# California State Preschool Program Rulemaking 45-day Public Comment Summary Chart Public Comment Period December 18, 2020 through February 1, 2021

| **Proposed Section** | **Commenter** | **Comment/Recommendation** | **Agency Response** |
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| 17702(b) | Kathy McKibben - Stanislaus County Office of Education - Letter #3 | **Recommendation:** We would like to change the 60 – 90 days to 90 – 120 days. It is sometimes a challenge to collect sufficient evidence to support assessment ratings in first collection period.  **Comment:** We wanted to add that this would mean that all children would have an initial assessment and would help us to align Head Start and State Preschool requirements this guidance gives greater flexibility to assessment timelines. I also believe that this will be a greater support to Migrant and FCCH program models. | **Reject**  This timeline has already been extended, and an increase would lessen the alignment of assessments with Head Start requirements. |
| 17702(b) | Heather Haubrich - Letter #5 | Would like to encourage the department to include language that requires that the contractor complete at least two collection periods over the course of the school year. My concern with extending the window to 90 days and six months thereafter may create a loophole for programs to end their school year before the six-month time period. Further having at least two collection periods also strengthens the effort for a pre and post observation to have data to verify the child's growth during the year.  I do support moving to 90 days to allow teaching teams greater time to collect observations  easing the burden on the teaching teams especially with children that do not have consistent attendance or have a personality that is slow to warm meaning that it takes longer for the child to be comfortable to show certain behaviors needed in the observations.  The window of 60 to 90 days is similar to the wording on management bulletins to allow flexibility during the pandemic and children attending CSPP in a variety of formats (virtual, hybrid, in person). | **Reject**  While the California Department of Education (CDE) agrees that this change will ensure that programs have at least two data points to compare a child's development and that could be beneficial to programs; this rule cannot be consistently implemented across the state as children are enrolled in the state preschool program at varying times per year. The variability of enrollment could require contractors to complete a Desired Results Developmental Profile (DRDP) multiple times within a few months which places an undue administrative burden on the contractor. |
| 17709(c) | Heather Haubrich - Letter #5 | Thank you for considering reports from other programs that are reviewing similar data. Appreciate the effort to streamline instead of duplicate efforts. | **No Action Required**  This comment does not suggest a change to the regulations. |
| 17711(b) | Heather Haubrich - Letter #5 | Concerned that the actual threshold is not mentioned within these proposed regulations.  While I understand the move from requiring that each contractor meets the “good” threshold on each subscale, I will advocate that the department consider incremental increases to the minimum score threshold. Changes on the ERS scales are possible, but often require more effort than simply ordering materials. Change is slow and results may not be seen until two years after changes are implemented even with ongoing coaching and support. | **Reject**  Per these regulations, the threshold would be included in the annual program requirements. |
| 17712(a) | Kathy McKibben - Stanislaus County Office of Education - Letter #3 | Contractor, would that be by program? Each sub-contractor/program should have an initial rating i.e CCTR, CSPP, CMIG or would this mean each agency i.e SCOE GO, CCCDS, CAPMC? | **Accept**  Every California State Preschool Program (CSPP) must have a rating. Quality Counts California (QCC) determines this at a local level, typically requires a review of at least one third of the classrooms to provide a rating. The regulations will be amended to add the word “program” for clarity. |
| 17712(a) | Heather Haubrich - Letter #5 | Please be mindful that some non-LEA contractors have confidentiality policies that have been extremely challenging for external assessments as required by Quality Counts California. While I support and applaud incorporating QCC into the regulations, under current COVID restrictions for some counties, achieving this marker could be difficult. Please make a change in language that states "to the extent possible" that initial ratings will be completed by July 1, 2024. | **Accept in-part/Reject in-part**  The CDE recognizes the additional pressures under current COVID restrictions; therefore, the date will be pushed out by two years to July 1, 2026 however, the addition of “to the extent possible” is rejected. |
