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Management Bulletin 21-08

Early Learning and Care Division

Subject: Guidance Regarding the Extension of Temporary Emergency Childcare Services, Enrolling New Families in Temporary Emergency Childcare, Transition into Ongoing Childcare Services, and Assessment of Family Fees for Essential Workers and At-risk Populations

Number: 21-08

Date: April 29, 2021

Expires: June 30, 2022, unless rescinded sooner

Authority: Senate Bill 117 (Chapter 3, Statutes of 2020); Executive Order N-33-20; Executive Order N-45-20; Executive Order N-47-20; Senate Bill 89 (Chapter 2, Statutes of 2020); Executive Order N-66-20; Assembly Bill 89 (Chapter 7, Statutes of 2020); Senate Bill 98 (Chapter 24, Statutes of 2020), Senate Bill 820 (Chapter 110, Statutes of 2021), Assembly Bill 82 (Chapter 6, Statutes of 2021), Assembly Bill 86 (Chapter 10, Statutes of 2021)

Attention: Executive Directors and Program Directors of California Alternative Payment Programs (CAPP) and California Migrant Alternative Payment Programs (CMAP)

Purpose

This Management Bulletin (MB) rescinds and replaces MB 20-14, which set forth directives for the temporary extension of services for families whose children were enrolled in temporary Emergency Childcare during Fiscal Year (FY) 2019–20, the assessment of family fees, and the transition and prioritization of enrolling eligible families into ongoing childcare services in FY 2020–21.

This MB provides updated guidance, as authorized in Assembly Bill (AB) 82 and AB 86, to California Alternative Payment Programs (CAPP) and California Migrant Alternative Payment Programs (CMAP) on the extension of temporary Emergency Childcare services through June 30, 2022. This updated guidance is for families receiving services in temporary Emergency Childcare during FY 2019-20, and whose services were further extended during FY 2020-21 under Senate Bill (SB) 820.

This MB provides new guidance to CAPP and CMAP contractors on enrolling additional children of essential workers, at-risk children, and children with disabilities or special health care needs whose individualized education plan (IEP) or individualized family service plan (IFSP) includes early

learning and care (ELC) services through June 30, 2022, and the assessment of family fees for families enrolling in temporary Emergency Childcare.

This MB also provides guidance for the transition and prioritization of enrolling eligible families into ongoing childcare services. Additionally, this MB provides guidance on CAPP contractor augmentations and describes Child Development and Nutrition Fiscal Services (CDNFS) Reporting Updates.

Finally, this MB provides the authority under which the California Department of Education (CDE) is issuing these policy changes and its rationale for doing so, background on other recent policy changes that interact with the directives issued here, and additional resources that may support programs in understanding and implementing the changes.

The directives below only apply through June 30, 2022, pursuant to AB 82 (Chapter 6, Statutes of 2021), and AB 86 (Chapter 10, Statutes of 2021). As the situation evolves, the Legislature may choose to change or modify the actions they have taken in the 2020–21 Budget Act. To the extent that any changes are made, additional guidance will be issued.

Policy

Services for families who **are currently enrolled** in Emergency Childcare through a CAPP or CMAP may be extended until June 30, 2022, in accordance with the guidance below.

CAPP and CMAP contractors may also enroll new families into temporary Emergency Childcare. New enrollments in temporary Emergency Childcare under the CAPP or CMAP contract must be consistent with the instructions outlined below. **Unlike families enrolled into temporary Emergency Childcare in the spring of 2020, new families whose children are enrolled into temporary Emergency Childcare pursuant to this MB must meet the eligibility requirements as specified in the Child Care and Development Services Act, commencing with Section 8200 of the California Education Code (EC). Families must be enrolled in priority order, and must be enrolled as eligible for services using the self-certification process as specified below.** Families who are newly enrolled in temporary Emergency Childcare through this process may receive services until June 30, 2022, subject to the availability of funds, but will not have 12-month eligibility pursuant to *EC* Section 8263(h), nor a right to appeal when services are terminated because the family has not established initial eligibility for services pursuant to all of the requirements of the state Child Care and Development Services Act. Once families are enrolled in temporary Emergency Childcare services, contractors shall not request updated information from those families. All families enrolled in temporary Emergency Childcare must be assessed a monthly family fee, assuming the family is not otherwise exempt from fees pursuant to *EC* Section 8273.1 or MB 20-19(a). Contractors must use the FY 2020–21 Family Fee Schedule available at <https://www.cde.ca.gov/sp/cd/ci/documents/familyfeeschedulejul2020.xlsx>.

