# Attachment A

# California State Preschool Program Free or Reduced-Price Meal Eligibility and Enrollment Implementation Guidance (CSPP FRPM Implementation Guidance)*- Revised*

California Department of Education

**~~December 2019~~ Revised February 2021**

**NOTE: This Guidance has been updated from the previous version and the CDE has illustrated changes to the original text from the December 2019 version in the following manner:**

new, added underline text
~~deleted strikeout text~~

**New text proposed in the February 2021 version are illustrated in the following manner:**

**new, added text, bold underline
~~deleted text, bold strikethrough~~**

Please note: An accessible version of this document is located on the Management Bulletin 21-04 web page at <https://www.cde.ca.gov/sp/cd/ci/mb2104.asp> and can also be accessed by clicking on the following link: <https://www.cde.ca.gov/sp/cd/ci/documents/revisedcsppfrpmguide508.docx>.

## Chapter 19. Child Care and Development Programs

## Subchapter 2. General Requirements

## Article 1. General Requirements

## § 18013. Definitions.

# As used in this Division:

# (a) “Actual and allowable net costs” means the costs which may be reimbursed under a particular child development contract after disallowed costs and restricted income have been subtracted from total expenditures.

# (b) “Adjusted child days of enrollment” means child days of enrollment after special needs adjustment factors specified in Education Code section 8265.5 have been applied.

# (c) “Administrative costs” means costs incurred for administrative activities where neither the family, the child nor the service providers for Alternative Payment programs and family child care homes directly benefit from the activity.

# (d) “Adult” for the purposes of this Division means a person who is at least 18 years of age.

# (e) “Alternative Payment programs” means contracts designated as Alternative Payment, County Welfare Department, or Child Protective Services. Contracts designated as Exceptional Needs which operate in a vendor payment mode are included in the definition of Alternative Payment programs. Contractors operating Alternative Payment programs are not precluded from contracting for other program types as specified in Education Code section 8208(h).

# (f) “Authorized representative” means a person who has been delegated the responsibility to sign a child in and out of a child care program in the absence of the parent.

# (g) “Benefit to the state” means that the activity will improve knowledge or expertise in areas directly related to subsidized child care and development services.

# (h) “California State Preschool Programs (CSPP)” means age and developmentally appropriate subsidized early learning and care programs, including part-day and full-day, designed to meet the needs of working families, and to facilitate the transition to kindergarten for eligible three and four-year-olds. The CSPP include educational development, health services, social services, nutritional services, parent education and parent participation, evaluation, and staff development.

# (i) ~~(h)~~ “Ceases operation” means the contractor does not provide subsidized services in accordance with the contractor's program operating calendar submitted to and approved by the Child Development Division for the applicable contract period.

#  (j) ~~(i)~~ “Commingled child care services” means the provision of services to both subsidized and nonsubsidized children in the same classroom at the same time.

# (k) ~~(j)~~ “Contract period” means the time span the contract is in effect as specified in the child development contract.

# (l) “CSPP four-year old~~s~~ children” are children that meet the definition of “four-year old~~s~~ children” pursuant to EC section 8208.

# (m) “CSPP three-year old~~s~~ children” are children that meet the definition of “three-year old~~s~~ children” pursuant to EC section 8208.

# (n) “CSPP Free and Reduced Priced Meal (FRPM) Sites” means a CSPP site that has been verified as operating within the attendance boundaries of a qualified FRPM school.

#  (o) ~~(k)~~ “Depreciation” means a cost in the current fiscal year that is based on acquisition costs, less any estimated residual value, computed on a straight line method (based on the normal, estimated useful life expectancy of the asset).

# (p) ~~(l)~~ “Disallowed costs” means costs which have been incurred but are not reimbursable because they are not reasonable and/or necessary for the performance of the contract as defined in section 18013(s) of this Division or are nonreimbursable as specified in section 18035 of this Division.

# (q)~~(m)~~ “Indirect cost” means an expense that cannot be readily assigned to one specific program or one specific line item within a program.

# (r) (~~n)~~ “Indirect cost allocation plan” means a written justification and rationale for assigning the relative share of indirect costs across more than one program or contract.

# (s) “Magnet school” means an entire school with a focus on a special area of study, such as science, the performing arts, or career education, designed to attract pupils from across the school district who may choose to attend the magnet school instead of their local public school.

# (t) ~~(o)~~ “Maximum reimbursable amount” means the total dollar amount of a contract. Reimbursement from the State shall not exceed the maximum reimbursable amount. The initial maximum reimbursable amount shall be the approved original version of the annual contract based on the Budget Act as signed by the Governor.

