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Status: ADOPTED

Regulation 5148.3: Preschool/Early Childhood Education

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CSBA NOTE: The following administrative regulation reflects the major requirements of the California State Preschool Program (CSPP) pursuant to Education Code 8200-8340 and 5 CCR 17700-17833, as adopted in Register 2022, No. 26.

The following administrative regulation does not reflect all requirements for other state and federally funded preschool program(s). The district may revise this administrative regulation to reflect other preschool program(s) it offers, such as the state migrant child care and development program (Welfare and Institutions Code 10235-10238), child care and development services for children with special needs program (Welfare and Institutions Code 10260-10263), federal Head Start program (42 USC 9831-9852c), Title I preschool program (20 USC 6311-6322), or preschool program developed and funded by the district.

In addition to the program requirements described below, other district policies as contained throughout the district's policy manual may be applicable to preschool programs. See BP/AR 1240 - Volunteer Assistance, AR 3514.2 - Integrated Pest Management, BP/AR 3550 - Food Service/Child Nutrition Program, and BP/AR 5148 - Child Care and Development. Districts should consult CSBACSBA's District and County Office of Education Legal Services or district legal counsel if there are questions regarding the applicability of other laws to the district's preschool program.

Children with exceptional needs means either of the following: (Education Code 8205)

- 1. Children under three years of age who have been determined to be eligible for early intervention services pursuant to the California Early Intervention Services Act (Government Code 95000-95029.5) and its implementing regulations. These children include, including an infant or toddler with a developmental delay or established risk condition, or a child who is at high risk of having a substantial developmental disability, as defined in Government Code 95014. These children with exceptional needs under the age of three shall have active individualized family service plans (IFSP) and shall be receiving early intervention services.
- 2. Children 3 to 21 years of age, inclusive, who have been determined to be eligible for special education and related services by an individualized education program (IEP) team according to the special education requirements contained in Education Code 56000-56865, and who meet eligibility criteria described in Education Code 56026 and 56333-56338 and 5 CCR 3030-3031. These children with exceptional needs between ages 3 to 21 shall have an active individualized education program (IEP) and shall be receiving early intervention services or appropriate special education.

Dual language learner children means children whose first language is a language other than English or children who are developing two or more languages, one of which may be English. (Education Code 8205)

CSBA NOTE: Pursuant to Education Code 48000.15, as amended by SB 141 (Ch. 194, Statutes of 2023), for the 2023–24 and 2024–25 school years, a district that offers transitional kindergarten (TK) to early enrollment children must concurrently offer enrollment in a CSPP, if offered by the district, and space permitting.

<u>Early enrollment child means a child whose fourth birthday will be between June 3 and September 1 preceding the school year during which they are enrolled in a transitional kindergarten (TK) classroom.</u> (Education Code 48000.15)

Three-year-old children means children who will have their third birthday on or before December 1 of the fiscal year in which they are enrolled in a program approved by the California Department of Education (CDE) under the California State Preschool Program (CSPP). Children who have their third birthday on or after December 2 of the fiscal year, may be enrolled in a CSPP program on or after their third birthday. (Education Code 8205)

Four-year-old children means children who will have their fourth birthday on or before December 1 of the fiscal year in which they are enrolled in a CSPP program, or a child whose fifth birthday occurs after September 1 of the fiscal year in which they are enrolled in a CSPP program and whose parent or guardian has opted to retain or enroll them in a CSPP program. (Education Code 8205)

When approved by CDE under the CSPP, the district may operate one or more part- or full-day preschool programs in accordance with law and the terms of its contract with CDE.

CSBA NOTE: Pursuant to Education Code 8207, CSPP programs must include certain required components, as reflected in Items $\frac{\#}{1}$ -7 below. Item $\frac{\#}{8}$ is a recommended practice that may be revised to reflect the district's program.

The district's CSPP program shall include all of the following: (Education Code 8207)

- 1. Age and developmentally appropriate activities for children
- 2. Supervision
- 3. Parenting education and parent engagement
- 4. Social services that include, but are not limited to, identification of child and family needs and referral to appropriate agencies
- Health services
- 6. Nutrition

- 7. Training and career ladder opportunities, documentation of which shall be provided to CDE
- 8. Physical activity to support children's health

CSBA NOTE: CSPP program components are listed in 5 CCR 17701-17711, as adopted in Register 2022, No. 26.

Pursuant to Education Code 8203.5, contracts between the California Department of Education (CDE) and districts for CSPP programs must include a requirement that a developmental profile be maintained for each child.

The district's preschool program shall satisfy all the requirements described in 5 CCR 17701-17711, including, but not limited to, those related to the program philosophy, goals, and objectives, the educational program, the creation of a developmental profile for each child, staff development, family engagement and strengthening, community involvement, health and social services, nutrition, and program evaluation.

Minimum Hours/Days of Operation

CSBA NOTE: Pursuant to Education Code 8207, CSPP programs may be part- or full-day. The following section may be revised to reflect district programs.

