# California State Preschool Program Eligibility and Priority Rulemaking 45-Day Public Comment and Response Summary Chart Public Comment Period 12.15.2023 through 1.30.2024

| **Proposed Section** | **Commenter** | **Comment/Recommendation** | **Agency Response** |
| --- | --- | --- | --- |
| N/A | John Sweeney on behalf of Mary Ann Dewan, Santa Clara County Superintendent of Schools – Oral Public Comment #1 | **Comment:** I would like to express gratitude for the unwavering commitment of the California Department of Education to the shared vision of Universal PreKindergarten for California youth that proposed regulatory changes to eligibility and priority in the California State Preschool Program, succinctly align with recent statutory changes and clarify the regulatory process for providers. It is particularly noteworthy to see many of the important legislative changes, such as 24 month eligibility, increase in prioritization for youth with disabilities and set aside percentages for those youth and more reflected here. This proposed regulation will help effectively implement the legislation enacted to move us on the path toward pre-kindergarten for all 3 and 4 year olds in California. Thank you. | **No Action Required**  This comment does not suggest a change to the regulations. |
| 17734 | Leah Welch-Jackson, Stanislaus County Office of Education (SCOE) – Letter #1 | **Recommendation:** Local Educational Agency (LEA) in the district connected to the child’s residence and issuer of the IEP be responsible for family fees.  **Comment:** SCOE supports the offer of a FAPE for special education services in the CSPP for children with IEP with the LEA being responsible for paying the family fee and the fees not to be collected from the family. Would SCOE as an LEA be responsible for fees assessed to families enrolled with our subcontracting agencies and our contractor operated programs, or would these fees be absorbed by the child’s school district (i.e. LEA) or SELPA? | **Accept**  The CDE amended the language to include “...responsible for providing FAPE to the child with the IEP...” to clarify that the LEA that is responsible to implement the IEP is the LEA that is responsible for paying the family fee. |
| 17753 | Leah Welch-Jackson, Stanislaus County Office of Education (SCOE) – Letter #1 | **Recommendation:** Include that all other recertifications under any month after August be eligible to recertify no later than August 15.  **Comment:** SCOE understands and implements the timely and appropriate recertifications for all families who participate in CSPP. However, the updated regulation states Families shall be recertified for services by the contractor no later than August 15. Would this apply to recertifications falling under any month after August?  Aligning family recertifications around the same time will allow program eligibility and enrollment staff to provide comprehensive services in determining individualized family needs, referrals, and provide attentive follow ups with resources at a local level while ensuring the Health and Social Service component of the program requirements is met. | **Reject**  Any recertifications required after July 1 must be done at the end of the following program year. Statute states that if the eligibility period ends before the end of a program year, eligibility shall be extended until the end of the program year. This regulation already does align all family recertifications to the same time. |
| 17763 | Leah Welch-Jackson, Stanislaus County Office of Education (SCOE) – Letter #1 | **Recommendation:** Keep this regulation due to the vast number of families who are in vocational training, education programs throughout certain parts of the week and working the other parts. This will allow programs to be fully utilized and give families the support they need to compete in today’s economy.  **Comment:** SCOE programs enrolled numerous families who met more than one need criterion. Line (e) *A family may receive services based on more than one need criterion at any one time, provided that applicable documentation has been collected.* has a strikethrough. Does this mean, families may no longer receive services based on more than one need criterion? | **Reject**  This regulation was not eliminated but simply moved to Section 17751(e) because it is not a documentation requirement. |
| 17729(a)(1) | Colin Legerton, Head Start Communications Consultant, Los Angeles County Office of Education (LACOE) - Letter #2 | **Recommendation:** We request that the California Department of Education (CDE) consider including the local educational agency’s nutrition services department as an authorized representative to verify boundaries. In our experience, staff at local elementary schools are often unclear about the Free or Reduced-Price Meal (FRPM) program. | **Reject**  The school attendance boundaries used to determine Neighborhood School Eligibility are not related to the administration of the Free or Reduced-Price Meal Program; therefore, including the nutrition services department would create more confusion. The CDE will provide technical assistance for contractors when these new regulations are promulgated. |
| 17729(b) | Luis Bautista, Los Angeles County Office of Education (LACOE) - Letter #2 | **Comment:** We would like to request clarification on the eligibility of children under this stipulation. If children were previously enrolled under Neighborhood School Sites for their first year, but the circumstances of the school then change in the following year, do these children remain eligible in the second year? | **Reject**  Section 17752(a)(4) states that once the contractor certifies the family as eligible for CSPP, they shall consider the family eligible for the certification period. For example, if the child is enrolled in CSPP under this eligibility category, even if the school circumstances change, the child is still enrolled for the duration of their certification period. The CDE will provide technical assistance for contractors when these new regulations are promulgated. |
| 17732.1(a) | Luis Bautista, Los Angeles County Office of Education (LACOE) - Letter #2 | **Comment:** We would like to request additional clarity on the term “set aside,” which seems to suggest that these slots cannot be used by children without a disability. Is this an accurate reading? The wording “set aside” may lead programs to believe that these slots cannot be used if children with disabilities are not found for this program option. | **Reject**  Your interpretation is correct. The set aside cannot be filled by children without a disability per the statutory requirements in EC 8208(c)(2)(B) and 8208(d)(2)(B)(ii). We do not believe additional clarification is necessary. |
