childcare enrollments during FY 2019–20.

The CDE also identified \$400,000 appropriated for Migrant Child Care to fully reimburse CMAP contractors for enrollment of essential workers, and other designated populations in Emergency Childcare.

Based on the authority of SB 117 and these Executive Orders, the CDE issued guidance stating that CAPP, CSPP, CCTR, and CFCC contractors could enroll families in Emergency Childcare until June 30, 2020, if they are one of the following:

1. Deemed to be an “essential worker”, as defined above.
2. Identified as a member of an at-risk population, which includes:
 - a. Children who are receiving CPS or who have been deemed to be at-risk of abuse, neglect, or exploitation.
 - b. Children eligible through the Emergency Childcare Bridge Program for Foster Children (authorized by California *Welfare and Institutions Code* Section 11461.6).
 - c. Families experiencing homelessness as defined in Section 11434(a)(2) of Title 42 of the *United States Code*, known as the *McKinney-Vento Homeless Assistance Act*.
 - d. Children of domestic violence survivors.
3. Families with children with disabilities or special health care needs whose IEPs and/or IFSPs include ELC services.

Based on the authority of SB 117 and these Executive Orders, families enrolled in Emergency Childcare were required to self-certify their status.

On May 29, 2020, the Governor issued EO N-66-20, which allows essential worker families, at-risk populations, and children with disabilities or other health care needs, whose IEPs and/or IFSPs include ELC services and who are enrolled in Emergency Childcare through either a CCTR, CSPP, CFCC, or a CAPP contract, to receive services through June 30, 2020, or for 60 calendar days following the date of the child’s enrollment, whichever is longer, subject to available funds.

On June 29, 2020, the Governor signed SB 98 (Chapter 24, Statutes of 2020), which appropriated \$73 million for CAPP and CMAP contractors to provide Emergency Childcare services for essential workers and other designated populations for an additional ninety (90) days, in addition to the sixty (60) calendar days specified in

EO N-66-20, and possibly longer if a contractor has not exhausted its funds. SB 98 also requires all children who received Emergency Childcare services to be given first priority for enrollment in alternative payment programs with available capacity.

On June 29, 2020, the Governor signed Assembly Bill (AB) 89 (Chapter 7, Statutes of 2020), which appropriated \$47,236,000 available beginning July 1, 2020, for 5,600 CAPP slots to provide continuity of care for families who were previously enrolled in Emergency Childcare. AB 89 requires that families previously enrolled in Emergency Childcare through CAPP and CMAP be given first priority for enrollment into ongoing subsidized childcare through CAPP.

Policy

New enrollments in Emergency Childcare cannot occur after June 30, 2020. All new enrollments of children who received Emergency Childcare services into ongoing care must be consistent with the directives and prioritizations described in this MB.

Effective July 1, 2020, services for families currently enrolled, or enrolled as of June 30, 2020, in Emergency Childcare through the CAPP or CMAP may be extended for an additional ninety (90) days, in addition to the days specified in EO N–66–20. If a CAPP or CMAP contractor projects that it will have unspent Emergency Childcare funds after Emergency Childcare services are provided, the contractor may extend childcare services beyond 90 days for enrolled families, until funds are exhausted.

Families who were receiving Emergency Childcare services through the CAPP or CMAP and were disenrolled prior to July 1, 2020, may be reenrolled before July 15, 2020, without needing to provide additional eligibility and need documentation. A CAPP or CMAP contractor must, to the extent possible, work directly with a family that receives Emergency Childcare services and the local Resource and Referral (R&R) agency to assist the family in accessing ongoing subsidized or nonsubsidized childcare services that meets the family's needs.

All families who meet the eligibility and need requirements as defined in *EC* sections 8263 and 8263.1, and who were previously enrolled in Emergency Childcare through any contract prior to June 30, 2020, have priority for enrollment into ongoing subsidized childcare over any other family on the contractor's wait list, as specified in the directive below. These families are eligible for ongoing subsidized services for no less than twelve (12) months. Families who transition from Emergency Childcare into ongoing childcare will be enrolled in priority order as specified in the directive below. All families enrolled in Emergency Childcare must be assessed a monthly family fee, effective July 1, 2020, assuming the family is not otherwise exempt from fees pursuant to *EC* Section 8273.1. Contractors must use the FY 2020–21 Family Fee Schedule available at <https://www.cde.ca.gov/sp/cd/ci/documents/familyfeeschedulejul2020.xlsx>.

