* The State Superintendent of Public Instruction has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined; text proposed to be deleted is displayed in ~~strikeout~~.
* The 15-Day text proposed to be added is displayed in “**bold underline**”; text proposed to be deleted is displayed in “**~~bold strikeout~~**”.

# Title 5. EDUCATION Division 1. California Department of Education

## Chapter 18.5. California State Preschool Program

### Subchapter 1. Definitions

#### §17700 Definitions

Unless otherwise specified, the following definitions apply throughout this chapter:

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

(b) “Additional funds” means award of new contracts or expanded contracts that increase the contractor's level of administrative responsibility. Additional funds do not include cost of living adjustments, rate increases, or one-time-only supplemental funds.

(c) “Adjusted child days of enrollment” means child days of enrollment after adjustment factors specified in Education Code section 8245 have been applied.

(d) “Adjusted monthly income” means the total countable income as defined below, minus verified child support payments paid by the parent whose child is receiving preschool services, excluding the non-countable income listed below:

(1) Earnings of a child under age 18 years;

(2) Loans;

(3) Grants or scholarships to students for educational purposes;

(4) Federal Supplemental Assistance Program (CalFRESH/SNAP) or Women, Infants and Children (WIC) benefits or other food assistance;

(5) Earned Income Tax Credit or tax refund;

(6) GI Bill entitlements, hardship duty pay, hazardous duty pay, hostile fire pay, or imminent danger pay;

(7) Adoption assistance payments received pursuant to Welfare and Institutions Code section 16115 et seq;

(8) Non-cash assistance or gifts;

(9) All income of any individual counted in the family size who is collecting federal Supplemental Security Income (SSI) or State Supplemental Program (SSP) benefits;

(10) Insurance or court settlements including pain and suffering and excluding lost wages and punitive damages;

(11) Reimbursements for work-required expenses such as uniforms, mileage, or per diem expenses for food and lodging;

(12) Business expenses for self-employed family members;

(13) When there is no cash value to the employee, the portion of medical and/or dental insurance documented as paid by the employer and included in gross pay;

(14) Disaster relief grants or payments, except any portion for rental assistance or unemployment; and

(15) AmeriCorps Volunteers In Service to America (VISTA) and Federal Emergency Management Agency (FEMA) stipends, room and board, and grants.

(e) “Administrative costs” means costs incurred for administrative activities where neither the family, the child, nor the service providers operating family child care homes directly benefit from the activity.

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

(g) “Applicants headquartered in” means:

(1) Contractors or applicants that have provided preschool services in the service delivery area, as defined in subsection (bf), for at least three years immediately preceding the posting date of the request for applications; or

(2) Contractors or applicants that have their primary administrative offices for the preschool program in the service delivery area as defined in subsection (**~~bf~~bl**). The primary administrative office is that office which houses the executive officer(s), the fiscal functions, and other centralized support services as documented to the Internal Revenue Service and/or the California School Directory website located at http://www.cde.ca.gov.

(h) “Authorized representative” means a person who has been given authority to perform a task for a parent or a contractor.

(i) “Benefit to the state” means that the activity will improve knowledge or expertise in areas directly related to subsidized preschool services.

(j) “California State Preschool Program (CSPP)” means the definition of “California state preschool program” as defined in Education Code section 8205. This is also referred to sometimes as “preschool program.”

(k) “California State Preschool Program eligible four-year-old children” are children that meet the definition of “four-year-old children” in Education Code section 8205.

(l) “California State Preschool Program eligible three-year-old children” are children that meet the definition of “three-year-old children” in Education Code section 8205.

(m) “California State Preschool Program **(CSPP)** Classroom” means a teaching team and a group of children where at least one child in the group is receiving services from the California State Preschool Program. Part-day programs that have one teaching team that serves two different groups of children would be considered two separate CSPP classrooms.

(n~~m~~) “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 California Department of Education (CDE) Early Education Division for the applicable contract period.

(o~~n~~) “Certified schedule” means the number of hours per day and/or week that a family is approved to receive subsidized preschool services. This is also referred to sometimes as a “child care schedule.”

