

California Department of Education – Early Learning and Care Division
Update meeting with the Head Start
ELCD Management Bulletins Summary and Information
April 23, 2020

Relevant Governor’s information and links

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

On March 19, 2020, Governor Newsom issued Executive Order N-33-20 directing all residents immediately to heed current State public health directives to stay home, except as needed to maintain continuity of operations of essential critical infrastructure sectors and additional sectors as the State Public Health Officer may designate as critical to protect health and well-being of all Californians. In accordance with this order, the State Public Health Officer has designated the following list of “Essential Critical Infrastructure Workers” to help state, local, tribal, and industry partners as they work to protect communities, while ensuring continuity of functions critical to public health and safety, as well as economic and national security

<https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf>

On April 4, 2020 Governor Gavin Newsom signed an executive order that will facilitate child care for children of essential critical infrastructure workers by allowing the California Department of Education and California Department of Social Services the flexibility to waive certain programmatic and administrative requirements in response to the COVID-19 pandemic <https://www.gov.ca.gov/2020/04/04/governor-newsom-signs-executive-order-to-provide-expanded-access-to-child-care-for-essential-workers-during-covid-19-response/>

Essential Workers: <https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf>

To support the field The California Department of Education - Early Learning and Care Division has created Management Bulletins (MB) to provide guidance and directives to early learning and care contractors during the COVID-19 pandemic
<https://www.cde.ca.gov/sp/cd/re/elcdcovid19.asp>

MB 20-04 COVID-19 Guidance on Apportionment, Attendance, and Reporting Requirements

Please read through each MB when you have a chance, this is a very high overview of each management bulletin, however there are a lot of details within each that will be helpful to review. <https://www.cde.ca.gov/sp/cd/ci/mb2004.asp>

Upcoming fiscal and attendance reporting requirements are being temporarily delayed.

Fiscal and Attendance Reporting Requirements Temporarily Extended

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The deadline to submit the February 2020 monthly report or March 2020 quarterly report has been extended to May 20, 2020. During this time, any contractors who were not previously subject to withholding of apportionments prior to the COVID-19 emergency will continue to receive monthly apportionment payments.

If a contractor, during the state declared State of Emergency related to COVID-19, has the ability to submit an updated attendance and fiscal report, and if that updated data benefits the contractor, they are encouraged to do so. This may include instances when a contractor has increased enrollment since their last reporting period, thus increasing the calculated apportionment amount due. Reports currently submitted online (CAPP, CMAP, CFCC, C2AP and C3AP) may continue to be submitted online. For those reports that are currently mailed to the CDE, CDNFS is requesting that contractors email any updated attendance and fiscal reports to their fiscal analyst, in addition to mailing the original report to the CDE. The CDE Fiscal Apportionment Analyst Directory web page can be found at <https://www.cde.ca.gov/fq/aa/cd/faad.asp>.

Center-Based Contractor Reimbursement

Center-based contractors (CCTR, CSPP, CMIG, and CHAN) who are closed as a result of the state declared State of Emergency should refer to Management Bulletin 10-09 and any subsequent management bulletins related to emergency closures for more information.

For center-based contractors who remain open:

- COVID-19 can be considered a family emergency; therefore, center-based contractors may include absences due to COVID-19 as excused absences.

Provider Reimbursement

- Alternative Payment (AP) contractors must reimburse providers that have closed and are not providing services for up to 30 days after closure.
- Families who still need services, but whose usual provider is closed, can select an alternate provider that will be paid.

MB 20-05 COVID-19 Guidance on Temporary Waiver of Family Fees

<https://www.cde.ca.gov/sp/cd/ci/mb2005.asp>

This Management Bulletin (MB) is to notify and provide guidance to state-subsidized early learning and care (ELC) programs that they must waive family fees following the enactment of Senate Bill 117.

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For the months of April, May, and June 2020, all family fees are waived. Fees paid for March services, will not be credited or refunded.

Contractors must immediately suspend collecting any family fees as of April 1, 2020, for the remainder of this FY and must notify families and providers that the fees for April, May, and June have been waived.

Alternative Payment (AP) contractors that require providers to collect family fees directly, must direct providers to suspend collecting these fees. Contractors will reimburse providers fully, without deducting the amount assessed for family fees. Contractors will inform families that fee collection will be suspended through June 2020.