| 17713(c) | Kathy McKibben - Stanislaus County Office of Education - Letter #3 | This will definitely impact earnings if we follow Head Start group sizes in order to have higher ratios. | **Reject**  This impact of this regulation is dependent on each contract and would not impact every contractor as some already do follow Head Start group sizes. Further, this provision is permissible; therefore, contractors are not required to follow Head Start group sizes if it would impact their earnings and in such case the contractor would need to keep the lower ratios required by CSPP. |
| 17731(a) | Kathy McKibben - Stanislaus County Office of Education - Letter #3 | We are excited this is aligning with Head Start requirements. | **No Action Required**  This comment does not suggest a change to the regulations. |
| 17731(b)(4) | Heather Haubrich - Letter #5 | Support this idea, however, I think the process for the contractor to follow needs to be more rigid. Would suggest wording in (4) (page 27) that requires the contractor to complete at least two of the four suggestions listed with documentation of how those elements were completed. | **Reject**  This is a statutory requirement that the CDE does not have authority to go beyond. |
| 17734(i)(4) | Kathy McKibben - Stanislaus County Office of Education - Letter #3 | 9600 form already includes applicable months for which PT & FT months are being charged in the CenterTrack database. Upon reg's being finalized months will also need to be noted on NOA. | **Reject**  If a family has a different family fee for different months, it should already be included on the Notice of Action (NOA) as this would be a change to the family’s services. |
| 17741 | Kathy McKibben - Stanislaus County Office of Education - Letter #3 | Curious, what documents may be reviewed? I think more detail would be helpful on this. | **Reject**  This is on an individual case-by-case basis depending on the contractor; therefore, we do not have criteria to determine which documents would be accepted at this time. If that changes and the process becomes streamlined, the regulations will be updated to reflect such a change. |
| 17741 | Heather Haubrich - Letter #5 | Support again the idea of releasing duplication of efforts. Thank you for accepting reports of other CDE funded programs or Federal child care funding. | **No Action Required**  This comment does not suggest a change to the regulations. |
| 17742(b)(2) | Heather Haubrich - Letter #5 | For section (b)(2) please state that the DRDP is the developmental profile that must be used for the children in the classroom funded through the CSPP program. Additionally, using the same tool may lead the field to future research through being able to compare children in traditional CSPP environments to children in commingled TK programs. If the public education system wants to identify if children are more prepared for school through a CSPP classroom with trained ECE permitted teachers versus the preparation children receive through a TK program with a credentialed TK-8 teacher, this is the venue to gather that information. The DRDP can be used to bridge the data gap between children in ECE and the TK-12 system. | **Reject**  This regulation (section 17702) does specify the use of the DRDP for CSPP classrooms. |
| 17742(b)(5) | Heather Haubrich - Letter #5 | Further, please consider adding (b)(5) that would require that these Collaborative TK programs participate in the Quality Counts California program as mentioned in Section 17712. While TK teachers have a teaching credential, it is important for the TK teachers to continue to learn and grow in their understanding of developmentally appropriate practice for four-year olds. Having the TK teachers participate in Quality Counts California will then require that the continuous professional development happens within the ECE arena. The young four-year olds should not have expectations placed on them because of their commingled status that are not developmentally appropriate or that can damage their self-esteem because they see the "older" children being able to accomplish such "milestones" as orally counting to 50. I have seen many TK teachers that attend conferences and other supports with Kindergarten teachers and therefore pulling even further away from the ECE developmentally appropriate practice. | **Reject**  Classrooms that co-mingle Transitional Kindergarten and CSPP children are required to meet all of the requirements of a CSPP, including section 17712. |
| 17746(a) | Kathy McKibben - Stanislaus County Office of Education - Letter #3 | I would still like to see foster and homeless as top priority along with CPS. | **Reject**  First priority for services is determined in statute; therefore, the CDE does not have the authority to change the prioritization in these regulations. |