(p) “Certified observer,” means someone who has completed the Classroom Assessment Scoring System® **(CLASS®)**, Second Edition Pre-K-3rd training to become a CLASS® observer, passed the CLASS® certification test for second edition pre-K or second edition pre-K-3rd, and has an active CLASS® certification from Teachstone. They must also complete the following:

**~~(1) The CLASS® Environment training: and~~**

~~(2)~~**(1)** The CLASS® Observer Support Series training**; and**

**(2) The CLASS® Environment training.**

(q~~o~~) “Child protective services” means children receiving protective services through the local county welfare department as well as children identified by a legal, medical, social service agency or emergency shelter as abused, neglected or exploited or at risk of abuse, neglect or exploitation.

(r~~p~~) “Child with exceptional needs” means the definition of “children with exceptional needs” as defined in Education Code section 8205.

(s) “CLASS® Environment Observation” means **an observation conducted by a certified observer ~~conducting an observation~~** using the Pre-K-K Classroom Assessment Scoring System® (CLASS®) Environment Manual (2022), hereby incorporated by reference, which is the observation tool developed by Teachstone and used alongside CLASS® to describe and measure specific features of learning settings that can support effective interactions and enhance children’s development and learning.

(t) “CLASS® Observation” means cycles conducted by a certified observer using the Classroom Assessment Scoring System® (CLASS®) Observation Field Guide, Second Edition (2023) Pre-K-3rd, hereby incorporated by reference, **which is the observation tool** developed by Teachstone, **to~~which~~** measure the quality of educator-child interactions.

(u~~q~~) “Commingled services” means the provision of services to both CSPP and non-CSPP children in the same classroom at the same time.

(v~~r~~) “Contract period” means the time span the contract is in effect as specified in the preschool contract.

(w~~s~~) “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.

(x) “Cycle” means a 20-minute observation period and a 10-minute scoring period conducted as part of a CLASS® Observation.

(y~~t~~) “Declaration” means a written statement signed by a parent under penalty of perjury attesting that the contents of the statement are true and correct to the best of that parent's knowledge.

(z~~u~~) “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.

(aa~~v~~) “Desired Results Developmental Profiles” are documents on the Desired Results website (https://www.desiredresults.us/drdp-forms) used to record the information in the developmental profile defined in subsection (x). Contractors must use one of the following developmental profiles, hereby incorporated by reference, that is age-appropriate for the child:

(1) DRDP (2015) Preschool Comprehensive View (rev. 6/24/2019).

(2) DRDP (2015) Preschool Fundamental View (rev. 6/24/2019).

(3) DRDP (2015) Preschool Essential View (rev. 6/24/2019).

(4) DRDP-K (2015) Comprehensive View (rev. 2015).

(5) DRDP-K (2015) Fundamental View (rev. 2018).

(6) DRDP-K (2015) Essential View (rev.2018).

(ab~~w~~) “Desired Results System” means the program foundation, frameworks and assessment tools used to inform and facilitate high-quality programs, which include a developmental profile, ~~environment rating scale,~~ program self-evaluation, and a parent survey that measure the following desired results for children and families:

(1) Children are personally and socially competent.

(2) Children are effective learners.

(3) Children show physical and motor competence.

(4) Children are safe and healthy.

(5) Families support their child's learning and development.

(6) Families achieve their goals.

(ac~~x~~) “Developmental profile” means a record of a child's physical, cognitive, social, and emotional development that is used to inform teachers and parents about a child's developmental progress in reaching expected child outcomes. In center-based programs, teacher and parent observations shall be included as part of the information used to complete the child's developmental profile. In family childcare home networks, the observations of agency staff, in consultation with provider and parents shall be included as part of the information used to complete the child's developmental profile.

(ad~~y~~) “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 or are non-reimbursable as specified in section 17806.

(ae~~z~~) “Displace families” means the disenrollment of families in order to reduce service levels due to insufficient funding or inability of a contractor to operate one or more sites because of reasons stated in Education Code section 8249.

(af~~aa~~) “Early childhood programs” is defined as set forth in Education Code section 8205.

(ag~~ab~~) “Education program” means the environment, activities, and services provided to the children.