Directive

New enrollments of children into Emergency Childcare after June 30, 2020, are not permissible.

Continuation of Emergency Childcare for Children in California Alternative Payment Program (CAPP) and Migrant Alternative Payment Program (CMAP)

As authorized in SB 98, families whose children who were enrolled in Emergency Childcare through the CAPP or CMAP prior to June 30, 2020, may be served for up to an additional ninety (90) days, in addition to the time specified in EO N–66–20. (As a reminder, EO N–66–20 authorized families to

be served until June 30, 2020, or 60 days from the date of enrollment, whichever is longer.) If a CAPP or CMAP contractor projects that it will have unspent Emergency Childcare funds after Emergency Childcare services are provided, the contractor may extend childcare services beyond 90 days, until funds are exhausted.

Examples:

- If a child was enrolled in Emergency Childcare in CAPP or CMAP between April 4, 2020 and May 2, 2020, under EO N-66-20, that child would have received services until June 30, 2020. SB 98 extends the timeline for that child to be served for 90 additional days in Emergency Childcare, or until September 28, 2020. If the contractor projects that it will have unspent funds after Emergency Childcare services are provided, the contractor may extend the duration of childcare services beyond September 28, 2020, until funds are exhausted.
- If a child was enrolled in Emergency Childcare in CAPP or CMAP on June 1, 2020, under EO N-66-20, that child would have received services until July 30, 2020. SB 98 extends the timeline for that child to be served for 90 additional days in Emergency Childcare, or until October 28, 2020. If the contractor projects that it will have unspent funds after Emergency Childcare services are provided, the contractor may extend the duration of childcare services beyond October 28, 2020 until funds are exhausted.
- If a child was enrolled in Emergency Childcare in CAPP or CMAP on June 30, 2020, (the last permissible day of enrollment), under EO N-66-20, that child would have received services until August 28, 2020. SB 98 extends the timeline for that child to be served for 90 additional days in Emergency Childcare, or until November 26, 2020. If the contractor projects that it will have unspent funds after Emergency Childcare services are provided, the contractor may extend the duration of childcare services beyond November 26, 2020, until funds are exhausted.

If a child was enrolled in Emergency Childcare through CAPP and CMAP on or before June 30, 2020, and was disenrolled, that child can be reenrolled in Emergency Childcare between July 1 and July 15, 2020, without needing to provide eligibility documentation or sign a new self-certification. For families with a lapse in service, the 90 days should be counted from the date of reenrollment.

CDE strongly encourages CAPP and CMAP contractors to reach out by email and phone to any families disenrolled to allow them the opportunity to reenroll before July 15.

For families that were disenrolled and are being reenrolled in Emergency Childcare, contractors may either issue families a Notice of Action (NOA) or a letter notifying them of re-enrollment. Similarly, families who were not previously disenrolled but whose care is being extended should be issued a NOA or a letter notifying them that care has been extended. In either case, the notification must include the effective date of re-enrollment or extension of temporary Emergency Childcare, the revised last date of enrollment in temporary Emergency Childcare, and any Family Fee assessed, as specified below. If the contractor is unable to determine a definite last date of enrollment in temporary Emergency Childcare, an estimated date may be provided on the NOA with a notation for the family that the end date is estimated and dependent on the availability of Emergency Childcare

funds. A letter template for notification of re-enrollment in, or extension of Emergency Childcare services, assessment of family fees, and the revised last date of Emergency Childcare services can be located at <https://www.cde.ca.gov/sp/cd/ci/documents/emergencyextension.docx>.

As specified in Title 5, *California Code of Regulations*, (5 CCR), Section 18119 contractors shall issue a NOA; Recipient of Services at least fourteen (14) days before the end date of the limited term authorization of Emergency Childcare.

Family Fee Collection for Families Enrolled in Emergency Childcare

Contractors must provide written notification to families receiving Emergency Childcare after June 30, 2020, if they will be required to pay a family fee, effective July 1, 2020, or the date they were re-enrolled into Emergency Childcare. Family Fees shall be assessed based on the family's self-certification of income, family size, and hours of need provided at enrollment into Emergency Childcare services. Families whose circumstances have changed since they were enrolled may submit a revised self-certification if they wish to do so.