# (u) ~~(p)~~ “Net reimbursable program costs” means the portion of the actual and allowable net costs which are incurred in the provision of child care and development services for subsidized children.

#  (v) ~~(q)~~ “Private contractor” means an entity other than a public agency which is tax exempt or non-tax exempt and under contract with the California Department of Education (CDE) for the provision of child care and development services.

# (w) ~~(r)~~ “Public contractor” means a school district, community college district, county superintendent of schools, campus of the California State University or the University of California system, county, city or other public entity under contract with the CDE for the provision of child care and development services.

#  (x) “Qualified FRPM school” is a public elementary school, that is not a charter or magnet school, where at least 80% of the enrolled students are eligible for the Free and Reduced Priced Meal program.

# (y) ~~(s)~~ “Reasonable and necessary costs” means expenditures that, in nature and amount, do not exceed what an ordinarily prudent person would incur in the conduct of a competitive business.

#  (z) ~~(t)~~ “Restricted income” means income which the donor designates may only be expended for specific limited purposes that are reimbursable according to the contract.

#  (aa) ~~(u)~~ “Total contract amount” for the purpose of determining the limit of allowable administrative and program support services for Alternative Payment type programs means either the initial maximum reimbursable amount or the total of direct payments to providers, which includes family fees for certified children and interest earned on advanced contract funds, plus reimbursable administrative and support services costs, whichever is greater.

#  (ab) ~~(v)~~ “Total expenditures” means all costs for the provision of subsidized services under the contract and any nonsubsidized services which are provided in commingled classrooms.

#  (ac) ~~(w)~~ “Unnecessarily increase the value” means an improvement of a site beyond what is required to meet California Code of Regulations, title 22, Community Care Licensing Standards.

#  (ad) ~~(x)~~ “Unrestricted income” means income that has no restrictions regarding use by the donor, and income restricted by the donor for purposes that are not reimbursable according to the contract, including income for services to children not subsidized by the contract.

#  (ae) ~~(y)~~ “Use allowance” means an alternate method for claiming the use of the contractor's assets as a cost when depreciation methods are not used.

## Subchapter 4. State Preschool Program

# Article 2. Part-day and Full-day CSPP Enrollment and Eligibility Priorities

**§ 18130.1. Enrollment Priorities for Part-day CSPP.**

 (a) The first priority for services shall be given to CSPP three-year-old or CSPP four-year-old children who are recipients of child protective services or who have been determined to be neglected, abused or exploited or at risk thereof.

(b) The second priority shall be given to eligible CSPP four-year-old children, not enrolled in Transitional Kindergarten **pursuant to EC 48000(c)(3)(B)(i)**, in the following order:

(1) Eligible children who were enrolled in CSPP as a three-year-old **child**.

(2) Children whose families have the lowest income ranking based on the most recent Schedule of Income Ceiling eligibility table as published by the SSPI at the time of enrollment.

(3) When two or more families have the same income ranking, according to the most recent Schedule of Income Ceiling eligibility table, the child with exceptional needs as defined in EC section 8208 shall be admitted first.

(4) If there are no families with children with exceptional needs, the family that has been on the waiting list for the longest time shall be admitted first.

(c) The third priority shall be given to eligible CSPP three-year-old children and shall be enrolled based on the priorities described in subdivision (b)(2) through (4) above.

(d) After all otherwise eligible children have been enrolled, the contractor may enroll the following children in the order listed:

(1) Children from families whose income is no more than 15% above the eligibility income threshold may be enrolled. Children from families enrolled under this exception may not exceed ten percent of the participating CSPP’s total contract enrollment. Priority shall be given to four-year-old**~~s~~** **children** before three-year-old**~~s~~** **children**.

(2) Children with exceptional needs as defined in EC Section 8208 may be enrolled, regardless of family’s income. Children enrolled pursuant to this subsection, shall not count towards the ten percent limitation. Priority shall be given to four-year-old**~~s~~** **children** before three-year-old**~~s~~** **children**.

(3) For CSPP sites operating within the attendance boundaries of a qualified FRPM school, the contractor may, enroll CSPP four-year-old children whose families reside within the attendance boundary of a qualified FRPM elementary school without establishing eligibility or a need for services pursuant to EC sections 8263(a)(1)(A) and (B). These families shall, to the extent possible, be enrolled in income ranking order, lowest to highest.

