

State of California
Health and Human Services Agency
Labor and Workforce Development Agency
California Department of Education



GAVIN NEWSOM
Governor

**COVID-19 GUIDANCE FOR CHILD CARE AND STUDENT SUPERVISION IN THE EVENT
OF A SCHOOL CLOSURE
March 17, 2020**

On March 4th, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in the State of California as a result of COVID-19. On March 13th, 2020, pursuant to Executive Order N-26-20 (<https://www.gov.ca.gov/wp-content/uploads/2020/03/3.13.20-EO-N-26-20-Schools.pdf>) the governor directed the Labor and Workforce Development Agency and the California Health and Human Services Agency to jointly develop and issue guidance covering how to support parents to care for their children during ordinary school hours in the event of a school closure.

This document is intended to be statewide guidance to help both individuals and caregivers inform their decision making as school closures due to COVID become more prevalent.

COVID-19

The complete clinical picture with regard to COVID-19 is not fully understood. Reported illnesses have ranged from mild to severe, including illness resulting in death. Older people and people with certain underlying health conditions like heart disease, lung disease and diabetes, for example, seem to be at greater risk of serious illness.

The risk of exposure to COVID-19 is increasing over time. The State of California is acting quickly to protect public health and safety as we respond to COVID-19. We aim to provide the public with the most up-to-date information as it becomes available.

The best way Californians can protect themselves is by taking common-sense precautionary measures: wash your hands often with soap and water, avoid touching your face, cover your cough or sneeze with a tissue or your elbow, avoid contact with people who are sick and stay home if you get sick. Please note that there have been reports of persons being stigmatized. We urge child care and preschool settings to ensure families' and staffs' privacy to help prevent discrimination.

STUDENT SUPERVISION IN THE EVENT OF A SCHOOL CLOSURE

FOR FAMILIES

Executive Order N-26-20 also provides that LEAs receiving funding during a physical closure due to COVID-19 should, to the extent practicable, arrange for supervision for students during ordinary school hours. As such, the CDE has issued the following guidance for parents whose current childcare facility is closed:

- Contact the administrative office of your child care program to learn whether the program has a list of pop-up programs in your local area.
- Contact the resource and referral (R&R) statewide consumer education hotline at 1-800-KIDS-793 or go to the website at <https://rrnetwork.org/> and <https://rrnetwork.org/family-services/find-child-care> for child care referrals.
- Contact your Regional Community Care Licensing (CCL) office, which may have a list of facilities and/or providers that can serve children at this time.

A listing of offices can be found at

<https://www.cdss.ca.gov/Portals/9/CCLD/Community%20Care%20Licensing%20Division%20Child%20Care%20Offices.pdf>.

FOR LOCAL EDUCATIONAL AGENCIES

LEAs that have physically closed should continue to provide essential services for children and families in their communities. LEAs should collaborate with local partners and other entities to ensure students are supervised during school hours. The CDE is providing the following guidance to all LEAs that have closed:

- Develop a plan for ensuring that students are supervised during school hours.
- Consider allowing their school sites for use as critical pop-up childcare programs for working families in need of care for their children.
- Partner with their local resource and referral agency to connect families in need of care. The R&R can help link them to available care facilities in their area.
- Inform families that they can call the statewide consumer education hotline at 1-800-KIDS-793 or go to the website at <https://rrnetwork.org/>

and <https://rrnetwork.org/family-services/find-child-care> for additional information.

- Provide families with a list of known local programs that remain open for services.
- Collaborate with their Local Planning Council and other local childcare entities to ensure continuity of services to families in need of childcare.
- Work with the regional CCL office, which may have a list of facilities that are open, to identify providers that can serve children at this time.

LEAs that are considering physically closing should follow this guidance, as well as consult with the local public health department and state guidance prior to physically closing.