MB includes information specific to: New certifications or recertification, Family on Delinquent Family Fee Plans, Credit for Fees Paid to Other Service Providers.

MB 20-06 COVID-19 Guidance regarding Emergency Childcare Services for Essential Workers and At-Risk Populations

<https://www.cde.ca.gov/sp/cd/ci/mb2006.asp>

This MB provides guidance to contractors that decide to provide Emergency Childcare for essential workers, at-risk populations, and children with disabilities and special healthcare needs. A mixture of three executive orders from the governor gave the CDE the authority to waive the documentation requirements, and modify the eligibility requirements for our subsidized programs. These are not permanent changes to statute or regulations. These requirements pertaining to enrollment of Emergency Childcare will be in effect through June 30, 2020, or until the State of Emergency has ended, whichever occurs first

At this time there is no additional funding being awarded to direct service contractors for this purpose.

In addition to serving current families, contractors with CCTR, CSPP, CFCC, and CAPP contracts may enroll new families in Emergency Childcare. 12-month eligibility does not apply to any family enrolling in emergency childcare.

Enrolling New Children from At-Risk Populations

Children from families that are part of an at-risk population are eligible to enroll in subsidized Emergency Childcare. At-risk populations include the following:

- Children who are receiving child protective services or who have been deemed to be at risk of abuse, neglect, or exploitation
- Children eligible through the Emergency Child Care Bridge Program for Foster Children

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- 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*
- Children of domestic violence survivors

Enrolling New Children from Essential Worker Families in Emergency Childcare

Children of essential workers are now eligible to enroll in subsidized Emergency Childcare, subject to capacity, if all of the following apply:

- The family works as an essential worker as defined below.
- The family requires childcare to perform their essential work
- The family is not able to complete their work remotely
- The family assets do not exceed \$1,000,000

NOTE: If the family includes a two-parent household, both parents/caregivers must either be essential workers or the other parent must be unable to provide care for the child due to incapacitation.

Families who meet these requirements are eligible and may receive Emergency Childcare services through June 30, 2020. Traditional documentation requirements set forth in *California Code of Regulations*, Title 5 (5 CCR) are waived. Families enrolling as an essential worker must self-certify their income in order to prioritize income eligible families over non-income eligible families.

Enrolling Children with Disabilities or Special Health Care Needs

Contractors may enroll children with disabilities or special health care needs whose IEP and/or IFSP include ELC services. Families must self-certify such status to enroll in Emergency Childcare.

Application Procedures

New families of essential workers that need childcare must apply for Emergency Childcare by completing the COVID-19 2020 Application and the COVID-19 Self-Certification **This will be the only documentation required in order to certify the family for services. The CDE encourages contractors to use digital applications, documents, and signatures to certify families as soon as possible for emergency childcare.**

The application for Emergency Childcare services and the COVID-19 Self-Certification documentation must be included in the family data file.

MB 20-07 COVID-19 Guidance to California Resource and Referral Programs and Local Planning Councils

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<https://www.cde.ca.gov/sp/cd/ci/mb2007.asp>

This Management Bulletin (MB) provides guidance to California Resource and Referral Programs (R&Rs) and Local Planning Councils (LPCs) about updated requirements and instructions in response to the COVID-19 public health emergency.

It is the expectation of CDE that the R&Rs and LPCs work in close coordination with each other, as well as with other county and state agencies engaged in addressing COVID-19, to provide a seamless, responsive, highly engaged solution to meet the quickly evolving child care needs of essential workers and at-risk populations with the available child care supply.

Effective April 15, 2020, R&Rs are required to gather data from providers and update information on vacancies no less than twice weekly.

Reallocating Funding for Commodities

Local R&Rs may use funds, with prior CDE approval, from their CRRP or CCIP contracts to support purchase of essential commodities and supplies for local child care providers.

- In order to obtain this flexibility, R&Rs must follow the directives in the Management Bulletin..

CRRP: Purpose of CRRP funding is to support family access to environments that are healthy and nurturing for their child's care and development. R&Rs may reallocate CRRP funding during the State of Emergency to purchase basic commodities for child care programs, including Tribal child care programs, that are serving essential workers and at-risk populations.