The district's part-day preschool program shall operate a minimum of three hours, and up to three hours and 59 minutes, per day, excluding time for home-to-school transportation, and for at least 175 days per year unless otherwise specified in the contract with CDE. (Education Code 8207; 5 CCR 17727)

CSBA NOTE: The following paragraph reflects Education Code 48000, as amended by AB 185 (Ch. 571, Statutes of 2022). CSBA NOTE: CDE's Early Education Division Management Bulletin 23-05 provides guidance on eligibility of children enrolled in TK or kindergarten for wraparound care if the child is also eligible for a part-day CSPP.

However, a part-day preschool program may also offer transitional kindergarten (TK) or kindergarten children whose families meet the requirements of Education Code 8208 less than four hours of wraparound childcare services and a part-day preschool program operating on a school site may be allowed flexibility in the operational hours. (Education Code 48000)

CSBA NOTE: Pursuant to Education Code 48000.15, as amended by SB 141, for the 2023–24 and 2024–25 school years, a district that offers TK to early enrollment children must concurrently offer enrollment in a CSPP program, if offered by the district, space permitting. The district may enroll an early enrollment child in a CSPP program operated by the district regardless of income, after all other eligible children have been enrolled. For more information about TK programs, see BP 6170.1 - Transitional Kindergarten.

The district may enroll an early enrollment child in TK whose fourth birthday is between June 3 and September 1, inclusive, preceding the school year during which they are enrolled in TK. If an early enrollment child is enrolled in the district's TK program, the district shall concurrently offer the child enrollment in the district's CSPP, subject to available space. (Education Code 48000.15)

The district's full-day program shall operate for a minimum of 246 days per year, unless the contract specifies a lower number of days of operation, and for the number of operational hours reasonably

necessary to meet the preschool needs of the families in the community. (Education Code 8207; 5 CCR 17728)

Staffing

CSBA NOTE: Education Code 8241 provides staffing ratios that apply until the Superintendent of Public Instruction (SPI) promulgates regulations to establish such ratios for center-based programs. Pursuant to Education Code 8241, CSPP programs must maintain a ratio of at least one adult to every eight children and at least one teacher to every 24 children.

The preschool program shall maintain an adult-child ratio of at least one adult for every eight children and a teacher-child ratio of at least one teacher for every 24 children. (Education Code 8241, 5 CCR 17713-17716)

CSBA NOTE: Health and Safety Code 1596.7995 requires employees and volunteers at a day care center to be immunized against influenza, pertussis, and measles, with specified exemptions. Health and Safety Code 1597.055 adds a requirement for such teachers to obtain a tuberculosis clearance. Pursuant to Health and Safety Code 1596.76, a day care center includes a preschool. See AR 5148 - Child Care and Development for further information regarding immunization requirements for staff and volunteers. Districts that have not adopted AR 5148 - Child Care and Development may revise the following paragraph accordingly and expand it to include the exemptions specified in Health and Safety Code 1596.7995.

Any person employed at a district preschool and any volunteer who provides care and supervision to children at a preschool shall, unless exempted by law, be immunized against influenza, pertussis, and measles in accordance with Health and Safety Code 1596.7995 and ARAdministrative Regulation 5148 - Child Care and Development. Documentation of required immunizations, or applicable exemptions, shall be maintained in the employee's personnel file. (Health and Safety Code 1596.7995)

In addition, preschool teachers shall present evidence of a current tuberculosis clearance and meet other requirements as specified in Health and Safety Code 1597.055.

CSBA NOTE: The following paragraph is optional and may be revised to reflect district practice. Education Code 49406 requires school volunteers, with certain authorized exceptions, to submit to a tuberculosis risk assessment as developed by the California Department of Public Health. If risk factors are identified, then the volunteer is required to submit to an intradermal (skin) tuberculin test or other tuberculin test recommended by the Centers for Disease Control and Prevention.

The district may require any volunteer who is to provide care and supervision to district preschool children to provide evidence that the volunteer is free of infectious tuberculosis.

Family Literacy Services

CSBA NOTE: The following section is optional. Contingent upon funding in the state Budget Act, Education Code 8220 and 8221 provide for the SPI to distribute family literacy supplemental grant funds to qualifying CSPP contractors for the purposes described below.

When any district part-day preschool program receives funding for family literacy services pursuant to Education Code 8221, the Superintendent or designee shall coordinate the provision of: (Education Code 8220)

- Opportunities for parents/guardians to work with their children on interactive literacy
 activities, including activities in which parents/guardians actively participate in facilitating
 their children's acquisition of prereading skills through guided activities such as shared
 reading, learning the alphabet, and basic vocabulary development
- 2. Parenting education for parents/guardians of children in participating classrooms to support their child's development of literacy skills, including, but not limited to, parent education in:
 - a. Providing support for the educational growth and success of their children
 - b. Improving parent-school communications and parental understanding of school structures and expectations
 - c. Becoming active partners with teachers in the education of their children
 - d. Improving parental knowledge of local resources for the identification of and services for developmental disabilities, including, but not limited to, contact information for the district special education referral
- 3. Referrals to providers of adult education and instruction in English as a second language as necessary to improve academic skills of parents/guardians
- 4. Staff development for teachers in participating classrooms that includes, but is not limited to:
 - a. Development of a pedagogical knowledge, including, but not limited to, improved instructional and behavioral strategies
 - b. Knowledge and application of developmentally appropriate assessments of the prereading skills of children in participating classrooms
 - c. Information on working with families, including the use of on-site coaching, for guided practice in interactive literacy activities
 - d. Providing targeted interventions for all young children to improve kindergarten readiness upon program completion

Eligibility Criteria for Part-Day CSPP Programs

CSBA NOTE: The following section reflects eligibility criteria for the part-day CSPP programs pursuant to state law and regulations. See the section "Eligibility and Enrollment Priorities for Full-Day CSPP Programs" below for full-day program requirements.

