# Eligibility and Priority Rulemaking 15-Day Public Comment and Response Summary Chart Public Comment Period July 22, 2024, through August 6, 2024

| **Proposed Section** | **Commenter** | **Comment/Recommendation** | **Agency Response** |
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| 17758 | Tony Jordan, Executive Director Marissa Duran, Director II Leah Welch Jackson, Child Development Supervisor Stanislaus County Office of Education, Child & Family Services Letter #2 | **Recommendation:** We recommend these amendments are included to ensure those participating family’s data is collected and reported pursuant to 8241.5.  **Comment:** Stanislaus County Office of Education supports the section amendment to include the Family Language Instrument and the Family Language and Interest Interview, as applicable in the Family Data File 17758(c)(7). | **No Action Taken**  The CDE is happy to know that Stanislaus County Office of Education agrees that including the proposed amendment is necessary to ensure the family's data is collected. |
| 17700(d)(17) | EveryChild CA Letter #1 | **Comment:** Wouldn’t this be 17700(aj) not (ai)? | **Accept**  This was a typo and will be corrected to ensure the correct subsection is cited. |
| 17700(o) | EveryChild CA Letter #1 | **Comment:** I understand this is not part of the 15 day response - however with the Ed Code change to allow two year old children in CSPP - the current program year and the next may not longer be adequate guidance as the child could technically get three years of CSPP which is one more than 24 month eligibility. Can we also include citation to where age eligibility definition can be found in title 5? | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17700(aj) | EveryChild CA Letter #1 | **Comment:** This does not address the issue if payments to tribal members count as guaranteed income payments. They are technically payments from a foreign entity, but in some cases meet the definition as stated in EC 8213(f). | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). Any payments that meet the definition of a "guaranteed income payment" would be considered a guaranteed income payment for these regulations. |
| 17700(bd) | EveryChild CA Letter #1 | **Comment:** What about part day CSPP who can enroll 120 days prior to the start of the school year. The way this is worded makes the certification period not match up with the eligibility period using the logic in (o)(1). Certified in May 2024 (school year 23/24) but for school year 24/25, in (o)(1) current school year plus the next would make this family in PD CSPP recertify in May 2026 which may end prior to the school year 25/26. | **Reject**  A family cannot be certified for a program year that they have not applied for. Therefore, in the case where a family applies and is certified during the 120-day allowance the "current year" can only be the program year the family is applying for. |
| 17729.(a)(1) | EveryChild CA Letter #1 | Recommendation: Suggested wording to be specific about individual CSPP sites and relationship to the elementary boundaries:  California State Preschool Program (CSPP) contractors must determine the elementary school’s boundaries that straddles in which the CSPP individual CSPP site sits and use the address of the individual CSPP site to document the boundaries in one of the following ways:    (A) Utilize the local school district or county office of education website tool to verify that the individual CSPP site is located within the elementary school’s attendance boundaries and keep a copy of the results, noting the expiration date if applicable; or,    (B) Utilize a printed or online map of the school district which indicates that the individual CSPP site is within the elementary school boundary. Contractors must ensure that the map used is for the program year in which the contractor is applying as a CSPP Neighborhood School Site; or,    (C) Contact the elementary school for boundary information and have the principal or authorized representative sign a statement certifying that the individual CSPP site falls within the same attendance boundaries of the elementary school. | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c)**.** |
| 17729.(c) | EveryChild CA Letter #1 | **Recommendation**: Perhaps include info here, reminding us that even if a site looses it’s (sic) status as a Neighborhood School Site, that families enrolled under this criteria would continue to have eligibility through their 24 months, or end of program year and next for PD | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17732.1.(b)(2) | EveryChild CA Letter #1 | **Comment:** The child is two or three - update due to SB 163 if a CSPP contractor chooses to enroll two year olds (EC 8207.1 and EC 8210 & 8211 | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17732.1.(c) | EveryChild CA Letter #1 | **Comment:** Clarify here that the child may continue to stay enrolled through their eligibility period, but they no longer count towards the set-aside if an active IEP/IFSP is not on file | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17734(d) | EveryChild CA Letter #1 | **Comment:** This is not technically correct - this would only be applicable to the child enrolled in CSPP - not any child in the family who may or may not be age eligible for CSPP. | **Reject**  The proposed regulation specifies that the offer of a free and appropriate public education (FAPE) must be in a CSPP; therefore, this could only be applicable to a child enrolled in CSPP. |