- Purchased commodities with this funding must be related to providing environments that support healthy and nurturing child care settings, including mitigating and preventing the spread of the virus.

CCIP: The purpose of CCIP funding is to support and incentivize new or existing child care providers to become licensed or maintain a license.

- R&Rs may reallocate CCIP funding (either contract or grant funding) during the State of Emergency to purchase basic commodities for new or existing child care programs, including Tribal child care, that are serving essential workers and at-risk populations.
- Purchased commodities with this funding must be related to the health and safety of children in child care settings and should be paired with other supports for licensing, such as access to training.

Requirements for Health and Safety Hub Trainings

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The R&R California Preventive Health and Safety Practices (CPHSP) training hubs staff and resources must prioritize providing health and safety training services, technical assistance and resource materials for providers, and support for local programs and providers caring for children of essential workers.

MB 20-08 COVID-19 Guidance on Procurement and Audits

Effective March 17, 2020, the CDE will be flexible with the preapproval and bidding requirements for procurement of equipment purchases, leases, replacements and improvements on all purchases under \$10,000 related to COVID-19 through June 30, 2020. Also, contract audit due dates will be extended three (3) months from the normal due date.

Flexibility for Agency Preapproval Requirements under Funding Terms and Conditions for Procurement for Purchases

If a contractor needs to purchase equipment or replacements, enter into leases, or make improvements, flexibility of the pre-approval requirements is allowed if:

- The purchase is related to the COVID-19 declared State of Emergency, the pre-approval requirements will be waived through June 30, 2020.
- The per-unit cost equals or exceeds \$5,000 and is less \$10,000.
- The sum of the purchase is under \$10,000.
- **The purchases** are reasonable, necessary and that can be allocated to the child development program, and providing the necessary services to eligible children.

NOTE: This flexibility with preapproval requirements **does not** include purchases over \$10,000. All purchases over \$10,000 will require the submission of three (3) bids and the process of approval by the CDE

If a contractor needs to purchase equipment or replacements, enter into leases, or make improvements **not** related to the COVID-19 declared State of Emergency, **the contractor** must adhere to all applicable laws and regulations related to the Pre-Approval Requirements as cited in the FT&C's.

Obtaining Bids for Equipment Purchases, Leases, Replacements and Improvements for Private Agencies

If a contractor needs to purchase equipment or replacements, enter into leases, or make improvements with a per-unit cost that equals or exceeds \$5,000 or the sum of the purchase is less than \$10,000 and the purchase is related to the COVID-19 declared State of Emergency and contractor has the ability to secure three (3) bids, the CDE encourages them to do so.

As a reminder, per the FT&C's if three (3) bids or estimates cannot be obtained, the contractor shall provide adequate documentation of the reason(s) why three (3) bids or

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estimates could not be obtained (e.g. an emergency situation, or the item is only available from a single source).

If a contractor needs to purchase equipment or replacements, enter into leases, or make improvements not related to the COVID-19 declared State of Emergency, the contractor must adhere to all applicable law and regulations to the Obtaining Bids as cited in the FT&C's.

All contractors are ultimately responsible for ensuring that all costs are reasonable, necessary and allocable to the child development program, and providing the necessary services to eligible children.

Reporting: The Child Development and Nutrition Fiscal Services (CDNFS) report forms will remain unchanged. All revenue and expenses related to the program that are reimbursable by the contract should be reported on the first fiscal page of the Attendance and Fiscal report.

MB 20-09 COVID-19 Guidance on Program Self Evaluation, Contract Monitoring, and Program Quality Requirements

<https://www.cde.ca.gov/sp/cd/ci/mb2009.asp>

The CDE will be conducting modified monitoring of contracts and will suspend all on-site visits, unless as needed. The CDE will continue to support contractors by providing technical assistance, training, and updated information remotely.

Effective immediately, the CDE will suspend:

1. The submission of the Program Self Evaluation (PSE) for FY 2019-20.
2. The Environmental Rating Scale (ERS) requirement.
3. The Parent Survey requirement

Alternative Payment and Resource and Referral Contracts are exempt from the requirements for Parent Involvement, Education Programs, Developmental Profile Requirements and the ERS.