5 CCR 17743, as adopted in Register 2022, No. 26, mandates that a district operating a CSPP program develop written admissions policies and procedures that conform to the requirements of 22 CCR 101218.1, including, but not limited to, criteria designating those children whose needs can be met by the program and services and the ages of children who will be accepted.

A three- or four-year-old child is eligible for a part-day CSPP program if the child's family is one of the following: (Education Code 8208)

- 1. A current aid recipient
- 2. Income eligible
- 3. Homeless

3. Experiencing homelessness

4. One whose children are recipients of child protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected or exploited

CSBA NOTE: Education Code 8208, as amended by AB 210 (Ch. 62, Statutes of 2022), has expanded eligibility for participation in CSPP to include families with a child with exceptional needs, as defined in Education Code 8205.

5. One who has children with exceptional needs, as defined in Education Code 8205

CSBA NOTE: Education Code 8208, as amended by SB 1047 (Ch. 923, Statutes of 2022), further expands eligibility for participation in CSPP to families specified in Item #6 below.

6. One with a household member who is certified to receive benefits from Medi-Cal, CalFresh, the California Food Assistance Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the federal Food Distribution Program on Indian Reservations, Head Start, Early Head Start, or any other designated means-tested government program, as determined by CDE

After all eligible three- and four-year-old children have been enrolled as provided above, a part-day CSPP program may provide services to children in families whose income is no more than 15 percent above the income eligibility threshold, as described in Education Code 8213. No more than 10 percent of all the children enrolled in the CSPP program shall be from families above the income eligibility threshold. (Education Code 8208)

In addition, after all otherwise eligible children have been enrolled as provided in the paragraphs above, a part-day CSPP program may provide services to three- and four-year-old children in

families whose income is above the income eligibility threshold if those children are children with exceptional needs. Such children with exceptional needs shall not count towards the 10-percent limit on enrollment of families with income above the income eligibility threshold described above. (Education Code 8208)

CSBA NOTE: Education Code 8217, as amended by AB 185, further expands eligibility to for part-day CSPP programs to three-year old children in the circumstances specified in the following paragraph.

A CSPP program operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price lunch may enroll three- and four-year-old children after all otherwise eligible children have been enrolled as provided in the paragraphs above. (Education Code 8208 and, 8217)

CSBA NOTE: Pursuant to Education Code 8208, as amended by AB 210, at certification or recertification, a child is deemed eligible for a part-day CSPP program for the remainder of the program year and the following program year so long as the child continues to meet the age-eligibility requirements.

The district shall certify eligibility and enroll families into the part-day preschool program within 120 calendar days prior to the first day of the beginning of the new preschool year. Subsequent to a child's enrollment, the child shall be deemed eligible for the part-day CSPP program for the remainder of the program year and for the following program year, provided applicable age-eligibility requirements are met, as specified in Education Code 8205 and 48000. (Education Code 8208)

Enrollment Priorities for Part-Day CSPP Programs

CSBA NOTE: Education Code 8210, as amended by AB 210 and AB 185SB 141, revised and reordered the priority ranking for part-day CSPP, as provided in Items #1-6 below.

The district shall give priority for part-day CSPP programs as follows: (Education Code 8210)

1. ____The first priority for services shall be given to three- or four-year-old children who are recipients of child protective services or who are at risk of being neglected, abused, or exploited and for whom there is a written referral from a legal, medical, or social service agency. If the district is unable to enroll a child in this first priority category, the district shall refer the child's parent/guardian to local resources and referral services so that services for the child can be located.

CSBA NOTE: Education Code 8208, as amended by AB 210SB 141, requires that, starting July 1, 2022, a percentage of part-day preschool enrollment be reserved for children with exceptional needs. For the period July 1, 2022 until Until June 30, 20232025, a minimum of 5 percent is required, starting July 1, 20232025, to June 30, 20242026, 7.5 percent must be reserved, and from July 1, 20242026, at least 10 percent must be reserved for children with exceptional needs. CDE is required to review data on compliance and provide assistance to CSPP contracting agencies in order to meet these requirements.

Education Code 8210, as amended by AB 321 (Ch. 903, Statutes of 2022), SB 141, clarifies that when enrollment of children with exceptional needs has reached the number reserved, second priority must be given to three- and four-year old children with exceptional needs from families who are below the income eligibility threshold. Pursuant to Education Code

8210, as amended by SB 141, if two or more families have the same income ranking according to the most recent schedule of income ceiling eligibility table, the child that has been on the waiting list for the longest time shall be admitted first.