| 17746(a) | EveryChild CA  Letter #1 | **Recommendation**: Add "two-" before "...three-year-old or CSPP four-year-old children..."8205(w) & 8210(a)(1) - SB-163 | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17746(b) | EveryChild CA  Letter #1 | **Comment**: So a two year-old is not in the 2nd priority? That is what 8210(a)(2)(A) reads - will just be a TA item. | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17746(c)(1) | EveryChild CA Letter #1 | **Recommendation**: Add "two-" before "...three- and four-year-old children..."8205(w) & 8210(a)(1) - SB-163 | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17746(c) | EveryChild CA Letter #1 | **Recommendation** Need to insert per EC 8210 (a) (4) (A) if contractor chooses to enroll two yar (sic) olds under 8207.1:  (d)The fourth priority for services shall be given to eligible two-year-old children, to the extent the contractor has elected to offer services pursuant to Section 8207.1. This priority shall not include children eligible pursuant to clause (v) of subparagraph (B) of paragraph (1) of subdivision (a) of Section 8208 if they are from families with incomes above the income eligibility threshold, as described in Section 8213.  (B) (i) 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 Superintendent at the time of enrollment, shall be enrolled first.  (ii) If two or more families have the same income ranking according to the most recent schedule of income ceiling eligibility table, a child who is identified as a dual language learner shall be enrolled first.  (iii) If there are no children who are identified as dual language learners, the child that has been on the waiting list for the longest time shall be admitted first. | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17746(d) | EveryChild CA Letter #1 | **Recommendation**: EC 8210(a)(5)(A) till Jun 30, 2027  (d)The ~~fourth~~ fifth priority for services...  (1) Two Three- and four-year-old  Add two year old children as last in order? | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17746(e) | EveryChild CA Letter #1 | **Recommendation:** (1)"...CSPP two three- and four-year-old children..." - EC 8210(a)(5)(A) till Jun 30, 2027  (2) Transitional kindergarten and ~~kindergarten~~ pupils enrolling - EC 8205 (ac) - kindergarten ages 5 before Sept 1 are not eligible for CSPP. | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17747(a) | EveryChild CA Letter #1 | **Recommendation:** (a) "...CSPP two three- or four-year-old children who are..." EC 8210(a)(1) till Jun 30, 2027 | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17747(b) | EveryChild CA  Letter #1 | **Recommendation:** (b) "...all two three- and four-year-old children with disabilities..." EC 8211(a)(2)(A) till Jun 30, 2027. | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17747(c)(1) | EveryChild CA  Letter #1 | **Recommendation:** (c)(1)"...eligible CSPP two three- and four-year-old children..." EC 8211(a)(3) till June 30, 2027 | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17747(c) | EveryChild CA Letter #1 | **Recommendation:** EC 8211(a)(4) till June 30, 2027 Add the following language:  (d)The fourth priority for services shall be given to eligible two-year-old children, to the extent the contractor has elected to offer services pursuant to Section 8207.1. This priority shall not include children eligible pursuant to clause (v) of subparagraph (B) of paragraph (1) of subdivision (a) of Section 8208 if they are from families with incomes above the income eligibility threshold, as described in Section 8213.   (B) (i) 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 Superintendent at the time of enrollment, shall be enrolled first.   (ii) If two or more families have the same income ranking according to the most recent schedule of income ceiling eligibility table, a child who is identified as a dual language learner shall be enrolled first.   (iii) If there are no children who are identified as dual language learners, the child that has been on the waiting list for the longest time shall be admitted first. | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17747(d) | EveryChild CA Letter #1 | **Recommendation:** (d) "The ~~fourth~~ fifth priority shall be given to..."  