Contractors must develop a plan around modifying program operations to address the needs of children and families who are no longer being served in a physical setting during an emergency closure. For contractors that have closed some or all sites, this plan must be provided to the contractor's assigned regional consultant by April 30, 2020.

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CCTR, CSPP, CFCC, and CMIG (Direct Service) contractors must contact each family a minimum of twice a week to keep updated on the child and family in compliance with 5 CCR Section 18275 and must document outreach efforts. Contractors will communicate with families about their progress and needs with distance learning and the family's overall well-being; providing resources and referrals to support services, social services, and health services as needed.

Contractors are required to provide an activity plan for each child that can be incorporated into the daily activities and assists with creating a predictable routine in the family's home.

Contractors must provide professional development, or access to professional development through distance learning opportunities for priority topics including, but not limited to, health and safety and child development.

CCTR, CSPP, CFCC, and CMIG contractors are required to submit data in DRDP Online for any rating period that complete data has been collected. Contractors shall not upload partial data into DRDP Online. Rating periods after March 17, 2020 are suspended through June 30, 2020.

MB 20-10 COVID-19 Guidance regarding Family Child Care Home Education Networks

Contractors will continue to receive apportionments during the COVID-19 pandemic. Contractors who have physical closures must continue program operations to support children and their families, staff and FCCH providers during periods of closure. Please read the MB in its entirety at <https://www.cde.ca.gov/sp/cd/ci/mb2010.asp>

The FCCHEN providers who are closed due to the COVID-19 pandemic and are not able to submit their monthly attendance record or invoice shall be reimbursed based on the certified need of each family. For families certified for a variable schedule, providers shall be reimbursed based on the maximum authorized hours of care.

Providers Who Remain Open

FCCHEN providers who remain open to serve children of essential worker families:

- Providers may submit attendance records or an invoice without the parent signature if the parent is unable to sign due to the COVID-19 pandemic.
- The COVID-19 pandemic can be considered a family emergency and contractors may include child absences due to the COVID-19 pandemic as an excused absence.
- Regardless of attendance, providers shall be reimbursed based on the certified need of each family. For families certified for a variable schedule, reimbursement shall be made for the maximum authorized hours of certified need.

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The CFCC, CCTR, CSPP and CMIG contractors who provide services through FCCHENs should work with the family childcare providers to determine the best way to receive attendance and/or invoice records while ensuring local public health department guidelines are being met. This includes electronic documents and signatures.

Program Quality Contractual Requirements during an Emergency Closure

The contractors who provide services through FCCHENs and whose providers are physically closed but funded to be operational must develop a plan around modifying program operations to address the needs of children and families who are no longer being served in a physical setting, this plan must be provided to the contractor's assigned regional consultant by April 30, 2020. This plan must include engaging providers during the emergency closure to provide supportive services to children and families. For more program quality requirements read through the MB, the requirements for a FCCHEN around program quality align with MB 20-09 on program quality. The main difference for a FCCHEN is that the FCCHEN contractor will work with the family child care home provider to ensure the needs of the families are being met.

RESOURCES

CDE ELCD webinar includes information on SB 117, MB 20-04 and MB 20-05

<https://www.cde.ca.gov/sp/cd/re/documents/april1webinar.pptx>

The **CA Department of Social Services Community Care Licensing Division** has developed Provider Information Notice (PIN) 20-04-CCP, which provides a statewide waiver for operation of child care facilities, including licensees, registered TrustLine providers, and temporary employer sponsored child care, along with guidance for the implementation of prevention, containment, and mitigation measures for COVID-19. This PIN can be found on the CDSS website at <https://www.cdss.ca.gov/inforesources/community-care-licensing>.

COVID 19 Response page for CDE ELCD:

<https://www.cde.ca.gov/sp/cd/re/elcdcovid19.asp>

Frequently Asked questions can be found at:

<https://www.cde.ca.gov/sp/cd/re/covid19elcdfaq.asp>

PLEASE DIRECT ANY QUESTIONS TO: The Early Learning and Care Division (ELCD) has established a dedicated email address to receive public inquiries related to ELCD programs and emergency concerns: ELCDEmergency@cde.ca.gov.