Families whose children were enrolled in Emergency Childcare prior to June 30, 2020, must be notified of the family fee at the time they are notified that their services will be extended. Contractors may either issue families a NOA or a letter notifying them of the Family Fee. In either case, families must be given appeal rights, in accordance with 5 CCR, Section 18120. A letter template for notification of reenrollment into or extension of Emergency Childcare, assessment of family fees, and the revised last date of Emergency Childcare services can be located at <https://www.cde.ca.gov/sp/cd/ci/documents/emergencyextension.docx>.

At the time CAPP and CMAP contractors notify families of the fee assessment, they must also notify providers of the assessed fees and the date fees are to be collected from the family.

Family fees are effective either July 1, 2020, or the date the family was re-enrolled in Emergency Childcare, and for the month of July only, are due fourteen (14) days after notification of the fee assessment. Fees will become delinquent on the date they are due. Failure to pay the family fee could result in disenrollment from Emergency Childcare. Unlike in ongoing childcare, in Emergency Childcare if a family appeals the contractor's decision to assess family fees, and if the family's appeal of the assessed family fee is successful, the contractor shall issue a refund of overpayment of fees, as applicable.

Family fees for August and subsequent months are due on the 1st day of the month, just as they are for families enrolled through the typical subsidized process, and will become delinquent in accordance with normal procedures. Failure to pay the family fee could result in disenrollment from services. Unlike in ongoing childcare, in Emergency Childcare if a family appeals the contractor's decision to assess family fees, and if the family's appeal of the assessed family fee is successful, the contractor shall issue a refund of overpayment of fees, as applicable. Contractors may, but are not obligated to, offer families a reasonable repayment plan for delinquent fees. Contractors should ensure that all delinquent fees are resolved prior to the end of the families' extension of Emergency Childcare services.

Families who are disenrolled due to not paying the assessed family fees must be given appeal rights. Contractors may notify families of disenrollment due to non-payment of family fees by issuing a NOA, or a letter. In either case, the family shall be given appeal rights, in accordance with 5 CCR Section 18120. A letter template to notify families of dis-enrollment from Emergency Childcare due to unpaid fees can be found at

<https://www.cde.ca.gov/sp/cd/ci/documents/emergencyenrollment.docx>.

Contractors must use the FY 2020–21 Family Fee Schedule available at <https://www.cde.ca.gov/sp/cd/ci/documents/familyfeeschedulejul2020.xlsx> when assessing fees as directed below:

- Fees are based on the income, family size, and hours of need self-certified by the parent at time of enrollment. No additional documentation will be required.
- Part-time fees are assessed for self-certified need of less than 130 hours per month, and full-time fee are assessed for self-certified need of 130 hours or more per month.
- Families whose incomes are higher than those represented on the family fee schedule are required to pay the highest fee rate on the chart for the family size.
- Families currently enrolled in Emergency Childcare, and whose family circumstances have changed, may submit a revised self-certification.

The following families are exempt from paying family fees:

- All families with children who are receiving CPS (for the duration of the extension of Emergency Childcare)
- All families with children who have been identified as at-risk of abuse or neglect, (for the duration of the extension of Emergency Childcare)
- All families enrolled in part-day CSPP

Note: While the CDE, ELCD realizes that the assessment of family fees, and the short time frame in which to pay fees, is a burden to some families, the CDE, ELCD does not have the authority to waive any fees after June 30, 2020.

Transition of Emergency Childcare Families to Ongoing Childcare Services in CAPP and Priorities for Enrollment

To the extent possible, beginning July 1, 2020, CAPP contractors must begin to transition children who are enrolled in Emergency Childcare into ongoing (non-Emergency) subsidized the CAPP consistent with the requirements below.

Families must meet the eligibility and need requirements specified in *EC* sections 8263 and 8263.1 in order to be enrolled into ongoing subsidized CAPP childcare.

CAPP contractors must prioritize families that were certified for Emergency Childcare before July 1, 2020, for ongoing subsidized childcare, prior to any other new enrollments, and must enroll families in the following priority order, as specified in Item 6100-194-0890, Provision 7 of AB 89, Section 111(f) of SB 98, EC 8263(b) and (c), and 5 CCR Section 18106.