| 17749(c) | Kathy McKibben - Stanislaus County Office of Education - Letter #3 | Would like clarity. | **Reject**  This comment is not clear on what the commenter would like clarity on. |
| 17754(a) & (b) | Kathy McKibben - Stanislaus County Office of Education - Letter #3 | Families enrolled for a full day with no need would only be for a FRPM site, correct?  Why up to 10 hours? That seems excessive. Job seek is only less than 30 and that is with a need. | **Reject**  Families without a need can be provided full-day services at any CSPP site, not just a free and reduced price meal (FRPM) site. Up to 10 hours is considered a full day of care and it was not the intention of the Legislature to limit the hours available to families with this provision. |
| 17759(c) | Kathy McKibben - Stanislaus County Office of Education - Letter #3 | Will need to establish/define what inconstant/unstable is to ensure program staff are clear when to collect 12 months of income compared to 1 month. | **Reject**  “Income fluctuation” is defined in section 17700 to ensure it is clear when 12 months of income is required. |
| 17766(a)(1) | Shannan Watkins - Early Development Services - Letter #1 | Section 18086.5 in the 12-month regulations contradicts with section 17766 in the proposed CSSP regulations. | **Reject**  The 12-month eligibility regulations that were proposed for the 15-day public comment period on January 5, 2021 have the same language as in section 17766 of these proposed CSPP regulations. |
| 17769(a)(1) | Shannan Watkins - Early Development Services - Letter #1 | Section 18088 in the 12-month regulations contradicts with section 17769 in the proposed CSSP regulations. | **Reject**  The 12-month eligibility regulations that were proposed for the 15-day public comment period on January 5, 2021 have the same language as in section 17769 of these proposed CSPP regulations. |
| 17771(d) | Shannan Watkins - Early Development Services - Letter #1 | Section 18090 in the 12-month regulations contradicts with section 17771 in the proposed CSSP regulations. | **Reject**  The 12-month eligibility regulations that were proposed for the 15-day public comment period on January 5, 2021 have the same language as in section 17771 of these proposed CSPP regulations. |
| 17772(a)(1) | Shannan Watkins - Early Development Services - Letter #1 | Section 18091 in the 12-month regulations contradicts with section 17772 in the proposed CSSP regulations. | **Reject**  The 12-month eligibility regulations that were proposed for the 15-day public comment period on January 5, 2021 have the same language as in section 17772 of these proposed CSPP regulations. |
| 18078(o) | Keesha Woods, LACOE Head Start and Early Learning Division - Letter #2 | Please consider rewording “dated signature of the contractor’s authorized representative,” which may be confusing. | **Reject**  This section is not included in these proposed regulations. The commenter is referencing a different rulemaking package that was developed by the CDE. |
| 18078(x) | Keesha Woods, LACOE Head Start and Early Learning Division - Letter #2 | In the definition, which states "a schedule in which the total number of hours worked each week is inconsistent and/or unstable from week to week," consider changing the word "unstable" to "varies" or ''changes ," (Please note that while this item states that '"variable schedule" is provided in Education Code section 8221.5, the word unstable" is not found in that section.) | **Reject**  This section is not included in these proposed regulations. The commenter is referencing a different rulemaking package that was developed by the CDE. |
| 18081(b)(1) | Keesha Woods, LACOE Head Start and Early Learning Division - Letter #2 | Please consider revising the language "Records supporting documentation of eligibility include;" to clarify that documents must support the determination of the child's eligibility in one of the categories listed below. | **Reject**  This section is not included in these proposed regulations. The commenter is referencing a different rulemaking package that was developed by the CDE. |
| 18081(b)(1)(A) | Keesha Woods, LACOE Head Start and Early Learning Division - Letter #2 | In ''Current CalWQRKs cash aid recipient," please specify in parentheses the time period of the cash aid verification document so that providers know what a CDE reviewer will accept. (For example, a letter of Notice of Award of CalWORKs cash aid dated within six months from the date eligibility is being determined.) | **Reject**  This section is not included in these proposed regulations. The commenter is referencing a different rulemaking package that was developed by the CDE. |