~~(ac) “Environment rating scale” means an instrument that measures program quality by rating the education program as defined in section 17703, the staff professional development program as defined in section 17704, and family engagement as defined in section 17705. Environment rating scales include one or more of the following:~~

~~(1) “ECERS-R” means the document entitled, Early Childhood Environment Rating Scale, Revised Edition, 1998, that is incorporated by reference.~~

~~(2) “FDCRS” means the document entitled, Family Day Care Rating Scale, 1989, that is incorporated by reference.~~

(ah~~ad~~) “Family” means the parents and the children for whom the parents are responsible who comprise the household in which the child receiving services is living. For purposes of income eligibility and family fee determination, when a child and that child's siblings are living in a family that does not include their biological or adoptive parent, “family” shall be considered the child and related siblings.

(ai~~ae~~) “Family engagement and strengthening” means those activities specifically designed to include parents in the education of their children, help parents participate in the program, and enhance their understanding of child development.

(aj~~af~~) “Family experiencing homelessness” is defined as set forth in section 11434a(2) of title 42 of the United States Code, known as the McKinney-Vento Homeless Assistance Act.

(ak~~ag~~) “Family Fee Schedule” means the fee schedule developed by the State Superintendent of Public Instruction (SSPI), in conjunction with the State Department of Social Services pursuant to Education Code section 8252.

(al~~ah~~) “Income eligibility” for the purpose of determining income eligibility for preschool services is defined as set forth in Education Code section 8213(a) and (b) as applicable.

(am~~ai~~) “Income fluctuation” means income that varies due to:

(1) Migrant, agricultural, or seasonal work;

(2) Inconsistent, and/or unstable employment, or self-employment resulting in an inconsistent pattern of income; or

(3) Intermittent, occasional, sporadic, or infrequent earnings or income, including but not limited to bonuses, commissions, lottery winnings, inheritance, back child support payment, overtime or net proceeds from the sale of real property or stock.

(an~~aj~~) “Indirect cost” means an incurred cost that benefits more than one program and cannot be readily assigned to the benefitting programs.

(ao~~ak~~) “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.

(ap~~al~~) “Initial certification” means the formal processes the contractor goes through to collect information and documentation to determine that the family and/or child meets the criteria for receipt of subsidized preschool services. The dated signature of the contractor's authorized representative on an application for services certifies that the criteria have been met, and begins the period of eligibility.

(aq~~am~~) “Legally qualified professional” means a person licensed under applicable laws and regulations of the State of California to perform legal, medical, health or social services for the general public.

(ar) “License exempt classroom” means a CSPP classroom that is exempt from licensure pursuant to Health and Safety Code (H&SC) Section 1596.792**(o).**

(as~~an~~) “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.

(at~~ao~~) “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.

(au) “MyTeachstone” means the online subscription-based service, operated by Teachstone, designed to help programs manage and use CLASS® Observation and CLASS® Environment Observation data to inform continuous improvement and deliver individualized CLASS® based professional development.

(av~~ap~~) “Net reimbursable program costs” means the portion of the actual and allowable net costs which are incurred in the provision of preschool services for CSPP children.

(aw~~aq~~) “New contract” means a contract awarded to applicants who do not currently contract with the CDE for preschool services.

(ax~~ar~~) “Parent” means a biological parent, adoptive parent, stepparent, foster parent, caretaker relative, legal guardian, domestic partner of the parent as defined in Family Code section 297, or any other adult living with a child who has responsibility for the care and welfare of the child.

(ay~~as~~) “Parent survey” means a questionnaire completed by the parent to assess the child care program or services that the child and family receive. The parent survey asks for information about how the program helps parents support their child's learning and development and meets the family's needs.

(az~~at~~) “Parental incapacity” means the temporary or permanent inability of the child's parent(s) to provide care and supervision of the child(ren) for any part of the day due to a physical and/or mental health condition.

(ba~~au~~) “Preschool services” means services provided through a California state preschool program.

(bb~~av~~) “Private contractor” means an entity other than a public agency which is tax exempt or non-tax exempt and under contract with CDE for the provision of preschool services.

(bc~~aw~~) “Program self-evaluation process” means those activities and procedures used by the contractor to evaluate its program quality and compliance with applicable laws, regulations, and contractual provisions.

(bd~~ax~~) “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 agency under contract with the CDE for the provision of preschool services.

(be~~ay~~) “Qualified FRPM school” is a public elementary school, that is not a charter or magnet school, where at least 80 percent of the enrolled students are eligible for the free and reduced priced meal program.

(bf~~az~~) “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.