2. When the number of three- or four-year old children with exceptional needs required to be enrolled pursuant to Education Code 8208 have been enrolled and there are additional children with exceptional needs who are interested in enrolling, the second priority for services shall be given to all three- and four-year old children with exceptional needs from families with incomes below the income eligibility threshold, as described in Education Code 8213. Within this priority category, children with exceptional needs from families with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the Superintendent of Public Instruction (SPI) at the time of enrollment, shall be enrolled first.

If two or more families have the same income ranking, the child that has been on the waiting list for the longest time shall be admitted first.

3. The third priority shall be given to eligible four-year-old children who are not enrolled in a state-funded transitional kindergarten (TK) program. This priority shall not include children eligible for enrollment as children with exceptional needs pursuant to Education Code 8208 (a)(1)(E), who are from families with incomes above the income eligibility threshold, as described in Education Code 8213. Within this priority category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, shall be enrolled first.

CSBA NOTE: In keeping with the legislative intent of AB 321 to prioritize access to CSPP and childcare and development services for children who reside in homes in which the primary language is not English, Education Code 8210, as amended by AB 321, provides that withinSB 141, revises the third priority category, children from such families criteria for part-day CSPP to be based on whether three- and four- year old children who are not enrolled first when there are two or more families with the same income rankingin a state funded TK are identified as dual language learners, rather than whether they are from a family in which the primary home language is a language other than English.

- 4. _____If two or more families have the same income ranking according to the most recent schedule of income ceiling eligibility table, a child fromwho is identified as a family in which the primary homedual language is a language other than Englishlearner shall be enrolled first. If there are no children from such a familyidentified as dual language learners, the child that has been on the waiting list for the longest time shall be admitted first.
- 5. 4. The fourth priority shall be given to eligible three-year-old children. This priority shall not include children eligible for enrollment as children with exceptional needs pursuant to Education Code 8208 (a)(1)(E), who are from families with incomes above the income eligibility threshold, as described in Education Code 8213. Enrollment determinations within this priority category shall be made in the same way as for third priority in Item #3 above.
- 6. 5. The fifth priority, after all otherwise eligible children have been enrolled, shall be given to children from families whose income is no more than 15 percent above the eligibility income threshold, as described in Education Code 8213. Within this priority

category, priority shall be given to three- and four-year-old children with exceptional needs interested in enrolling beyond those already enrolled in the 10 percent of funded enrollment set aside pursuant to Education Code 8208, then to four-year old children before three-year-old children without exceptional needs.

- 7. 6. After all otherwise eligible children have been enrolled in the first through fifth priority categories, as described in Items #1-5 above, the district may enroll other children in the following order:
 - a. A CSPP program site operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals as described in Education Code 8217 may enroll any three- or four-year-old children whose families reside within the attendance boundary of the qualified elementary school. These children shall, to the extent possible, be enrolled by lowest to highest income according to the most recent schedule of income ceiling eligibility table.
 - b. <u>b.</u> Children enrolling in a CSPP program that provides expanded learning and care to TK or kindergarten students, pursuant to Education Code 48000

CSBA NOTE: The following paragraph reflects Education Code 8210 as amended by AB 210.

Regardless of the priorities listed above, until the district attains the percent of funded enrollment set aside for children with exceptional needs pursuant to Education Code 8208, children with exceptional needs shall be enrolled without regard to the priorities listed above. Within this category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, shall be enrolled first. If two or more families have the same income ranking, the child that has been on the waiting list for the longest time shall be admitted first. (Education Code 8210)

Eligibility and Enrollment Priorities for Full-Day CSPP Programs

CSBA NOTE: The following section reflects the eligibility criteria for full-day CSPP, pursuant to Education Code 8208, as amended by AB 210SB 141, and the priority ranking for enrollment, pursuant to Education Code 8211, as amended by AB 210 and AB 185SB 141.

A three- or four-year-old child is eligible for a full-day CSPP program if the family meets both of the following requirements: (Education Code 8208)

- 1. The child's family is one of the following:
 - a. A current aid recipient, income eligible, or homeless experiencing homelessness
 - b. One whose children are recipients of child protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected, or exploited

<u>CSBA NOTE: When a family has multiple children with one who has exceptional needs, only children in the family who are children with exceptional needs may be enrolled under this</u>

eligibility criteria. Any other child in the family without exceptional needs may be enrolled pursuant to other criteria established pursuant to Education Code 8208.

c. One who has children with exceptional needs, as defined in Education Code 8205

CSBA NOTE: Education Code 8208, as amended by SB 1047, further expands eligibility for participation in CSPP to families specified in the following paragraph.