First Priority Category: Families that received temporary Emergency Childcare through a:

1. CAPP or CMAP and who seek to enroll children that are receiving CPS through a county welfare program.
2. CAPP or CMAP and who seek to enroll children that are identified by a legally qualified professional as at-risk of being neglected or abused.
3. CAPP or CMAP and who meet income eligibility requirements, with the lowest gross monthly income in relation to family size admitted first.
4. CCTR, CSPP, or CFCC and who seek to enroll children that are receiving CPS through a county welfare program.
5. CCTR, CSPP, or CFCC and who seek to enroll children that are identified by a legally qualified professional as at-risk of being neglected or abused.
6. CCTR, CSPP, or CFCC and who meet income eligibility requirements, with the lowest gross monthly income in relation to family size admitted first

Second Priority Category: Families that did not receive temporary Emergency Childcare who:

1. Seek to enroll children that are receiving CPS through a county welfare program.
2. Seek to enroll children that are identified by a legally qualified professional as at-risk of being neglected or abuse
3. Meet income eligibility requirements, with the lowest gross monthly income in relation to family size admitted first

Note: Within each priority category, families must be prioritized in the order listed.

Families receiving Emergency Childcare services that are certified for ongoing subsidized services for FY 2020–21 shall follow the typical enrollment process and must provide all documentation as specified in 5 CCR, and the *12-Month Eligibility Implementation Guidance* issued with MB 17-14, and located at <https://www.cde.ca.gov/sp/cd/ci/documents/twelvemonthguidance.doc>.

Families certified for ongoing subsidized services shall receive services for no less than twelve (12) months, as specified in MB 17-14, which can be located at <https://www.cde.ca.gov/sp/cd/ci/mb1714.asp>. Families who are certified for ongoing 12-month eligibility shall receive services for no less than twelve months from the date they are certified for ongoing childcare.

Families who were enrolled in Emergency Childcare through a CMAP, CSPP, CCTR, or CFCC may apply for ongoing subsidized childcare services through a CAPP, and shall be prioritized for CAPP services, as specified above. CAPP contractors must verify that those families were enrolled in Emergency Childcare before prioritizing them for ongoing childcare services.

Families seeking to enroll children who are receiving CPS through a county welfare program, or who are seeking to enroll children who have been identified by a legally qualified professional as at-risk of being neglected or abused must provide a written referral to be eligible for prioritization into ongoing childcare. If the family does not have a written referral at the time of enrollment into ongoing childcare, contractors should allow the family time to obtain the referral and continue to provide Emergency Childcare services until the extension of Emergency Childcare services has expired,

To the extent possible, CAPP contractors must work directly with families whose children are enrolled in Emergency Childcare, and the local R&R agency to assist those families with accessing ongoing subsidized or nonsubsidized childcare services that meet the family's needs. As part of this process, families who meet need and eligibility requirements must be provided information and assistance to access subsidized childcare, while families who do not meet the eligibility and need requirements for ongoing subsidized childcare must be provided information and assistance to access nonsubsidized childcare.

Transition of Emergency Childcare Families to Ongoing Childcare in CMAP and CMIG

Contractors who enrolled families into Emergency Childcare services through CMAP or CMIG contracts may transition those families into ongoing subsidized childcare with twelve (12) month eligibility, provided that they meet eligibility and need requirements specified in *EC* sections 8231, 8263, and 8263.1, and **their existing contract funds support such enrollments.**

Families who were enrolled in Emergency Childcare on or before June 30, 2020 must be prioritized for ongoing care before other families that were not enrolled in Emergency Childcare are enrolled. CMAP and CMIG contractors must prioritize families who were enrolled in Emergency Childcare for enrollment in ongoing services based on the priorities in *EC*, 5 *CCR*, and Funding Terms and Conditions.

Once all interested and eligible families who were enrolled in Emergency Childcare have been enrolled in ongoing child care, CMAP and CMIG contractors shall prioritize families who were not enrolled in Emergency Childcare based on the priorities in *EC*, 5 *CCR*, and Funding Terms and Conditions.