(bg~~ba~~) “Recertification” means the formal processes the contractor goes through to collect information and documentation to determine that the family and/or child continues to meet the criteria for receipt of subsidized full-day preschool services. The dated signature of the contractor's authorized representative on an application for services certifies that the criteria have been met, and begins the period of eligibility.

(bh~~bb~~) “Recipients of services” means families and/or children enrolled in a preschool program subsidized by the CDE.

(bi~~bc~~) “Request for applications (RFA)” means an announcement issued by the CDE for an award of new funding for preschool services or expansion of existing level of services. The RFA includes, but is not limited to:

(1) The application content requirements;

(2) Procedures and timelines for submission of an application for funding; and

(3) How the application will be scored.

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

(bk~~be~~) “Self-certification of income” means a declaration signed by the parent under penalty of perjury, identifying:

(1) To the extent known, the employer's name, address, start date of work, the rate and frequency of pay, the total amount of income received for the preceding month(s), the type of work performed, and the hours and days worked; or

(2) That the parent does not have income from employment and any source of income used to support the family including non-wage income.

(bl~~bf~~) “Service delivery area” means the community, geographic area or political subsection in which the preschool services are to be provided as specified in the RFA.

(bm~~bg~~) “Staff professional development program” means those activities that address the needs, interests, and skills of program staff or service providers to improve program quality.

(bn~~bh~~) “Subcontract” means a written agreement between the contractor and any entity to perform a service on behalf of the contractor.

(bo) “Teaching team” means the adults retained by the program to provide program supervision and/or instruction to the children in the CSPP classroom.

(bp) “Teachstone” means Teachstone, Inc, a Virginia Corporation, and affiliates, if any.

(bq~~bi~~) “Total countable income” means all income of the individuals counted in the family size that includes, but is not limited to, the following:

(1) Gross wages or salary, commissions, overtime, tips, bonuses, gambling or lottery winnings;

(2) Wages for migrant, agricultural, or seasonal work;

(3) CalWORKs cash aid;

(4) Gross income from self-employment less business expenses with the exception of wage draws;

(5) Disability or unemployment compensation;

(6) Workers compensation;

(7) Spousal support, child support received from the former spouse or absent parent, or financial assistance for housing costs or car payments paid as part of or in addition to spousal or child support;

(8) Survivor and retirement benefits;

(9) Dividends, interest on bonds, income from estates or trusts, net rental income or royalties;

(10) Rent for room within the family's residence;

(11) Foster care grants, payments or clothing allowance for children placed through child welfare services;

(12) Financial assistance received for the care of a child living with an adult who is not the child's biological or adoptive parent;

(13) Veterans pensions;

(14) Pensions or annuities;

(15) Inheritance;

(16) Allowances for housing or automobiles provided as part of compensation;

(17) Insurance or court settlements for lost wages or punitive damages;

(18) Net proceeds from the sale of real property, stocks, or inherited property; or

(19) Other enterprise for gain.

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

(bs~~bk~~) “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.

(bt~~bl~~) “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.

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

(bv~~bn~~) “Vocational training” means an educational or job training/apprenticeship/internship program, courses and/or classes leading to a recognized trade, paraprofession or profession.

NOTE: Authority cited: Sections 8207, 8231 and 8247, Education Code. Reference: Sections 8202, 8203, 8205, 8207, 8208, 8213, 8231, 8244, 8245, 8249, 8252, 8314 and 8332, Education Code; Section 106 of Senate Bill (SB) 114 (Chapter 48, Statutes of 2023).

### Subchapter 2. Program Quality Article 1. General Program Requirements

#### § 17704. Staff Professional Development Program.

Each contractor shall develop and implement a staff professional development program that includes the following:

(a) Identification of training needs of staff or service providers that improves the quality, diversity, stability, and retention of caregivers, teachers, and directors;

(b) Written job descriptions;

(c) An orientation plan for new employees;

(d) An annual written performance evaluation procedure, unless a different frequency of performance evaluations is specified in a contractor's collective bargaining agreement with their employees;

(e) Staff development opportunities that include topics related to the functions specified in each employee's job description and those training needs identified by the contractor pursuant to subsection (a) of this section. Staff development topics must be linked to the Desired Results System, CLASS® Observation data, and CLASS® Environment Observation data; and

(f) An internal communication system that provides each staff member with the information necessary to carry out his or her assigned duties.