EC 8211 (a)(5) till June 30, 2027  Add two year old children as last in order? | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17748(a) | EveryChild CA Letter #1 | **Recommendation:** (3) Third priority shall be given to CSPP eligible two three- and four-year-old  (4) Fourth priority shall be given to CSPP eligible two three- and four-year-old  EC 8210 & 8211 till June 30, 2027. If CSPP chooses to under EC 8207.1 | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17749 | EveryChild CA Letter #1 | **Recommendation:** This section needs to be updated per EC 8207.1, 8210 & 8211 till June 30, 2027. The update must include two year olds as defined in 8205(ab) | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17749(d) | EveryChild CA Letter #1 | **Recommendation:** (d) Transitional kindergarten and ~~kindergarten~~ pupils that are enrolled in part-day CSPP for extended learning and care.  **Comment:** EC 8205(ac) does not allow a kindergarten (5 before Sept 1) - not age eligible for CSPP. On TK aged pupils. | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17750(b)(2) | EveryChild CA Letter #1 | **Recommendation:** This should not be deleted - EC 8208(a)(3) - Notwithstanding Section 8213, after all otherwise eligible children have been enrolled as provided in paragraphs (1) and (2), a part-day California state preschool 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. Children receiving services pursuant to this paragraph shall not count towards the 10-percent limit in paragraph (2). | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17750(d) | EveryChild CA Letter #1 | **Recommendation:** Suggest - When a family includes multiple age eligible children and one child is certified based upon a child specific eligibility criterion, such as the child is receiving child protective services or because the child has a disability, the family must meet other eligibility criteria as specified in this section for those additional age eligible children prior to enrollment and shall be admitted in accordance with priorities specified in section 17746. or perhaps word it as finite, i.e if another child in the family is no enrolled under at-risk/dissability (sic), then thery (sic) need their own eligibility  **Comment:** This confusingly worded to some | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17751(c) | EveryChild CA Letter #1 | **Recommendation:** (c)"...a full-day CSPP contractor may enroll CSPP two – year old, three-year-old and CSPP four-year-old children..." - EC 8205 & 8207.1, 8211 till June 30, 2027 | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17751(d) | EveryChild CA Letter #1 | **Recommendation:** (d) "...a full-day CSPP contractor may enroll two, three- and four-year-old children..." - EC 8205 & 8207.1, 8211 till June 30, 2027 | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17751(g) | EveryChild CA Letter #1 | **Recommendation:** Suggest - When a family includes multiple age eligible children and one child is certified based upon a child specific eligibility criterion, such as the child is receiving child protective services or because the child has a disability, the family must meet other eligibility criteria as specified in this section for those additional age eligible children prior to enrollment and shall be admitted in accordance with priorities specified in section 17746. same comment as above, perhaps word in a more finite way  **Comment**: This confusingly worded to some | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17751.1(a) | EveryChild CA Letter #1 | **Comment**: What about a child enrolled in home schooling? General practice is to exclude the instruction minutes of a home school as supervision is being provided. | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17752.5.(a) | EveryChild CA Letter #1 | **Comment**: This does not make sense in context with the section title - this is about recertification NOT certification | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17752.5.(b) | EveryChild CA Letter #1 | **Recommendation**: Suggested process on recertification in part day CSPP -  (b) A part-day CSPP contractor shall recertify eligibility ~~and enroll~~ for families with age eligible children no sooner that 24 months from the last date of the prior eligibility period. The contractor shall have up to forty-five days after the end of the prior eligibility period to recertify the family for an additional eligibility period if the child is age eligible. If the contractor is unable to recertify the family within those 45 five days, the family will receive a notice of action for disenrollment.  ~~into their program within 120 calendar days prior to the first day of the beginning of the new preschool year. Subsequent to enrollment, a child shall be deemed eligible for a part-day CSPP for the remainder of the certification period.