| 18081(c)(5) and 18082.1 (d) | Keesha Woods, LACOE Head Start and Early Learning Division - Letter #2 | First, we are concerned with wording in sections 18081(c)(5) and 18082.l(d) that requires families ''to report if their income exceeds the income threshold," which could cause programs to have to terminate a family during the program year if their income increases beyond the approved threshold, negating the purpose of 12-month eligibility.  This requirement would put a burden on families, disrupt continuity of care, and pose the possibility that families may lose the support that helped them obtain a better job in the first place. It would also increase administrative burden for agencies that must monitor whether families report within 30 days and then recalculate their income.  If programs are allowed instead to proceed with recertification once after the 12-month period and notify the family that changes in income that exceed the thresholds will result in ineligibility, the family will have more time to identify alternate centers where their child can continue to receive care.  In section 18082.1(d), we recommend that "provide notice to the family of the requirement to report if their income exceeds the income threshold, as provided in section 18082.2" be replaced with the following: "provide notice to the family that if their income exceeds the income threshold at the next recertification period, the family will be ineligible to continue receiving services."  If these changes are accepted, Section 18082.2 will need to be removed. | **Reject**  This section is not included in these proposed regulations. The commenter is referencing a different rulemaking package that was developed by the CDE. |
| 18082.2 | Keesha Woods, LACOE Head Start and Early Learning Division - Letter #2 | If the changes suggested above are accepted, this section will also need to be removed or modified accordingly. | **Reject**  This section is not included in these proposed regulations. The commenter is referencing a different rulemaking package that was developed by the CDE. |
| 18084(b)(2) | Keesha Woods, LACOE Head Start and Early Learning Division - Letter #2 | In the added wording "inconsistent and/or unstable hours," please consider using "varying" or "changing" instead of unstable," as suggested above for section 18078(x), to better convey the meaning that the hours and/or days of work change. | **Reject**  This section is not included in these proposed regulations. The commenter is referencing a different rulemaking package that was developed by the CDE. |
| 18084.1(c) | Keesha Woods, LACOE Head Start and Early Learning Division - Letter #2 | In the added wording ''inconsistent and/or unstable employment," please consider removing "and/or unstable," simply leaving "inconsistent employment,'' If a second adjective is necessary to convey something different than inconsistent," please consider ''unpredictable" as used in the current iteration, or "variable" as used elsewhere in the proposed revision. | **Reject**  This section is not included in these proposed regulations. The commenter is referencing a different rulemaking package that was developed by the CDE. |
| 18086(b)(3) | Keesha Woods, LACOE Head Start and Early Learning Division - Letter #2 | This paragraph, stating ''the contractor shall verify the days and hours, or the total number of hours, of employment each week," would create an undue administrative burden for staff to request this information every week, Please consider whether monthly or quarterly verification would suffice.  In addition, the preceding paragraphs (1) and (2) require the parent to provide pay stubs, but do not stipulate that a parent must do so weekly. If programs are in fact required to verify this information weekly, then the regulations should be consistent in the requirements for both parents and staff. | **Reject**  This section is not included in these proposed regulations. The commenter is referencing a different rulemaking package that was developed by the CDE. |
| 18090(d) &18091(a)(I) | Keesha Woods, LACOE Head Start and Early Learning Division - Letter #2 | Second, we are also concerned with the wording in section 18090(d) and 18091(a)(l) that limits services to children from families experiencing homelessness to "less than 30 hours per week." This provision could potentially place a child at risk given that the child development center may be the only stable environment the child has in a given day. Families experiencing homelessness need care and many would benefit from 40 hours, especially if the program is the only source of stability and shelter for their child. | **Reject**  This section is not included in these proposed regulations. The commenter is referencing a different rulemaking package that was developed by the CDE. |