NOTE: Authority cited: Section 8231, Education Code. Reference: Sections 8203, 8205,8207, 8231 and 8298, Education Code.

#### § 17709. Program Self-Evaluation Process.

(a) Each contractor shall develop and implement an annual plan for its program self-evaluation process.

(b) The annual plan shall include the following:

(1) A self-evaluation based on the contract monitoring review (CMR), as defined in section 17794 of this chapter;

(2) An assessment of the program by parents using the parent survey, as defined in subsection 17700 of this chapter;

(3) An assessment of the program by staff and board members as evidenced by written documentation;

(4) An analysis of the CMR findings, including, as applicable, the Desired Results Developmental Profiles, the CLASS® Observations, the CLASS® Environment Observations, ~~the environment rating scales,~~ and the parent surveys, as defined in section 17700, together with the self-evaluation findings described in this section;

(5) A written list of tasks needed to modify the program in order to address all areas that need improvement, as indicated in the analysis specified in subsection (b)(4); and

(6) Procedures for the ongoing monitoring of the program to assure that areas of the program that are satisfactory continue to meet standards, and areas requiring modification pursuant to subsection (b)(5) are addressed in a timely and effective manner.

(c) The contractor shall submit a summary of the findings of the program self-evaluation to the CDE by June 1 of each year. The contractor may submit self-evaluation reports required by other local, state, or federal agency requirements, such as Head Start and Quality Counts California, and the CDE shall review such reports to determine if the reports meet all, or a part of, the requirements listed in subsection (b).

(d) The contractor shall modify its program to address any areas identified during the self-evaluation as needing improvement.

NOTE: Authority cited: Section 8231, Education Code. Reference: Sections 8203, 8207 and 8231, Education Code.

#### § 17710.5 Educator and Child Interaction Assessment.

(a) CSPP contractors shall ensure that a CLASS® Observation is completed annually for each CSPP classroom using the following phase-in schedule, where at least:

(1) Fifteen percent of CSPP classrooms shall be observed at least once during the 2024-25 program year.

(2) Thirty percent of CSPP classrooms shall be observed at least once during the 2025-26 program year.

(3) Sixty percent of CSPP classrooms shall be observed at least once during the 2026-27 program year.

(4) Ninety percent of CSPP classrooms shall be observed at least once during the 2027-28 program year.

(5) All CSPP classrooms shall be observed at least once per program year beginning with the 2028-29 program year.

(b) CLASS® Observations shall:

(1) Be completed by a certified observer, as defined in section 17700, that is not the teacher of record in the classroom being observed or a teacher within the same site.

(2) Consist of at least three cycles completed on the same day. If the cycle is interrupted by an activity that cannot be scored and the observation period is 10 minutes or longer, the observer can score that period and count it as a cycle. If the observation period is less than 10 minutes long, the observer shall not score that period and must start a new cycle.

(3) Look at the interactions between all children and all adults in the classroom, including children not enrolled in CSPP and adults not employed by the program.

(4) Be completed in a CSPP classroom where the teacher on record has been serving as the teacher for at least 30 calendar days.

(c) When CLASS® Observations are completed by a certified observer not employed by the CSPP, such as through the local quality rating and improvement system or an on-site compliance review, the scores must be used to meet the requirement in subsection (a) above.

(d) The results from the CLASS® Observation shall be provided to the site supervisor and the teaching team within 30 calendar days of the CLASS® Observation date.

(e) Contractors shall ensure the CLASS® Observation data is reported to MyTeachstone no later than 30 calendar days after the contractor receives the results of a CLASS® Observation.

(f) Contractors shall use data from CLASS® Observations to inform continuous quality improvement efforts.

(g) Contractors shall not use CLASS® Observation scores to evaluate staff competency. If violations of state or federal law are observed during a CLASS® Observation, the person observing shall follow all applicable processes and laws.

NOTE: Authority cited: Section 8231, Education Code. Reference: Sections 8203 and 8207, Education Code; Section 106 of Senate Bill (SB) 114 (Chapter 48, Statutes of 2023).