~~ | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17753 | EveryChild CA Letter #1 | **Comment**: This whole section makes no sense - in the context of recertification when the eligibly period is up to 24 months based upon the age of the child. Seems like there is context and or entire sections missing? | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17753(b) | EveryChild CA Letter #1 | **Comment**: August 15th of what? The program year, the last year of the certification period? | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17753(c)(1) | EveryChild CA Letter #1 | **Comment**: May 1 of what? Clarity is needed | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17753(d) | EveryChild CA Letter #1 | **Comment**: Why is this section here? Seem duplicative. | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17753(f) | EveryChild CA Letter #1 | **Comment:** What is this in reference to? | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17753.1 | EveryChild CA Letter #1 | **Recommendation:** Suggested edit as CSPP has age eligibility and other state funded programs (CCTR, CAPP) do not. Or is this narrow in scope and speaking only to a CSPP-to-CSPP transfer?  When a child is transferred from another state-funded early childhood program, the receiving CSPP contractor must issue a Notice of Action, pursuant to section 17783, to ~~extend the~~ certify the family ~~certification period~~ with age eligible children to align with ~~through the remainder of the program year in which~~ the certification period for the other state-funded early childhood program would otherwise end. | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17756(b) | EveryChild CA Letter #1 | **Comment:** is this a place to mention you operate on existing family fee scale provided by cde until a new one is released? we get a lot of questions if people can cross department use scales if one is released before others | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17758(c)(6) | EveryChild CA Letter #1 | EC 8210(a)(3)- true kindergarten age 5 years old prior to Sept 1 children are not eligible for CSPP EC 8505(ac).  **Recommendation:** (6) If a transitional kindergarten-age child is enrolled in part-day CSPP for extended learning and care, the parent shall provide a self-certification that the child is enrolled in transitional kindergarten. | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17766(a)(1) | EveryChild CA Letter #1 | **Comment:** Confirming that the max could be 50 hours per week (5 days x 10 hours per day). | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17767(j) | EveryChild CA Letter #1 | **Recommendation:** Edit - Add "additional" for clarity:  "...At the conclusion of this additional ~~12-month~~ certification period, the parent shall have made..." | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17768(j) | EveryChild CA Letter #1 | **Recommendation:** Edit - Add "additional" for clarity:  "...At the conclusion of this additional ~~12-month~~ certification period, the parent shall have made..." | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17771(d) | EveryChild CA Letter #1 | **Comment:** Confirming that the max could be 50 hours per week (5 days x 10 hours per day). | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17772 (a)(1) | EveryChild CA Letter #1 | **Comment:** Confirming that the max could be 50 hours per week (5 days x 10 hours per day). | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17773 | EveryChild CA Letter #1 | **Recommendation:** Add: "At Risk of Being Abused, Neglected, or Exploited" to the end of the title  Aligns with 8208 and other EC section CPS/At-risk are similar but slightly different. | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17773(a) | EveryChild CA Letter #1 | **Recommendation:** Citation Update: (a) If eligibility and need as specified in Education Code sections 8208(a)(1)(B)(iv~~D~~),~~(c)(1)(A) and~~ (d)(1)(B~~A~~)(iv), and ~~(C)(i)(I-II)(d)(1)(B)(i)(I) and (d)(1)(B)(i)(II)(c)(1)(B)~~ are based on child protective services, | **Accept**  The CDE will update these citations to ensure the correct Education Code citations are included. |
| 17774(a) | EveryChild CA Letter #1 | **Recommendation:** Suggested edit for clarity  "...elementary school as the preschool program site. ~~to be eligible for enrollment in a CSPP Neighborhood SchoolFRPM sSite..~~" | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17782(b) | EveryChild CA Letter #1 | **Recommendation:** (b)"...contractor shall ~~certify eligibility and~~ send the Notice of Action,"  **Comment:** This section is about the NOA requirements nothing about certifying eligibility. That is in a difference section as to that time line. 17752. Also for Part day CSPP some contractors in the 120day enrollment period may or may not adhere to this 30 day requirement as they may not be utilizing the 30 day cohort enrollment flexibility in MB 23-05 for LEA’s. Suggested edits: | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |
| 17812(a)(3) | EveryChild CA Letter #1 | **Comment:** This section is currently suspended - and without addressing CCR 5 18086.5 Abandonment of Care July 1, 2025 with be an issue. | **No Action Taken**  This comment is not relevant to the proposed changes available for comments during the 15-day public comment period pursuant to Government Code section 11346.8(c). |

September 2024 [California Department of Education]