Key Considerations:

In current times, schools play roles supporting their community needs beyond education. According to the Center for Disease Control and Prevention's (CDC) Considerations for School Closures, the lack of supervision of students during unexpected and prolonged school closures can have a major economic and productivity impact on families and communities. In addition, school closures can create an even greater negative impact on the healthcare field whose critical workers during a pandemic depend on school time for their children's supervision.

As a result, LEAs that have physically closed, and those that are considering physically closing, need to consider multiple factors prior and during closure related to providing supervision of children during ordinary school hours.

Specifically, LEAs will need to consider:

- **Family Needs.** The LEAs will need to consider the needs of families in the district for supervision of children during ordinary school hours. For example, if the school district does not provide supervision, do families have other options?
- **Early Learning and Care Programs Operating on an LEA Campus.** The LEA will need to consider how a physical closure will affect any early learning and care program on their campus, and how closure of those facilities, combined with a closure of the schools will affect families. The

LEA will need to consider how to support full or partial continuation of critical early learning and care programs.

- **LEA Facilities as a Community Resource.** The LEA will also need to consider whether LEA facilities can be used during a physical closure to provide essential pop-up child care services to address the needs of working families, in particular, the needs of parents who are health workers, emergency response personnel, key governmental staff, and child care workers.
- **Working With Community Partners.** The LEA will need to consider to what extent it can work with community partners to provide supervision of children during ordinary school hours. For example, the LEA will need to consider how to partner with local early learning and care agencies, including the local Resource and Referral Agency, to ensure children receive supervision during school hours.
- **Child Age.** LEAs should take the age of their students into consideration when determining how to provide supervision of children during school hours, and ensure that the arrangements made are developmentally appropriate.
- **Collaborating with State and Local Government Entities.** The LEA will need to collaborate with state and local government entities when determining how to provide supervision of children during ordinary school hours. For example, if an LEA opens its space up for a pop-up child care center, it will need to work with the regional office for the California Department of Social Services' Community Care Licensing Division to ensure that the space is meeting state standards. Contact information for the Community Care Licensing Regional Offices May be found here:
<https://www.cdss.ca.gov/Portals/9/CCLD/Community%20Care%20Licensing%20Division%20Child%20Care%20Offices.pdf>. Similarly, the LEA will also need to collaborate with state and local health authorities and follow relevant directives and guidelines.
- **CDC Guidance.** To refer to the CDC' s guidance, please go to <https://www.cdc.gov/coronavirus/2019-ncov/downloads/considerations-for-school-closure.pdf>.

PREVENTION AND PRECAUTIONS

Pursuant to prior guidance released, school administrators have or should immediately take steps to slow the spread of respiratory infectious diseases, including COVID-19, even when an LEA is closed but providing student supervision services. The CDE recommends implementing the following guidance, jointly developed by the CDE and the CDPH:

https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/School%20Guidance_ADA%20Compliant_FINAL.pdf.

LEAVE OPTIONS FOR PARENTS WHO NEED TO MISS WORK TO CARE FOR THEIR CHILDREN IN THE EVENT OF SCHOOL CLOSURE

Under state law, parents have the following options if they need to care for their children in the event of school closure:

- If a school is closed by civil authorities due to COVID-19, a parent could use any available paid sick leave to be with their child as preventative care. In general terms, the state paid sick leave law requires employers to provide and allow employees to use at least 24 hours or three days of paid sick leave per year. An employer's policy may provide for more accrued leave than the minimum required by statute and must allow the employee to use what the employee earned in a six-month period as preventative care, if the employee so chooses. In addition, the law provides that an employer may allow an employee to borrow against leave to be earned in the future.
- Employees at worksites with 25 or more employees may also take up to 40 hours of leave per year for specific school-related emergencies, such as the closure of a child's school by civil authorities. Whether that leave is paid or unpaid depends on the employer's paid leave, vacation, or other paid time off policies. Employers may require employees to use their vacation or paid time off benefits before they are allowed to take unpaid leave, but cannot mandate that employees use paid sick leave.
- Where there is a medical certification from a physician or a written order from a state or local health officer that is specific to your family member's situation regarding the school closure, a parent may be eligible for Paid Family Leave.