#### § 17710.6 Assessments for Interactions and Classroom Environment for Head Start Collaborative Programs.

**(a) Notwithstanding section 17700, when the CSPP contractor is also a Head Start grantee or delegate agency or has a signed collaboration agreement with a Head Start grantee or delegate agency, and is providing collaborative services using both Head Start and CSPP contract funds the following definitions shall apply:**

**(1) “CLASS® Observation” means cycles conducted by a certified observer using the Classroom Assessment Scoring System® (CLASS®) Manual Pre-K (2008), hereby incorporated by reference, or the Classroom Assessment Scoring System® (CLASS®) Observation Field Guide, Second Edition (2023) Pre-K-3rd, which are observation tools developed by Teachstone, to measure the quality of educator-child interactions.**

**(2) “Certified observer,” means someone who either:**

**(A) Has completed the Classroom Assessment Scoring System® (CLASS®), CLASS 2008 Observer Pre-K training to become a CLASS® observer, passed the CLASS® certification test, and has an active CLASS® certification from Teachstone; or**

**(B) Has completed the Classroom Assessment Scoring System® (CLASS®), Second Edition Pre-K-3rd training to become a CLASS® observer, passed the CLASS® certification test for second edition pre-K or second edition pre-K-3rd.**

**(b) Certified observers shall only complete CLASS observations using the version of the tool for which they hold an active certification.**

**(c) When the CSPP contractor is also a Head Start grantee or delegate agency or has a signed collaborative agreement with a Head Start grantee or delegate agency, and is providing collaborative services using both Head Start and CSPP contract funds, an annual CLASS Environment Observation is optional.**

**NOTE: Authority cited: Section 8231, Education Code. Reference: Sections 8203 and 8207, Education Code; Section 106 of Senate Bill (SB) 114 (Chapter 48, Statutes of 2023).**

#### § 17711. Classroom Environment Assessment~~Rating Scales~~.

~~(a) Contractors shall use the instrument defined in section 17700 to complete an environment rating scale to measure program quality that is appropriate for the type of setting and age of children served. The environment rating scale shall be completed:~~

~~(1) As part of the contract monitoring review; and~~

~~(2) Annually as part of the self-evaluation process.~~

~~(b) For each environment rating scale completed, the contractor shall achieve a minimum average score of “Good” on each subscale.~~

(a) Contractors shall ensure that a CLASS® Environment Observation is completed on each CSPP classroom annually using the following phase-in schedule, where at least:

(1) Fifteen percent of CSPP classrooms shall be observed at least once during the 2024-25 program year.

(2) Thirty percent of CSPP classrooms shall be observed at least once during the 2025-26 program year.

(3) Sixty percent of CSPP classrooms shall be observed at least once during the 2026-27 program year.

(4) Ninety percent of CSPP classrooms shall be observed at least once during the 2027-28 program year.

(5) All CSPP classrooms shall be observed at least once per program year beginning with the 2028-29 program year.

(b) During the phase-in schedule listed in subsection (a)(1) – (4) above, contractors shall ensure CLASS® Environment Observations are completed for all license exempt classrooms prior to starting CLASS® Environment Observations for licensed classrooms.

(c) CLASS® Environment Observations must be completed by a certified observer, as defined in section 17700, that is not the teacher of record in the classroom being observed or a teacher within the same site.

(d) When CLASS® Environment Observations are completed by a certified observer not employed by the CSPP, such as through the local quality rating and improvement system or during an on-site compliance review, the scores must be used to meet the requirement in subsection (a).

(e) The results from the CLASS® Environment Observation shall be provided to the site supervisor and the teaching team within 30 calendar days of the CLASS® Environment Observation date.

(f) Contractors shall ensure data from the CLASS® Environment Observation is reported to MyTeachstone no later than 30 calendar days after the contractor receives the results of a CLASS® Environment Observation.

(g) Contractors shall use data from CLASS® Environment Observations to inform continuous quality improvement efforts.

(h) Contractors shall not use scores from a CLASS® Environment Observation to evaluate staff competency. If violations of state or federal law are observed during a CLASS® Observation, the person observing shall follow all applicable processes and laws.

NOTE: Authority cited: Section 8231, Education Code. Reference: Sections 8203 and 8207, Education Code; Section 106 of Senate Bill (SB) 114 (Chapter 48, Statutes of 2023).

#### § 17711.1 Additional Environment Requirements.

(a) Contractors shall develop classroom schedules that provide a balance of structured and flexible activities for all CSPP classrooms. The schedule shall provide, at a minimum, the following activities on a daily basis:

(1) A variety of play activities, including activities that are child directed, educator **facilitated****~~guided~~**, and educator directed.