## § 18130.2. Enrollment Priorities for Full-day CSPP.

(a) The first priority for services shall be given to CSPP three- or four-year-old children who are recipients of child protective services or who have been determined to be neglected, abused or exploited or at risk thereof.

(b) The second priority shall be given to eligible CSPP four-year-old children, not enrolled in Transitional Kindergarten **pursuant to EC 48000(c)(3)(B)(i)**, in the following order:

(1) Children whose families have the lowest income ranking based on the most recent Schedule of Income Ceiling eligibility table as published by the SSPI at the time of enrollment.

(2) When two or more families have the same income ranking, according to the most recent Schedule of Income Ceiling eligibility table, the child with exceptional needs as defined in *EC* section 8208 shall be admitted first.

(3) If there are no families with children with exceptional needs, the family that has been on the waiting list for the longest time shall be admitted first.

(c) The third priority shall be given to eligible CSPP three-year-old children who shall be enrolled based on the priorities described subdivision (b)(1) through (3) above.

(d) After all otherwise eligible children have been enrolled, the contractor may enroll the following children in the order listed:

(1) The contractor may, pursuant to *EC* section 8263(a)(2), enroll CSPP three- and four-year old children from families that meet eligibility criteria without establishing a need for services pursuant to *EC* Section 8263(a)(1)(B). Within this priority, contractors shall enroll families in income ranking order, lowest to highest, and within income ranking order, enroll four-year-old**~~s~~** **children** before three-year-old**~~s~~** **children**.

(2) For CSPP sites operating within the attendance boundaries of a qualified FRPM school, the contractor may, enroll CSPP four-year-old children whose families reside within the attendance boundary of a qualified FRPM elementary school without establishing eligibility or a need for services pursuant to *EC* section 8263(a)(1)(A) and(B). These families shall, to the extent possible, be enrolled in income ranking order, lowest to highest.

### § 18130.3. Eligibility Requirements for Part-day CSPP.

(a) Unless otherwise specified in this subchapter, to be eligible for CSPP part-day services, families shall meet the eligibility requirements described in *EC* Section 8263(a)(1)(A).

(b) After all otherwise eligible families have been enrolled, a FRPM part-day CSPP site may enroll:

(1) Children from families whose income is no more than 15% above the eligibility income threshold. Children from families enrolled under this exception may not exceed ten percent of the participating CSPP’s total contract enrollment.

(2) Children with exceptional needs as defined in *EC* Section 8208. Children enrolled pursuant to this subsection, shall not count towards the ten percent limitation.

(c) After all children have been enrolled pursuant to the above subdivisions, part-day CSPP sites operating within the attendance boundaries of a qualified FRPM school may enroll CSPP four-year-old children whose families reside within the attendance boundary of a qualified FRPM school without establishing eligibility pursuant to *EC* Section 8263(a)(1)(A).

### § 18130.4. Eligibility and Need Requirements for Full-day CSPP.

(a) Unless otherwise specified in this subchapter, to be eligible for CSPP full-day services, families shall meet the eligibility and need requirements described in *EC* Section 8263(a)(1)(A) and (B).

(b) After all children have been enrolled pursuant to the above subdivision, a full-day CSPP contractor may, in accordance with *EC* Section 8263(a)(2), enroll CSPP three-year old and CSPP four-year old children from families that are eligible for services pursuant to EC Section 8263(a)(1)(A) but do not have a need for services.

(c) After all children have been enrolled pursuant to the above subdivisions, full-day CSPP sites operating within the attendance boundaries of a qualified FRPM school may enroll CSPP four-year-old children whose families reside within the attendance boundary of a qualified FRPM school without establishing eligibility or need for services pursuant to *EC* Sections 8263(a)(1)(A) and (B).

## § 18130.5 Initial Certification for Part-day CSPP (FRPM and Non-FRPM).

(a) In addition to any other laws and regulations applicable to the initial certification process, part-day CSPP contractors shall certify eligibility no more than 120 calendar days prior to the first day of the beginning of the new preschool year.

(b) A child shall not be enrolled in more than one part-day CSPP session per day.

(c) Although a family’s eligibility is valid for no less than 12 months, families will only receive services through the end of the part-day CSPP program year.