- d. One with a household member who is certified to receive benefits from Medi-Cal, CalFresh, the California Food Assistance Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the federal Food Distribution Program on Indian Reservations, Head Start, Early Head Start, or any other designated means-tested government program, as determined by CDE
- 2. The child's family needs the childcare services because of either the following:
 - a. The child is identified by a legal, medical, or social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of protective services; as being or at risk of being neglected, abused, or exploited; or as being homeless experiencing homelessness
 - b. The parents/guardians are participating in vocational training leading directly to a recognized trade, paraprofession, or profession; are engaged in an educational program for English language learners or to attain a high school diploma or general educational development certificate; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated

CSBA NOTE: The following paragraph reflects Education Code 8208, as amended by AB 185

After all eligible three- and four-year-old children have been enrolled as provided above, a full-day CSPP program may provide services to children in families whose income is no more than 15 percent above the income eligibility threshold, as described in Education Code 8213. No more than 10 percent of all the children enrolled in the CSPP program shall be from families above the income eligibility threshold. (Education Code 8208)

After all families meeting the criteria specified in the paragraphs above have been enrolled, a full-day CSPP program may provide services to three- and four-year-old children in families who do not meet at least one of the criteria in Item #2 above. (Education Code 8208)

After all otherwise eligible children have been enrolled as provided above, a CSPP program operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals as described in Education Code 8217 may enroll any four-year-old child. (Education Code 8208)

CSBA NOTE: Education Code 8211, as amended by AB 210 and AB 185, revised and reordered the priority ranking in 2022 for enrollment in full-day CSPP programs. The priority ranking is now

almost identical to the ranking for part-day CSPP <u>programs</u>, as provided in "Enrollment Priorities for Part-Day CSPP Programs" section above.

For full-day CSPP programs, the district shall use the same priority ranking specified in Items #1-#_4 of "Enrollment Priorities for Part-Day CSPP Programs" above, and the following: (Education Code 8211)

- 1. After all otherwise eligible children based on Items #1-4 of "Enrollment Priorities for Part-Day CSPP Programs" have been enrolled, fifth priority shall be given to children from families whose income is no more than 15 percent above the eligibility income threshold, as described in Education Code 8213. Within this priority category, priority shall be given to three- and four-year-old children with an IFSP or IEP, then to four-year old children before three-year-old children without IFSP or IEP.
- 2. After all otherwise eligible children based on Items #1-4 of "Enrollment Priorities for Part-Day CSPP Programs" and Item #1 above have been enrolled, the district may enroll other children in the following order:
 - a. Three- and four-year old children from families who do not meet at least one of the need requirements in Item #2 above. Within this priority, families shall be enrolled in income ranking order, lowest to highest, and within income ranking order, four-year old children before three-year old children
 - b. When a CSPP program site operates within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals as described in Education Code 8217, three- or four-year-old children whose families reside within the attendance boundary of the school may be enrolled without establishing eligibility or a need for services. Such children shall, to the extent possible, be enrolled by lowest to highest income ranking order.

CSBA NOTE: The following paragraph reflects Education Code 8211 as amended by AB 210.

Regardless of the priorities listed above, until the district attains the percent of funded enrollment set aside for children with exceptional needs pursuant to Education Code 8208, children with exceptional needs shall be enrolled without regard to the priorities listed above. Within this category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, shall be enrolled first. If two or more families have the same income ranking, the child that has been on the waiting list for the longest time shall be admitted first. (Education Code 8211)

CSBA NOTE: Pursuant to Education Code 8208, as amended by AB 210, a determination of eligibility for participation in a full-day CSPP program now lasts for 24 months, as specified in the following paragraph.

Upon establishing initial eligibility or ongoing eligibility for a full-day CSPP program, a family shall be considered to meet all eligibility and need requirements for those services for not less than 24 months. Such families shall receive those services for not less than 24 months before having eligibility or need recertified, and shall not be required to report changes to income or other changes for at least 24 months. If the eligibility period ends before the end of a program year, eligibility shall be extended until the end of the program year, provided age-eligibility requirements

are met, as specified in Education Code 8205. However, a family that establishes initial eligibility or ongoing eligibility on the basis of income shall report increases in income that exceed the threshold for ongoing income eligibility, as described in Education Code 8213, and the family's ongoing eligibility for services shall at that time be recertified. In addition, a family may, at any time, voluntarily report income or other changes. This information shall be used, as applicable, to reduce the family's fees, increase the family's services, or extend the period of the family's eligibility before recertification. (Education Code 8208)

Waiting List

CSBA NOTE: The following section may be revised to reflect district practice. Pursuant to 5 CCR 17744, as adopted in Register 2022, No. 26, a district is required to maintain a current waiting list based on enrollment priorities for part-day and full-day preschool programs. The district may satisfy this requirement by participating in a "county child care centralized eligibility list" if one is available. When such centralized eligibility list is not available or the district elects not to participate in the local list, the district must establish its own waiting list in accordance with enrollment priorities.

The Superintendent or designee shall consult the county's centralized eligibility list, when available, or shall maintain a district waiting list in accordance with applicable enrollment priorities. As vacancies occur, applicant families shall be contacted in order of priority on the waiting list. (5 CCR 17744)

Combined Preschool/Transitional Kindergarten Classroom

CSBA NOTE: Education Code 8207 and 48000 allow districts to place 4<u>four</u>-year-old children enrolled in a CSPP program into a TK program and to commingle children from both programs in the same classroom as long as all of the requirements of each program are met and the district adheres to the requirements listed in the following section. See BP 6170.1 - Transitional Kindergarten for eligibility requirements pertaining to the TK program pursuant to Education Code 48000.