To the extent possible, CMAP and CMIG contractors must work directly with families whose children are enrolled in Emergency Childcare, and the local R&R agency to assist those families with accessing ongoing subsidized or nonsubsidized childcare services that meet the family's needs. As part of this process, families who meet need and eligibility requirements must be provided information and assistance to access subsidized childcare, while families who do not meet the eligibility and need requirements for ongoing subsidized childcare must be provided information and assistance to access nonsubsidized childcare.

Transition of Emergency Childcare Families to Ongoing Childcare in CSPP, CCTR, and CFCC

Pursuant to EO N-66-20, families whose children were enrolled through a CSPP, CCTR, or CFCC into Emergency Childcare were required to be certified for services by June 30, 2020, and may receive services for 60 calendar days from the date of enrollment, or until June 30, 2020, whichever is longer, subject to available funds.

The SB 98 does not provide a 90-day extension for Emergency Childcare for these families.

Examples:

- If a child was enrolled in Emergency Childcare in CSPP, CCTR or CFCC between April 4, 2020 and May 2, 2020, that child may only be served in Emergency Childcare until June 30, 2020.
- If a child was enrolled in Emergency Childcare in CSPP, CCTR or CFCC on June 1, 2020, that child may only be served in Emergency Childcare until July 30, 2020.
- If a child was enrolled in Emergency Childcare in CSPP, CCTR or CFCC on June 30, 2020, (the last permissible day of enrollment), that child may only be served in Emergency Childcare until August 28, 2020.

The CSPP, CCTR, and CFCC contractors who enrolled families into Emergency Childcare services may transition those families into ongoing subsidized childcare with twelve (12) month eligibility, provided that they meet eligibility and need requirements specified in *EC* sections 8263 and 8263.1, and **their existing contract funds support such enrollments**.

Families receiving Emergency Childcare services that are certified for ongoing subsidized services for FY 2020–21 shall follow the typical enrollment process and must provide all documentation, as specified in 5 *CCR*, and the 12-Month Eligibility Implementation Guidance, located at <https://www.cde.ca.gov/sp/cd/ci/documents/twelvemonthguidance.doc>.

Families certified for ongoing subsidized services shall receive services for no less than twelve (12) months, as specified in MB 17-14, which can be located at <https://www.cde.ca.gov/sp/cd/ci/mb1714.asp>. Families who are certified for ongoing 12-month eligibility shall receive services for no less than twelve months from the date they are certified for ongoing childcare.

As specified in *EC* 8263(c) in order to promote continuity of care, contractors must prioritize families enrolled in Emergency Childcare by June 30, 2020 for ongoing subsidized childcare, prior to any other new enrollments, and must enroll families in the following priority order, as specified 5 *CCR* Section 18106:

First Priority Category for Enrollment in CSPP, CCTR, and CFCC Contracts (Continuity of Care): Families that received temporary Emergency Childcare in CSPP, CCTR, CFCC, CAPP, or CMAP who:

1. Seek to enroll children that are receiving CPS through a county welfare program.

2. Seek to enroll children that are identified by a legally qualified professional as at-risk of being neglected or abused.
3. Meet income eligibility requirements, with the lowest gross monthly income in relation to family size admitted first.

Second Priority Category for Enrollment in CCTR and CFCC Contracts: Families that did not receive temporary Emergency Childcare who:

1. Seek to enroll children that are receiving CPS through a county welfare program.
2. Seek to enroll children that are identified by a legally qualified professional as at-risk of being neglected or abused.
3. Meet income eligibility requirements, with the lowest gross monthly income in relation to family size admitted first.

Second Priority Category for Enrollment in CSPP Contracts: Families that did not receive temporary Emergency Childcare. For new enrollments in CSPP, contractors must follow eligibility and enrollment priorities in MB 20-01, located at <https://www.cde.ca.gov/sp/cd/ci/mb2001.asp>.

Note: Within each priority category, families must be prioritized in the order listed.

Families seeking to enroll children who are receiving CPS services through a county welfare program, or who are seeking to enroll children who have been identified by a legally qualified professional as at-risk of being neglected or abused must provide a written referral to be eligible for prioritization into ongoing childcare. If the family does not have a written referral at the time of enrollment into ongoing childcare, contractors should allow the family time to obtain the referral and continue to provide Emergency Childcare services until the extension of Emergency Childcare services has expired,

If the CSPP, CCTR and CFCC contractors do not have sufficient contract funds to support such enrollments, they should refer families to the local R&R agency and/or the local CAPP to apply for ongoing services that provide twelve (12) month eligibility.