| N/A | Matilda Soria - Office of Fresno County Superintendent of Schools - Letter #4 | First of all, we are in favor of the support of collaborative partnerships between LEAs and private / nonprofit agencies described in the regulations. However, we feel that there needs to be more clarification on MOU (memorandum of understanding) requirements; moreover, a template MOU form outlining required content would be helpful. Although collaboration is encouraged, often times there are policies in place that impart challenges; for example, LEAs are restricted from providing special education (SPED) services for children of private/non-profit agencies (within the feeder area of the LEA). Allowing LEAs to provide SPED services to private/non-profit child care providers, in addition to allowing a portion of the special education funding distributed to LEAs to be allocated specifically for early intervention services would allow LEAs to increase early access to these services. | **Reject**  This is not a change that can be addressed in these regulations. The CDE does not determine Memorandum of Understanding requirements between local educational agencies (LEAs) and private businesses. |
| N/A | Matilda Soria - Office of Fresno County Superintendent of Schools - Letter #4 | Further clarification is needed on the proposed requirement regarding providing inclusion services for children with disabilities, including specific expectations of contractors; moreover, “children with disabilities” needs to be defined. Although we strongly agree with making our services accessible to all children, we feel that without additional funding, it may be difficult to provide quality services for this population. Providing inclusion services requires specialized staffing and greater professional development, in addition to specialized equipment and educational resources. Although CSPP contractors receive additional funding for exceptional needs in the form of adjustments to the daily factor (with full-time receiving a 50% higher rate than non-exceptional needs) – contractors would need to enroll a full classroom of children with a 50% adjustment factor in order to garner enough funding to provide the additional staffing and other costs associated with implementing a quality inclusion program. | **Reject**  "Child with disabilities" is defined in section 17700(p). LEAs are required to provide supports and services to children that require them - this is a federal requirement. Supports can come in to the classroom to provide tips and tricks for teaching staff; this does not mean every child is provided with an assistant staff to help throughout the day. Further, contractors have an adjustment factor that can be applied to any child with disabilities to help offset any additional costs for a child with disabilities. |
| N/A | Matilda Soria - Office of Fresno County Superintendent of Schools - Letter #4 | Additional explanation needs to be provided regarding the proposed requirements for contractors to serve the “whole child” including family members – essentially to be a referral service for children and their families. Is the intention for contractors to serve as “family resource centers”? If so, our concern is the additional funding required to meet these expanded requirements, including staffing, professional development, and specialized resources. | **Reject**  It is not clear what section of these regulations the commenter is referring to in their recommendations, as the term “whole child” is not used within these regulations. |
| N/A | Matilda Soria - Office of Fresno County Superintendent of Schools - Letter #4 | We agree with the intent of the proposed requirements associated with restricting expulsions. However, CSPP contractors need additional funding to appropriately implement. Contractors need additional supports, including staff to assess children and professional development. In severe cases (for example, wherein children are harming others), additional staff members are needed to ensure safety and quality care for all children. | **Reject**  This regulation is from current law in Education Code (EC) section 8222. Contractors are allowed an adjustment factor for Early Childhood Mental Health Consultation services to meet the requirements of this regulation (EC section 8244). |
| N/A | Matilda Soria - Office of Fresno County Superintendent of Schools - Letter #4 | Although philosophically we agree with the proposed CSPP regulations, without additional funding we strongly feel that there will be a fiscal impact on contractors to carry out the expanded requirements. Further, if additional State funding is currently not available for CSPP contractors to meet the proposed requirements, we recommend to delay the approval of the proposed regulations and required implementation. | **Reject**  This comment is not clear about which specific requirements would create a fiscal impact on contractors. The CDE does not believe that any of these requirements will change the fiscal impact for contractors. |

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