When a child is eligible for both the preschool program and the district's TK program, the district may place the child in a classroom which is commingled with children from both programs as long as the commingled program meets all of the requirements of each program as well as the following requirements: (Education Code 8207, 48000)

- 1. An early childhood environment rating scale, as specified in 5 CCR 18281, shall be completed for the classroom.
- 2. All children enrolled for 10 or more hours per week shall be evaluated using the Desired Results Developmental Profile, as specified in 5 CCR 18272-
- 3. The classroom shall be taught by a teacher who holds a credential issued by the Commission on Teacher Credentialing in accordance with Education Code 44065 and 44256.
- 4. The classroom shall comply with the adult-child ratio specified in Education Code 8264.8. 8241

- 5. Contractors of the district shall report the services, revenues, and expenditures for children in the preschool program CSPP in accordance with 5 CCR 18068.
- 6. The classroom shall not include children enrolled in TK for a second year or children enrolled in a regular kindergarten classroom.

Fees and Charges

Fees for participation in the district's full-day CSPP program shall be assessed and collected in accordance with the fee schedule established by the SPI in conjunction with the California Department of Social Services. (Education Code 8252)

CSBA NOTE: Pursuant to Education Code 8252, as amended by AB 210116 (Ch. 41, Statutes of 2023), and explained in CDE's Early Education Management Bulletin 23-07, family fees may be assessed but not be collected for families receiving subsidized child care services from CSPP programs administered by CDE for from July 1, 2023 to September 30, 2023. Education Code 8252, as amended by AB 116, requires that no family fees be charged or assessed for families whose adjusted monthly family income falls below 75 percent of the 2022-2023 school year State Median Income, and further caps family fees at one percent of a family's monthly income for all other families. As a result, the FY 2023-24 family fee schedule has been revised accordingly. In addition, family fees accrued but not collected prior to October 1, 2023, may be forgiven, and not collected.

However, for the 2022-2023 school year, family Family fees shallaccrued but uncollected prior to October 1, 2023, may be forgiven and not be collected as specified in . (Education Code 8252-)

In addition, no fee shall be charged to an eligible family whose child is enrolled in a part-day preschool program or a family that is receiving CalWORKs cash aid. (Education Code 8253; 5 CCR 17735)

A family may be exempt from the fees for up to 12 months for any child enrolled in full-day preschool on the basis of being the recipient of child protective services or as being, or at risk of being, abused, exploited, or neglected. (Education Code 8253; 5 CCR 17735)

CSBA NOTE: Education Code 8254 authorizes a district offering a CSPP program to charge a fee for field trips and/or to require parents/guardians to provide diapers, but **mandates** that the district adopt policy to include parents/guardians in the decision-making about such fees, as provided below. Pursuant to Education Code 8254, the fees cannot exceed \$25 per child in the contract year. The following paragraph may be modified to delete diapers as appropriate for the age of the children served.

The Superintendent or designee shall establish a process that involves parents/guardians in determining whether to require parents/guardians to provide diapers and/or whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Education Code 8254)

Disenrollment Based on Reduced Funding

CSBA NOTE: Education Code 8214 specifies the order by which families will be disenrolled from subsidized preschool services when funding levels are reduced.

When necessary to disenroll families from subsidized preschool services, families shall be disenrolled in reverse order of the priority for services specified in Education Code 8210 and 8211 and as described above in the sections "Enrollment Priorities for Part-Day CSPP Programs" and "Eligibility and Enrollment Priorities for Full-Day CSPP Programs." (Education Code 8214; 5 CCR 17744)

Expulsion/Unenrollment and Suspension Based on Behavior

CSBA NOTE: AB 2806 (Ch. 915, Statutes of 2022), repealed CDE's Early Education Code 8222 and added Education Code 8489-8489.1. Education Code 8489.1, as added, recasts provisions relating Division Management Bulletin 23-08 provides guidance to expulsion or unenrollment of children from a CSPP program and establishes new contractors regarding requirements for the use of suspensions suspension and updated requirements for expelling or unenrolling a child from a program due to a child's behavior, in such programs accordance with Education Code 8489.1.

Suspension means any removal of a child from all or part of the program day, or the prevention of a child from attending the program for one or more days, in response to the child's behavior.

Removing the child from the program means moving a child to an isolated or separate room. Programs may remove children from specific situations to allow the child to calm down or regain composure, such as taking the child for a walk or accompanying the child to an outdoor environment. However, the child must return to the classroom as soon as the child has calmed down and may not be removed for longer than 30 minutes.

Expulsion means the permanent dismissal of a child from a program in response to a child's behavior.