| 17732.1(c) | Luis Bautista, Los Angeles County Office of Education (LACOE) - Letter #2 | **Comment:** While families providing up-to-date copies of the Individualized Education Program (IEP)/Individualized Family Service Plan (IFSP) is recognized as a best practice, CDE should note that the family will need to sign a release of information and grant permission for the program to access the IEP or IFSP. CDE should review whether it in fact has the authority to require families to provide the IEP/IFSP (“the family’s obligation to provide up-to-date copies of the IFSP or the IEP”). In addition, as currently worded, should families choose not to provide a copy, this may pose a challenge in meeting the set aside requirement and/or receiving the adjustment factor, as the regulation notes, “If a current IFSP or IEP is not on file, the child does not count toward meeting the set aside requirement and the contractor will not receive the adjustment factor.” | **No Action Required**  This comment does not suggest a change to the regulations.  **Response**  Parents are responsible to provide a copy of the necessary portions of the IEP or IFSP to the contractor, the contractor is not accessing the IEP or IFSP on their own; therefore, a release is not necessary as they are giving it to the contractor themselves. A parent can choose not to provide the IEP or IFSP to the CSPP contractor; however, in that instance the child cannot be enrolled with the eligibility of a child with disabilities or be enrolled under the priority order set aside for children with disabilities. |
| 17748(a)(2) | Luis Bautista, Los Angeles County Office of Education (LACOE) - Letter #2 | **Recommendation:** We encourage CDE to consider aligning this requirement with the Head Start Act and Performance Standards.  **Comment:** While CDE is moving in a positive direction toward aligning with federal regulations, the language still differs greatly. This will complicate efforts to enroll children in collaborative programs, as providers will be forced to follow two separate ranking processes. | **Reject**  The proposed regulations align priority for the children identified by both the state and Head Start as a high priority for enrollment. Head Start requirements are more flexible and allow grantees to set their enrollment priorities based on the needs of the community while the state does not, absent obtaining a waiver. Therefore, these regulations align the state and Head Start’s priorities in the most effective way to meet the goals of both programs. |
| 17752.5(a) | Luis Bautista, Los Angeles County Office of Education (LACOE) - Letter #2 | **Recommendation:** We request that CDE rewrite this section for additional clarity: “Contractors have an additional 30 days past the date families signed the initial application for services.” | **Reject**  The word "addition" would add more confusion to the current process. Contractors have 30 days from when the parent signs the application for services to determine eligibility and issue the notice of action. |
| 17753.1 | Luis Bautista, Los Angeles County Office of Education (LACOE) - Letter #2 | **Comment:** We appreciate the clarity around handling transfers from programs like General Child Care and Development (CCTR) into CSPP. | **No Action Required**  This comment does not suggest a change to the regulations. |
| 17782(h) | Luis Bautista, Los Angeles County Office of Education (LACOE) - Letter #2 | **Recommendation:** We request that CDE refine the language on providing the Notice of Action (NOA) to the family from “send” to “provide or send.”  **Comment:** Families who sign the application for services are most likely signing in person; programs could “provide” the NOA to the parent by handing it to them after signature, rather than needing to “send” via postal service. | **Accept**  The CDE has included “provide or” to account for the instances when a family is handed a NOA. |
| 17812(b) | Luis Bautista, Los Angeles County Office of Education (LACOE) - Letter #2 | **Recommendation:** More clarification is needed around the “service level exemption credit.”  **Comment:** If a contractor does not meet the set aside requirement or meets it late in the year, will it lose the ability to earn its full contract? | **Reject**  As stated in the regulation, this service level exemption credit is only applied to the contract when the contractor is not meeting the set aside requirement. Because contractors can only enroll children with disabilities in the set aside, the service level exemption credit is used to replace the amount of the contract that the contractor is not able to earn if the set aside is not fully earned through enrolling children with disabilities. This is in alignment with the statutes (EC 8208[c][2][B] and 8208[d][2][B][ii]), as it requires contractors to be funded for this set aside so they can serve children with disabilities at any point in the program year. |
| 17752.5; 17753 | Celine Krimston, Educational Enrichment Systems, Inc. - Letter #3 | **Comment:** It is apparent that the new timelines have been purposely aligned with transitional kindergarten registration and that the proposed new language encourages parents to enroll in transitional kindergarten over remaining in CSPP due to the inequities CDE has established in enrollment/recertification requirements for 4 year old children. The paperwork to recertify in CSPP is far more grueling and demanding than enrolling into transitional kindergarten and this unfair, inequitable process is maddening and disrespectful. | **No Action Required**  This comment does not suggest a change to the regulations.  **Response:**  The proposed timeline for recertification is in alignment with the statutory changes to increase eligibility for CSPP to no less than 24 months for full-day and 2 program years for part-day. It ensures that children enrolled in CSPP will be enrolled for all program years they are enrolled for and removes the possibility of a child being deemed ineligible in the middle of a program year. |
| 17734(c) | Celine Krimston, Educational Enrichment Systems, Inc. - Letter #3 | **Recommendation:** [This section] must clarify the process for a CBO to collect the family fees from an LEA. | **Reject**  This process is locally determined as each LEA has a different process for making payments for children with disabilities. |
| 17753.1 | Celine Krimston, Educational Enrichment Systems, Inc. - Letter #3 | **Recommendation:** [This section] must clarify which contractor is to issue the NOA. | **Reject**  This section already clarifies that it is the CSPP contractor who must issue the NOA. When a child transfers into CSPP from another state-funded early childhood program there is only one CSPP contractor. |

September 2024 [California Department of Education]