

Dave H. 1/19 ✓

# CSBA Sample Board Policy

Students

BP 5148(a)

## CHILD CARE AND DEVELOPMENT

✓ T.H. eligible does not impact child care eligibility (preschool)

Note: The following **optional** policy may be revised to reflect the type(s) of child care and development programs offered by the district.

The Child Care and Development Services Act (Welfare and Institutions Code 10207-10490) establishes a variety of child care programs including resource and referral programs (Welfare and Institutions Code 10217-10224.5; 5 CCR 18240-18248), alternative payment programs (Welfare and Institutions Code 10225-10234; 5 CCR 18220-18231), migrant child care and development programs (Welfare and Institutions Code 10235-10238), general child care and development programs (Welfare and Institutions Code 10240-10243), and programs for children with special needs (Welfare and Institutions Code 10260-10263).

Pursuant to Welfare and Institutions Code 10200-10206, effective July 1, 2021, the state's responsibility for administering these programs transferred from the California Department of Education (CDE) to the California Department of Social Services (CDSS). AB 131 (Ch. 116, Statutes of 2021) repeals the statutes governing such programs from the Education Code and reenacts them in the Welfare and Institutions Code. Pursuant to Welfare and Institutions Code 10205, all existing regulations relating to child care programs that have been adopted by CDE are expressly continued in force, unless they conflict with law.

Education Code 8207, as added by AB 131, clarifies that the Superintendent of Public Instruction (SPI) and CDE retain administrative supervision of the California State Preschool Program (CSPP).

For requirements pertaining to before-school and after-school programs, including the After-School Education and Safety program (Education Code 8482-8484.65) and 21st Century Community Learning Centers (Education Code 8484.7-8484.8), see BP/AR 5148.2 - Before/After School Programs. For requirements pertaining to preschool programs for children ages 3-4 pursuant to the CSPP, as amended by AB 130 (Ch. 44, Statutes of 2021) and AB 131, (Education Code 8200-8340) see BP/AR 5148.3 - Preschool/Early Childhood Education.

The Governing Board desires to provide child care and development services which meet the developmental needs of children and offer a convenient child care alternative for parents/guardians in the community.

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6173 - Migrant Education Program)

The Board shall enter into a contract with the California Department of Social Services (CDSS) for the provision of child care and development services by the district.

(cf. 3312 - Contracts)

Note: The following **optional** paragraph may be revised to reflect district practice. Welfare and Institutions Code 10480-10487, as amended and renumbered by AB 131, establish county-level child care and development planning councils, with members selected by the County Board of Supervisors and County Superintendent of Schools, to identify local priorities for child care and to develop policies to meet identified needs.

**CHILD CARE AND DEVELOPMENT** (continued)

The district shall work cooperatively with the local child care and development planning council, public and private agencies, parents/guardians, and other community members to assess child care needs in the community, establish program priorities, obtain ongoing feedback on program quality, and supply information about child care options.

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*  
*(cf. 1700 - Relations Between Private Industry and the Schools)*

Note: Pursuant to 5 CCR 18271, the district must have a written philosophical statement, goals, and objectives, approved by the Governing Board, which address each program component specified in 5 CCR 18272-18281. See the accompanying administrative regulation for required program components.

The Board shall approve for the district's child care and development program a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and the accompanying administrative regulation. (5 CCR 18271)

*(cf. 0000 - Vision)*  
*(cf. 0100 - Philosophy)*  
*(cf. 0200 - Goals for the School District)*

Note: AB 131 allocates additional funds to provide subsidized child care programs with COVID-19 pandemic-related assistance. To receive the additional funding, a child care program that is funded to be operational, but which is physically closed by local or state public health order or guidance due to the COVID-19 pandemic, is required to provide distance learning services as specified by CDSS.

When a district child care program is physically closed by local or state public health order due to the COVID-19 pandemic, the district shall provide distance learning when required to do so as a condition of funding or when required by law. ✓ already being this

**Eligibility and Enrollment**

Note: Pursuant to 5 CCR 18105, districts contracting to offer child care services are **mandated** to develop written admissions policies and procedures that conform to the requirements of 22 CCR 101218, as provided below. See the accompanying administrative regulation for additional language that fulfills this mandate.