<u>Persistent and serious behaviors means either repeated patterns of behavior that significantly interfere with the learning of other children, or interactions with peers and adults that are not responsive to the use of developmentally appropriate guidance, including, but not limited to, physical aggression, property destruction, and self-injury.</u>

A district preschool program shall not expel or unenroll a child or persuade or encourage a child's parents/guardians to voluntarily unenroll from the program based on the child's behavior, unless the district first takes the following actions to address the child's behavior: (Education Code 8489.1)

- 1. In writing, inform the parents/guardians of the child's persistent and serious challenging behaviors and consult with the parents/guardians and teacher in an effort to maintain the child's safe participation in the program
- If the child has an IFSP or IEP, contact, with written parent/guardian consent, the agency or district employee responsible for such plan or program to seek consultation in regard to serving the child
- If appropriate, consider completing a comprehensive screening of the child, including, but
 not limited to, screening the child's social and emotional development, referring the
 parents/guardians to community resources, and implementing behavior supports within the
 program

If the district has taken the actions specified in Items #1-3 above and the child's continued enrollment would present a serious safety threat to the child or other enrolled children, the district shall refer the parents/guardians to other potentially appropriate placements, the local child care resource and referral agency, or any other referral service available in the local community. The district shall, to the greatest extent possible, support direct transition to a more appropriate placement. The district may then unenroll the child. The district shall have up to 180 days to complete the actions described above. (Education Code 8489.1)

CSBA NOTE: Pursuant to Education Code 8489.1; as added by AB 2806, a child enrolled in a CSPP program may only be suspended as a last resort in extraordinary circumstances where there is a serious safety threat that cannot be eliminated or reduced without removal of the child. To suspend a child, the district must comply with specified requirements, including, collaborating with the child's parents/guardians before determining that suspension is necessary and using appropriate community resources to determine that no other reasonable option is appropriate.

A child shall not be suspended from a CSPP program, nor shall a child's parent/guardian be encouraged or persuaded to prematurely pick up a child before the program day ends, except as a last resort in extraordinary circumstances, when a safety threat exists that cannot be eliminated or reduced without the removal of the child.

Before determining that a suspension is necessary, the district shall collaborate with the child's parents/guardians and, as needed, shall use appropriate community resources to determine that no other reasonable option is appropriate.

When suspension is deemed necessary, the district shall help the child return to full participation in the program as soon as possible while ensuring safety, by doing the following:

- 1. Continuing to engage with the child's parents/guardians and continuing to use appropriate community resources
- Developing a written plan to document the action and supports needed
- 3. Providing referrals to appropriate community resources
- 4. If the child has an IFSP or IEP, contacting, with written parent/guardian consent, the agency responsible for the child's IFSP or IEP, to seek consultation on servicing the child

Upon enrollment, the parents/guardians of each child shall be notified, in writing, of the limitations on expulsion, suspension, or any form of disenrollment and how the parents/guardians may file an appeal to CDE in the event of expulsion or suspension. If the district suspends or expels a child from any CSPP program, the district shall, at least 24 hours before the effective date of the suspension or expulsion, issue the child's parents/guardians a written "Notice of Action, Recipient of Services," as described in 5 CCR 17783, informing the parents/guardians of the right to file an appeal of the action directly with CDE no later than 14 calendar days after receiving the notice.

CSBA NOTE: A joint statement by the U.S. Department of Education and U.S. Department of Health and Human Services, "Policy Statement on Expulsion and Suspension Policies in Early Childhood

Settings," clarifies that preschool children with exceptional needs who are eligible for services under the Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482) are entitled to the same disciplinary protections that apply to all other IDEA-eligible students with disabilities, may not be subjected to impermissible disciplinary changes of placement for misconduct that is caused by or related to their disability, and must continue to receive educational services consistent with their right to a free appropriate public education. The statement indicates the need for the child's individualized education program (IEP) team to consider the use of positive behavioral interventions and supports when developing or modifying the IEP to reduce the need for discipline of a child with disabilities and avoid suspension or expulsion from a preschool program.

Children with exceptional needs may only be suspended or expelled in conformance with the procedures and limitations of the Individuals with Disabilities Education Act.

Notice of Action

CSBA NOTE: Pursuant to 5 CCR 17757, as adopted in Register 2022, No. 26, a parent/guardian must submit an application for services which contains specified information and documentation. The application form is available on CDE's web sitewebsite. Upon receiving an application, a person designated by the district must certify the family's or child's eligibility.

Upon receiving a parent/guardian's application for services, the Superintendent or designee shall review the application and documentation and shall certify the eligibility of the family or child.

CSBA NOTE: Pursuant to 5 CCR 17782, as adopted in Register 2022, No. 26, the district is required to provide written notification to parents/guardians as to whether their application for subsidized services has been approved or denied. For this purpose, the district should use the Notice of Action form available on CDE's web sitewebsite. If the services are denied, the parent/guardian may appeal the decision in accordance with 5 CCR 17784-17785, as adopted in Register 2022, No. 26; see section "Parent Hearing" below.

The district's decision to approve or deny a child's enrollment shall be communicated to the family through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 17782)

CSBA NOTE: 5 CCR 17783, as adopted in Register 2022, No. 26, requires the district to notify a parent/guardian of any change in services or fees as described below. For such notification, the district should use the Notice of Action form available on CDE's web sitewebsite. Parents/guardians may appeal such actions pursuant to 5 CCR 17784; see section "Parent Hearing" below.