(2) Both gross motor and **fine motor ~~less active~~** play opportunities

(3) **At least o~~O~~**ne outdoor play period, safety and weather permitting. Programs that operate fewer than four hours per day shall schedule at **minimum** **~~least~~** 30 minutes **total** of outdoor play during the program hours and programs that operate four or more hours per day shall schedule at **minimum ~~least~~** 60 minutes **total** of outdoor play during the program hours. **The required outdoor time may be divided into shorter periods as long as the total time per day is met.**

(b) Contractors shall post written and visual handwashing procedures in a place that is visible to children and adults. Handwashing procedures shall be followed by children and adults.

(c) Contractors shall post written and visual non-punitive**,** **developmentally, and age-appropriate** toileting procedures that are visible to all children and adults. Toileting procedures shall be followed.

(d) Contractors shall post written and visual non-punitive**,** **developmentally, and age-appropriate** diapering procedures in a place that is visible to children and adults. Diapering procedures shall be followed.

(e) Contractors shall provide a regularly scheduled nap for any CSPP classroom that operates four or more hours per day.

(1) Contractors shall provide a cot or mat for all children.

**(2) Cots or mats** **~~which~~** must be placed at least 18 inches apart during nap periods.

(**3~~2~~**) Napping must be provided in a clean and sanitary manner.

(**4~~3~~**) The space provided for napping and rest activities must be conducive to resting and ensure visual supervision is maintained at all times.

(**5~~4~~**) Contractors shall develop a policy to support children that do not nap.

(f) Contractors shall provide storage spaces where staff can store personal belongings securely **which are inaccessible to children.**

(g) Contractors shall develop policies to support staff for work-related tasks, such as parent conferences and meetings**,** and to support staff for personal breaks.

NOTE: Authority cited: Section 8231, Education Code. Reference: Sections 8203 and 8207, Education Code.

### Subchapter 4. Programmatic Requirements Article 3. Collaborative Programs for CSPP

#### § 17742. Collaborative Transitional Kindergarten Programs.

(a) Contractors may place CSPP four-year-olds that are enrolled in a CSPP, into a transitional kindergarten (TK) classroom.

(b) When children enrolled in CSPP are commingled with children in a TK classroom, the contractor shall adhere to the following requirements:

(1) Not include children enrolled in TK for a second year, or children enrolled in kindergarten, in the classroom.

(2) Must complete a developmental profile for each child as specified in section 17702.

(3) Must complete a CLASS® Observation as specified in section 17710.5

(4~~3~~) Must complete a~~n Environment Rating Scale~~ CLASS® Environment Observation as specified in section 17711 ~~17709~~.

(5~~4~~) Teachers must meet the requirements in Education Code section 48000(g).

NOTE: Authority cited: Section 8231, Education Code. Reference: Sections 8207, 8231 and 48000, Education Code.

### Subchapter 8. Local Educational Agencies Operating CSPPs Exempt from Licensing Regulations Article 1. Health and Safety Requirements

#### § 17777. Indoor Space.

(a) Indoor space shall be sufficient for the number of children using the space at any given time and meet the following requirements:

(1)~~(a)~~ If a new or existing permanent structure, meet the requirements for kindergarten classrooms in accordance with chapter 13 (commencing with section 14000) of division 1 of CCR,title 5.

(2)~~(b)~~ Be maintained in a safe and sanitary condition;

(3)~~(c)~~ Include a variety of age-appropriate equipment, toys and materials in good condition and in sufficient quantity to allow children present to fully participate in planned activities; and

(4)~~(d)~~ Include materials and surfaces accessible to children, including toys and supplies, that are free of toxic substances.

**(5) Ensure each child has an individual permanent or portable storage space for their clothing, personal belongings and/or bedding.**

(b) Classrooms that are required to offer a scheduled napping period pursuant to section 17711.1 of these regulations shall also follow the requirements for napping equipment pursuant to section**s 101230(b) and** 101239.1 of the California Code of Regulations, **~~T~~t**itle 22.

NOTE: Authority cited: Section 8231, Education Code; and Section 1596.7925, Health and Safety Code. Reference: Section 17002, Education Code; Section 1596.7925, Health and Safety Code, and 22 California Code of Regulations 101239.1.

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