Application Process for Families Transitioning from Emergency Childcare into Ongoing Childcare

As described above, to the extent possible based on the availability of funds, contractors shall begin transitioning eligible families from Emergency Childcare into ongoing childcare beginning July 1, 2020, following the certification processes specified in 5 CCR and the 12-Month Eligibility Implementation Guidance, located at <https://www.cde.ca.gov/sp/cd/ci/documents/twelvemonthguidance.doc>.

At the time of certification into ongoing subsidized childcare, the contractor must determine if the family is responsible for paying a flat monthly family fee, and shall assess the family fee as specified in MB 20-13, available at <https://www.cde.ca.gov/sp/cd/ci/mb2013.asp> using the FY 2020–21 Family

Fee Schedule available at

<https://www.cde.ca.gov/sp/cd/ci/documents/familyfeeschedulejul2020.xlsx>.

Contractors shall issue families transitioning from Emergency Childcare into ongoing childcare a NOA informing them of their twelve-month (12) eligibility in accordance with *EC* Section 8263 (h) and MB 17-14. Contractors are required to issue a NOA as specified in 5 *CCR* Section 18118, and shall also provide families with due process as specified in 5 *CCR* Section 18120. Families transitioning from Emergency Childcare into ongoing childcare shall be assessed fees, if applicable, based on eligibility and need documentation submitted during the enrollment process. If family fees are applicable, contractors shall determine and calculate the appropriate full time or part-time monthly fee in accordance with MB 20-13 and issue a NOA informing the parent of the applicable full-time and part-time fee.

Hold Harmless for Emergency Childcare Determinations

ELC contractors that obtained a signed Coronavirus Disease 2019 (COVID-19) Self-Certification form for families who were enrolled into Emergency Childcare shall not be held responsible for determining if a parent or guardian's work is "essential" or if a family is an at-risk population. Furthermore, the ELC contractors shall not be subjected to a penalty for accepting a child whose parent or guardian is determined not to meet those definitions. The state shall hold harmless any ELC contractors that, in good faith, enrolled a child in Emergency Childcare whose parent or guardian is determined not to meet those definitions.

Alternative Payment Contractor Augmentations

The length of time families may be extended for Emergency Childcare is subject to the availability of funds for each CAPP and CMAP contractor. Augmentations provided in FY 2019–20 as well as forthcoming FY 2020–21 augmentations must be taken into consideration when determining the length of time care may be extended.

For example, contractors that fully expended their FY 2019–20 Emergency Childcare augmentation by June 30, 2020, may not have had the ability to extend care for up to sixty (60) days as allowable by EO-N-66-20. In this instance, the contractor will utilize funding from a forthcoming FY 2020–21 augmentation to extend emergency care for ninety (90) days or longer, contingent upon the availability of funds. If contract funds do not allow for a ninety (90) day extension of Emergency Childcare, contractors must decrease the number of days families receive care to ensure adequate contract funds are available to reimburse providers for services rendered.

Alternatively, a contractor may have authorized care for sixty (60) days by utilizing their FY 2019–20 augmentation. In this instance, the contractor may extend care for an additional ninety (90) days with their forthcoming FY 2020–21 augmentation. In all instances, the extension of care is contingent upon availability of funds.

Similarly, the number of enrollments allowable for ongoing subsidized care is dependent on the availability of funds for each CAPP or CMAP contractor. As such, each CAPP or CMAP contractor must assess the cost of extending care for each child enrolled in Emergency Childcare, as well as

determine the number of children that can be enrolled into ongoing subsidized care, to ensure that the cost of providing care does not exceed the CAPP and CMAP total contract amount.

A FY 2020–21 augmentation will be provided to CAPP and CMAP contractors to support ongoing enrollments of families previously enrolled in Emergency Childcare. To ensure the CDE has the necessary data to allocate these funds in a timely manner, the CDE is requiring all CAPP and CMAP contractors to fill out a survey by Thursday, July 23, 2020. The survey can be found at <https://surveys2.cde.ca.gov/go/apemergencychildcare.asp>.