Subsequently, the Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 17783)

- 1. A determination during recertification or update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified
- 2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing

- 3. An indication by the parent/guardian that the parent/guardian no longer wants the service
- 4. The death of a parent/guardian or child
- 5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

For each child enrolled in the district's preschool program, the Superintendent or designee shall maintain a family data file including, but not limited to, a completed and signed application for services, documentation of income eligibility, and a copy of all Notices of Action. For each child not receiving subsidized services, the family data file shall also include records of the specific reason(s) for enrolling each child, the child's family income, and evidence that the district has made a diligent search for children eligible for subsidized services. (5 CCR 17758)

Parent Hearing

CSBA NOTE: 5 CCR 17784-17786, as adopted in Register 2022, No. 26, require districts to provide due process to parents/guardians who disagree with certain district actions, such as when services are denied, there is a change in services or fees, or their child is disenrolled.

If a parent/guardian disagrees with any district action to deny the child's eligibility for subsidized preschool services, disenroll the child due to a funding shortage, increase or decrease fees, increase or decrease the amount of services, terminate services, or otherwise change the level of services, the parent/guardian may file a request for a hearing with the Superintendent or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5 CCR 17784)

The hearing shall be conducted in accordance with the procedures specified in 5 CCR 17784 by a district administrator who is at a staff level higher in authority than the staff person who made the contested decision. Within 10 calendar days after the hearing, the district administrator shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the written decision, the parent/guardian may, within 14 calendar days, appeal the decision to CDE. (5 CCR 17785-17786)

Policy Reference UPDATE Service

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
22 CCR 101151-101191	Licensing and application procedures
22 CCR 101151-101239.2	General requirements; licensed child care centers
22 CCR 101212-101231	Continuing requirements

22 CCR 101237-101239.2 Facilities and equipment 5 CCR 14001-14036 School housing 5 CCR 17700-17833 California State Preschool Program 5 CCR 17701-17711 **General Program Requirements** 5 CCR 17746-17748 **Enrollment priorities** 5 CCR 18295 Waiver of qualifications for site supervisor Uniform complaint procedures 5 CCR 4600-4670 5 CCR 4690-4694 Complaints regarding health and safety issues in licenseexempt preschool programs 5 CCR 80067 Professional Clear Early Childhood Education Specialist Instruction Credential 5 CCR 80105-80125 Commission on Teacher Credentialing; child care and development permits Ed. Code 17375 California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program Ed. Code 44065 Issuance of and functions requiring credentials Ed. Code 44256 Authorization for teaching credentials Ed. Code 48000-48003 Transitional kindergartenKindergartens Ed. Code 48985 Notices to parents in language other than English Ed. Code 60910 Data for students enrolled in California State Preschool Program Ed. Code 69617 Golden State Teacher Grant Program Ed. Code 8200-8340 California State Preschool Program Ed. Code 8203.5 Contracts to provide preschool services Ed. Code 8205 **Definitions** Ed. Code 8207 California State Preschool Program administration Ed. Code 8208 Eligibility of three- or four-year-old child for state preschool program Ed. Code 8209 **Physical examination and immunizations** Ed. Code 8210 Priority for part-day programs Ed. Code 8211 **Priority for full-day programs** Ed. Code 8212 Complaints related to preschool health and safety issues Ed. Code 8213 Income eligible; definition

Ed. Code 8214 Order of disenrollment

Ed. Code 8217 Enrollment of three- and four-year-old children in state

preschool programs

Ed. Code 8220-8221 Family literacy services

Ed. Code 8241 Staffing ratios for center-based program

Ed. Code 8252-8254 Early childhood education family fees

Ed. Code 8298 Program director qualifications

Ed. Code 8322 California Prekindergarten Planning and Implementation

Grant Program

Ed. Code 8489-8489.1 Expulsion and <u>Suspension Procedures</u>suspension procedures

H&S Code 120325-120380 Immunization against communicable diseases

H&S Code 1596.70-1596.895 California Child Day Care Act

H&S Code 1596.90-1597.21 Day care centers

W&I Code 10207-10215 General provisions

W&I Code 10207-10492.2 Child Care and Development Services Act

W&I Code 10217-10224.5 Resource and referral programs

W&I Code 10225-10234 Alternative payment programs

W&I Code 10235-10238 Migrant child care and development programs

W&I Code 10240-10243 General child care and development programs

W&I Code 10250-10252 Family child care home education networks

W&I Code 10260-10263 Child care and development services for children with special

needs

W&I Code 10480-10487 Local planning councils

Federal Description

20 USC 1400-1482 Individuals with Disabilities Education Act

20 USC 6311-6322 Title I, relative to preschool

20 USC 6391-6399 Education of migratory children

42 USC 9831-9852c Head Start programs

42 USC 9857-9858r Child Care and Development Block Grant

45 CFR 1301.1-1305.2 Head Start

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Website First 5 California

Website California Department of Social Services

Website California County Superintendents Educational Services

Association

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Website <u>California Commission on Teacher Credentialing</u>

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Cross References

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