Child care admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the child care center's program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and health examination requirements. (5 CCR 18105; 22 CCR 101218)

**CHILD CARE AND DEVELOPMENT (continued)**

- (cf. 0410 - Nondiscrimination in District Programs and Activities)*
- (cf. 3540 - Transportation)*
- (cf. 3550 - Food Service/Child Nutrition Program)*
- (cf. 5141.22 - Infectious Diseases)*
- (cf. 5141.3 - Health Examinations)*
- (cf. 5141.31 - Immunizations)*

Note: Welfare and Institutions Code 10271 and 5 CCR 18106 establish eligibility criteria and priorities for subsidized child care services, as provided below and in the accompanying administrative regulation.

Eligibility is generally limited to children who reside within district boundaries. However, Welfare and Institutions Code 10332 and 5 CCR 18107 authorize the Board to enter into an agreement with the boards of other districts to serve children who reside within those districts. The district may revise the following paragraph to reflect any such agreement approved by the Board.

The Superintendent or designee shall ensure that subsidized child care is provided to eligible families to the extent that state and/or federal funding is available and in accordance with enrollment priorities specified in Welfare and Institutions Code 10271 and 5 CCR 18106.

Note: The following paragraph is **optional** and may be revised to reflect any district-established priorities for nonsubsidized services.

To the extent that space is available after the enrollment of children who are eligible for subsidized services, priority for admissions shall be given to district students, children of district students, and children of district employees.

Note: Pursuant to Education Code 48000, as amended by AB 130, a child's eligibility for transitional kindergarten enrollment may not impact family eligibility for a preschool or childcare program.

A child's eligibility for transitional kindergarten enrollment shall not impact family eligibility for a childcare or preschool program. (Education Code 48000)

- (cf. 5111.1 - District Residency)*
- (cf. 5146 - Married/Pregnant/Parenting Students)*

*it's not one or the other*

**Staffing**

Note: The Commission on Teacher Credentialing issues permits for child development program directors, site supervisors, master teachers, teachers, associate teachers, and assistants pursuant to criteria established in Welfare and Institutions Code 10380 - 10387.5 and 5 CCR 80105-80125. The district may request a waiver of the qualification requirements for a site supervisor upon demonstration of a compelling need, in accordance with Welfare and Institutions Code 10213.5 and 5 CCR 18295.

Health and Safety Code 1596.7995 requires that employees and volunteers at a day care center be immunized against influenza, pertussis, and measles, with specified exemptions. In addition, Health and Safety Code 1597.055 requires that teachers in a day care center obtain a tuberculosis clearance. See the accompanying administrative regulation.

## CHILD CARE AND DEVELOPMENT (continued)

The Superintendent or designee shall ensure that individuals working in child care and development programs have the necessary qualifications and have satisfied all legal requirements.

*(cf. 1240 - Volunteer Assistance)*

*(cf. 4112.2 - Certification)*

*(cf. 4112.4/4212.4/4312.4 - Health Examinations)*

*(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)*

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

### Facilities

Note: **Optional** items #1-5 below present examples of methods that may be used to provide facilities for child care services and may be revised to reflect district practice.

Upon recommendation of the Superintendent or designee, the Board may approve any of the following for the provision of child care and development services:

1. The use of existing district facilities that have capacity
2. Renovation or improvement of district facilities to make them suitable for such services
3. Purchase of relocatable child care facilities
4. Inclusion of child care facilities in any new construction
5. Agreement with a public agency or community organization for the use of community facilities

*(cf. 1330.1 - Joint Use Agreements)*

*(cf. 7110 - Facilities Master Plan)*

The Superintendent or designee shall ensure that facilities used for child care services meet all applicable health and safety standards. (5 CCR 18020; 22 CCR 101238-101239.2)

### Complaints

Note: Pursuant to 5 CCR 4610, the district's uniform complaint procedures should be used to resolve any complaint alleging violation of state or federal laws governing educational programs, including child care and development programs; see BP/AR 1312.3 - Uniform Complaint Procedures. However, 5 CCR 4611, as amended by Register 2020, No. 21, provides that health and safety complaints regarding licensed facilities that operate a child care and development program should be referred to CDSS as described in the following paragraph and BP 1312.3.

## CHILD CARE AND DEVELOPMENT (continued)

Pursuant to 22 CCR 101156, all child care centers must be licensed by CDSS unless exempted by law. See the accompanying administrative regulation for information about child care programs that are exempted from licensure requirements. If all of the district's child care services are license-exempt, the following paragraph may be deleted.

For a licensed child care center, any complaint alleging health and safety violations shall be referred to CDSS. (5 CCR 4611)

Any other alleged violation of state or federal laws governing child care and development programs shall be investigated and resolved using the district's procedures in BP/AR 1312.3 - Uniform Complaint Procedures.