- Parents who are unable to work due to the need to care for children or whose employer has temporarily allowed the parent to work less than full-time hours due to their child care situation may apply for unemployment benefits. Employment Development Department representatives will determine eligibility on a case-by-case basis.

For more information about eligibility under these state laws, please visit <https://www.labor.ca.gov/coronavirus2019/>.

CAL/OSHA GUIDANCE REGARDING CHILDCARE FACILITIES

Cal/OSHA has developed guidance for childcare programs on updating their Injury and Illness Prevention Programs to protect their employees and help prevent the spread of COVID-19 at their facilities. Among other things, this guidance contains information on topics childcare program administrators should cover in training their employees on COVID-19, points to include in their curriculum to teach children about how they can help to prevent the spread of COVID-19, and what to do if a child shows symptoms of illness. The guidance also advises childcare program administrators on communicating with parents and guardians about COVID-19:

- Ensure information and communication can be provided in the primary languages of parents and guardians.
- Obtain email addresses, and home, work and mobile phone numbers from parents and guardians of children at the facility so the facility can reach them at all times.
- Create and test communication systems with parents and guardians, children at the facility, employees, facility management, and emergency medical services.
- Provide parents and guardians with information from CDC on COVID-19 symptoms, transmission, prevention, and when to seek medical attention. Encourage parents and guardians to share the information with their children as appropriate.
- Communicate with parents and guardians that children should stay at home if sick or if they have been in contact with a person who has tested positive for coronavirus.

- Recommend to parents and guardians voluntary methods to help screen their children for flu symptoms (for example, ask parents and guardians to take the temperature of their children every day before coming to childcare and to keep their children at home if their temperature is over 100.4 degrees Fahrenheit. Discuss this with parents each day when they leave their children at the facility to ensure no change in status. Ask the local health department for assistance with these methods.

Cal/OSHA's guidance to childcare programs is available at:

<https://www.dir.ca.gov/dosh/Coronavirus/COVID-19-Infection-Prevention-in-Childcare-Programs-Guidance.pdf>

TEMPORARY EMERGENCY CHILD CARE FACILITIES

The Department of Support Services (CDSS), has established an emergency waiver for the operation of temporary child care facilities. This waiver is applicable to all employers needing to immediately provide temporary employer sponsored child care. This statewide waiver shall be in effect until the Governor's Proclamation of a State of Emergency is no longer in effect, but may be extended depending on any future guidance from CDSS, Centers for Disease Control and Prevention (CDC), the Department of Public Health (DPH), and local health departments.

Terms and conditions for temporary employer sponsored child care can be found here: https://www.cdss.ca.gov/Portals/9/CCLD/PINs/2020/CCP/PIN_20-04-CCP.pdf.

SUBSIDIZED CHILD CARE PROVIDERS

On March 16th, the Legislature passed SB 117 that included provisions to ensure continuity of payments to state-subsidized childcare and development programs, subject to guidance from the Superintendent of Public Instruction.

Specifically, the bill allows the SSPI to issue guidance to waive certain attendance and reporting requirements imposed on child care and development programs in light of the fact that programs are being impacted by COVID-19. These waivers would apply to fiscal year 2019-20 and would apply to the Alternative Payment, Migrant Child Care, California State Preschool Program, General Child Care, Family Child Care Home Education Networks,

Care for Children with Severe Disabilities, and the CalWORKs Stage 1, 2, and 3 programs.

Additional information is forthcoming to address early learning and care provider payments, contracting and reporting requirements. Specifically, the CDE is in the process of developing a management bulletin to give guidance on these bills, which will be released no later than the evening of March 17th. The CDE will additionally be developing a resource page which will include answers to frequently asked questions, the management bulletin for the recently passed legislation, and other relevant resources.

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