**(d) Notwithstanding any other law, for fiscal year 2020-21 only, part-day CSPP contractors must not disenroll any children that are transitional kindergarten- or kindergarten – age eligible during the year and were initially certified for CSPP services on or before October 30, 2020, if the contractor and the family meet all of the following conditions:**

**(1) The contractor has made every attempt to transition the child to another subsidized childcare program for which the child is age eligible for, but has been unsuccessful.**

**(2) The contractor does not have a General Childcare contract to serve school-age children, or the contractor does not have space in their General Childcare contract.**

**(3) The family would not have access to subsidized childcare, in-person transitional kindergarten or kindergarten if they were disenrolled.**

### § 18130.6. Initial Certification and Recertification for Full-day CSPP (FRPM and Non-FRPM)

**(a)**Full-day CSPP contractors shall complete the initial certification and recertification process in accordance with all applicable laws, regulations, and guidance issued by the SSPI.

**(b) Notwithstanding any other law, for fiscal year 20-21 only, full-day CSPP contractors must not disenroll children that are transitional kindergarten (TK)- or kindergarten-age eligible during the year if the contractor and the family meet all of the following conditions:**

**(1) The contractor has made every attempt to transition the child to another program type for which the child is age eligible for, but has been unsuccessful.**

**(2) The contractor does not have a General Childcare contract to serve school-age children, or the contractor does not have space in their General Childcare contract.**

**(3) The family had been certified for services for the child as a CSPP eligible four-year-old child, and the family would not have access to subsidized childcare, in-person transitional kindergarten or kindergarten if they were disenrolled.**

**(c) Children that meet the requirements of (b) shall be allowed to remain in the CSPP without being recertified for fiscal year 2020-21.**

### § 18130.7. Certified Schedule for CSPP Full-day for Families with No Established Need

 (a) The certified schedule for families with no established need who are enrolled pursuant to *EC* 8236.3(a)(4) or *EC* 8263(a)(2) shall be based upon the parent’s request and be limited to no more than 10 hours per day and no more than five days per week.

(b) Families that request services for more than 10 hours per day shall provide documentation to support the established need for additional services pursuant to applicable regulations.

**§ 18130.8.** **Part-Day and Full-Day CSPP FRPM Documentation of Family Residency**

(a) Families enrolling pursuant to EC section 8236.3(a)(4) must provide proof of residency within the attendance boundaries of a qualified FRPM elementary school to be eligible for enrollment in a CSPP FRPM site.

(b) Acceptable documentation for proof of residency may include the following:

(1) Current utility bill

(2) Current property tax bill

(3) Current rental or lease agreement with Landlord’s information

(4) Current voter registration

(5) Current government agency letter

(6) Current employment pay stub; or

(7) Any documentation that a contractor reasonably relies upon to prove a family’s residency

(c) Contractors shall include a copy of the proof of residency documentation in the family data file.

## § 18130.9. Verification of CSPP Contractor Site(s) within Qualified FRPM Elementary School Attendance Boundary

The contractor shall verify each CSPP FRPM site is located within the attendance boundaries of a qualified FRPM elementary school by completing and submitting a CSPP FRMP Site Verification form to the CDE.

## ~~§ 18131. Enrollment Priorities for State Preschool Programs~~

~~(a) The first priority for services shall be given to four-year-old or three-year-old neglected or abused children who are recipients of child protective services or recipients who are at risk of being neglected or abused, upon written referral from a legal, medical, or social service agency, without regard to income.~~

~~(b) The second priority shall be given to eligible four-year-old children, in the following order:~~

~~(1) Eligible children who were enrolled in the State Preschool Program as a three-year-old, without regard to income ranking.~~

~~(2) Children whose families have the lowest income ranking based on the most recent income ranking schedule adopted by the State Superintendent of Public Instruction (SSPI) at the time of enrollment. The Child Care and Development Income Rankings (revised 12/2007) is hereby incorporated by reference.~~

~~(3) When two or more families have the same income ranking, according to the most recent income ranking schedule, the child with exceptional needs as defined in Education Code section 8208(~~*~~l~~*~~) shall be admitted first.~~

~~(4) If there are no families with children with exceptional needs, the contractor may establish the following priorities in an order determined by the contractor.~~

~~(A) Children who are identified as limited English or non-English proficient.~~

~~(B) Children from families whose special circumstances may diminish the children’s opportunities for normal development.~~

~~(c) After all eligible four-year-old children are enrolled, three-year-old children may be enrolled based on the priorities described subdivision 18131(b)(2) through (4).~~

~~(d) The family data file shall include documentation to support the determination that the child meets the priority for service. If the priority for service is the child’s exceptional need, the family data file shall include documentation as specified in section 18089(f) of this division.~~

~~NOTE: Authority cited: Section 8261, Education Code. Reference: Sections 8208, 8235, 8236, 8263 and 56443, Education Code~~.