Child Development and Nutrition Fiscal Services (CDNFS) Reporting Updates

CDNFS report forms will continue to collect the same data as in FY 2019–20. CAPP and CMAP contractors will be required to provide additional data elements as specified in a forthcoming MB. A child that continues to be enrolled in an ELC program (either Emergency Childcare or ongoing, non-Emergency Childcare), with eligibility based upon the criteria set forth in this MB, is to be considered and reported as a certified child.

Contractors who have enrolled children in a CSPP or CCTR program on the basis of Emergency Childcare eligibility will report the days of enrollment in the appropriate adjustment factor categories for certified children.

Contractors who enrolled children in a CAPP or CFCC program, on the basis of an Emergency Childcare eligibility, will report the provider payments on the Direct Payments to Providers line of the Fiscal Report submitted online.

All enrollments reported on CDNFS reports forms must align with enrollment and eligibility criteria set forth in this MB. If there are questions related to the reporting of the child days of enrollment, please contact your assigned CDNFS Fiscal Analyst. The CDE Fiscal Apportionment Analyst Directory web page can be found at <https://www.cde.ca.gov/fg/aa/cd/faad.asp>.

Resources

State Guidelines–CDE and ELCD specific

The CDE, Early Learning and Care Division (ELCD) has developed a COVID-19 guidance and resource page that includes answers to frequently asked questions, all management bulletins issued to implement pertinent legislation, and other relevant resources at <https://www.cde.ca.gov/sp/cd/re/elcdcovid19.asp>.

To be informed of updated information, please sign up for ELCD's email list at <https://www.cde.ca.gov/sp/cd/ci/progspeclist.asp>.

The CDE has developed a guidebook for the safe reopening of California's public schools which can be found at <https://www.cde.ca.gov/ls/he/hn/documents/strongertogether.pdf>.

Social and Physical Distancing Guidance and Healthy Practices for ELC Facilities

All contractors must follow healthy and safe practices in all ELC settings.

For the state's Early Learning and Care playbook for caring for children and getting back to work, visit: <https://californiaall.org/home>

CDE worked collaboratively together with the California Department of Public Health, the California Department of Social Services (CDSS) and the California Division of Occupational Safety and Health (Cal/OSHA) at the California Department of Industrial Relations, to issue joint updated guidance on the following topics:

- Child care: <https://covid19.ca.gov/pdf/guidance-childcare.pdf>
- Family friendly practices: <https://covid19.ca.gov/pdf/guidance-familyfriendlypracticesemployers.pdf>
- Support for working families: <https://covid19.ca.gov/pdf/guidance-supportworkingfamilies.pdf>

The California Department of Social Services (CDSS) Community Care Licensing Division has developed Provider Information Notices (PIN) which provides guidance on social and physical distancing, ratio and group sizes, and healthy practices during the COVID-19 pandemic. The PINs released by CDSS can be found at <https://www.cdss.ca.gov/inforesources/community-care-licensing>.

Choosing to Reopen and What it Looks Like to Reopen Facilities

The Center for Disease Control (CDC) has released guidance to assist providers in making the decision to reopen. You can find the Childcare Decision Tree at <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/Childcare-Decision-Tree.pdf>.

For more information about COVID-19 guidance from the Office of Head Start, including the Collaborating Actively in Meaningful Planning (CAMP) series, please visit their website at <https://eclkc.ohs.acf.hhs.gov/about-us/coronavirus/responding-covid-19>.

Other State and Federal Guidelines regarding Childcare and COVID-19

For more information about federal and state guidance and response to COVID-19, please refer to the CDC website at <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/index.html>,

the California Department of Public Health's website at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx>,

and the California COVID-19 Response website at <https://covid19.ca.gov/>.

The CDC recently released additional guidance for childcare providers in *The Supplemental Guide for Child Care* which can be found here: <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-childcare.html>

Contacting your Program Quality Implementation Office Regional Consultant

If you have any questions regarding the information in this MB, please contact your assigned ELCD, Program Quality Implementation Office Regional Consultant via the *ELCD Consultant Regional Assignments* web page at <https://www.cde.ca.gov/sp/cd/ci/assignments.asp> or by phone at 916-322-6233.

This Management Bulletin is mandatory only to the extent that it cites a specific statutory and/or regulatory requirement. Any portion of this Management Bulletin that is not supported by a specific statutory and/or regulatory requirement is not prescriptive pursuant to California Education Code Section 33308.5.

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