*(cf. 1312.3 - Uniform Complaint Procedures)*

### Program Evaluation

Note: 5 CCR 18279-18281 require child care and development programs to be evaluated through the standardized "Desired Results for Children and Families" system. The system requires a program self-evaluation that includes, but is not limited to, a staff assessment, a parent survey, and an environment rating scale.

The Superintendent or designee shall annually conduct an evaluation of the district's child care and development services in accordance with state requirements. The results of the evaluation shall be used to develop an action plan which establishes program goals and objectives for the coming year and addresses any areas identified as needing improvement. (5 CCR 18279-18281)

*(cf. 0500 - Accountability)*

*Legal Reference: (see next page)*

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**CHILD CARE AND DEVELOPMENT** (continued)*Legal Reference:*EDUCATION CODE8200-8340 *California State Preschool Program, especially:*8207 *Administration; operation of programs; services*8482-8484.65 *After-school education and safety program*8484.7-8484.9 *21st Century community learning centers*48000 *Transitional kindergarten*49540-49546 *Child care food program*49570 *National School Lunch program*56244 *Staff development funding*HEALTH AND SAFETY CODE1596.70-1596.895 *California Child Day Care Act*1596.90-1597.21 *Day care centers*120325-120380 *Immunization requirements*WELFARE AND INSTITUTIONS CODE10200-10206 *Early Childhood Development Act of 2020*10207-10490 *Child Care and Development Services Act, especially:*10207-10215 *General provisions*10217-10224.5 *Resource and referral programs*10225-10234 *Alternative payment programs*10235-10238 *Migrant child care and development programs*10240-10243 *General child care and development programs*10250-10252 *Family child care home education networks*10260-10263 *Child care and development services for children with special needs*10271 *Eligibility, enrollment and priority of services; physical examinations; rules and regulations*10271.5 *Income eligibility*10272.5 *Order of disenrollment*10273 *Preferred placement for otherwise eligible children ages 11 or 12*10290 *Fee schedule for families using preschool and child care and development services*10291 *Families exempt from family fees*10315 *Transfer of information to public schools*10322 *Children residing in another district; use of facilities and personnel*10480-10487 *Local planning councils*CODE OF REGULATIONS, TITLE 54610-4637 *Uniform complaint procedures*18000-18434 *Child care and development programs, especially:*18012-18122 *General requirements*18180-18192 *Federal and state migrant programs*18210-18213 *Severely handicapped program*18220-18231 *Alternative payment program*18240-18248 *Resource and referral program*18270-18281 *Program quality, accountability*18290-18292 *Staffing ratios*18295 *Waiver of qualifications for site supervisor*18300-18308 *Appeals and dispute resolution*80105-80125 *Commission on Teacher Credentialing, child care and development permits**Legal Reference continued: (see next page)*

**CHILD CARE AND DEVELOPMENT (continued)**

*Legal Reference: (continued)*

CODE OF REGULATIONS, TITLE 22

101151-101239.2 *General requirements, licensed child care centers, especially:*

101151-101163 *Licensing and application procedures*

101212-101231 *Continuing requirements*

101237-101239.2 *Facilities and equipment*

UNITED STATES CODE, TITLE 42

1751-1769j *National School Lunch Programs*

9831-9852 *Head Start programs*

9858-9858q *Child care and development block grant*

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 *National School Lunch program*

CODE OF FEDERAL REGULATIONS, TITLE 45

98.2-98.93 *Child care and development fund*

COURT DECISIONS

*CBS Inc. v. The Superior Court of Los Angeles County, State Department of Social Services, (2001)*

*91 Cal.App.4th 892*

*Management Resources:*

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES PUBLICATIONS

*COVID-19 Licensed Child Care Facilities and Providers (FAQs)*

*Child Care & Development Division FAQ*

*Child Care Transition: The Early Childhood Development Act of 2020*

WEB SITES

CSBA: <http://www.csba.org>

California Association for the Education of Young Children: <http://www.caeyc.org>

California Child Development Administrators Association: <http://www.ccdaa.org>

California Department of Education, Early Education and Support Division:

<http://www.cde.ca.gov/sp/ed>

California Department of Education, Early Education Management Bulletins:

<http://www.cde.ca.gov/sp/cd/ci/allmbs.asp>

California Department of Social Services: <https://www.cdss.ca.gov>

California Head Start Association: <http://caheadstart.org>

California School-Age Consortium: <http://calsac.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

National Association for the Education of Young Children: <http://www.naeyc.org>

U.S. Department of Education: <http://www.ed.gov>

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