Contractors must enroll new families into temporary Emergency Childcare, and transition families into ongoing subsidized childcare in priority order, as specified below.

All families who meet the eligibility and need requirements as defined in *EC* sections 8263 and 8263.1, and who are currently enrolled in temporary Emergency Childcare have priority for enrollment into ongoing subsidized childcare over any other family on the contractor's wait list, as specified below. Families transitioning from Emergency Childcare into ongoing childcare by meeting all requirements of the Child Care and Development Services Act, or its successor, are eligible for ongoing subsidized services for no less than 12 months from the date they are certified for ongoing subsidized services.

Directives for Implementation

Extension of Temporary Emergency Childcare for Currently Enrolled Families

Families whose children are currently enrolled in temporary Emergency Childcare through a CAPP or CMAP may continue to be served until June 30, 2022. Families that are currently enrolled in temporary Emergency Childcare are not required to submit updated documentation in order for temporary Emergency Childcare services to be extended.

For families whose temporary Emergency Childcare services are being extended, contractors may either issue families a Notice of Action (NOA), or a letter notifying them of the extension of services. The notification must include the effective date of extension in temporary Emergency Childcare; the revised last date of enrollment in temporary Emergency Childcare, and the amount of any family fee assessed, as specified below. A letter template for notification of the extension of temporary Emergency Childcare services, assessment of family fees, and the revised last date of temporary Emergency Childcare services can be located at

<https://www.cde.ca.gov/sp/cd/ci/documents/emereextenparentletter.docx>.

Note: Families who were previously enrolled in temporary Emergency Childcare that have since disenrolled and wish to return are required to re-enroll into temporary Emergency Childcare services as a new enrollment, as specified in the guidance below for new enrollments into temporary Emergency Childcare.

Contractors shall remind families in writing at least 30 days before the end date of the limited term authorization of temporary Emergency Childcare so that they may make alternative arrangements for care.

New Enrollments into Temporary Emergency Childcare

The CAPP and CMAP contractors may enroll new families into temporary Emergency Childcare after all families who are currently enrolled have received an extension of temporary Emergency Childcare services.

Pursuant to AB 82 and AB 86, families enrolling in temporary Emergency Childcare as an essential worker or other special population must be eligible for subsidized services pursuant to *EC* Section 8263(a)(1)(A) and have a need for services pursuant to *EC* Section 8263(a)(1)(B). Contractors must use the FY 2020-21 Revised Income Ceilings Guidelines, as set

forth in MB 20-12, which can be accessed at <https://www.cde.ca.gov/sp/cd/ci/mb2012.asp>, when enrolling families in temporary Emergency Childcare services. Families enrolling in temporary Emergency Childcare are eligible to receive services until June 30, 2022.

Application Process for New or Returning Families Enrolling into Temporary Emergency Childcare Services

New families of essential workers and at-risk populations that need temporary Emergency Childcare must submit a self-certification form attesting to their basis of eligibility and need for temporary Emergency Childcare services, including their income and family size, in order to enroll in temporary Emergency Childcare. Families shall complete and submit the Self-Certification of Eligibility for COVID-19 Emergency Childcare form for each parent included in the family size. The Self-Certification of Eligibility for COVID-19 Emergency Childcare form can be accessed at <https://www.cde.ca.gov/sp/cd/ci/documents/covidselfcert.pdf>. This form will be the only documentation required in order to enroll the family into temporary Emergency Childcare services, and must be included in the family data file. The contractor shall review the self-certification of income and family size prior to enrolling the family to ensure that the family meets the eligibility requirements for temporary Emergency Childcare services.

The CAPP and CMAP contractors who obtain a signed Self-Certification of Eligibility for COVID-19 Emergency Childcare form shall not be responsible for verifying if a parent or guardian's eligibility for subsidized services, if the parent or guardian's work is "essential" under State Executive Order N-33-20, or if a family is part of the "at-risk population" in accordance with this MB when accepting a child for temporary Emergency Childcare during the COVID-19 pandemic. Additionally, the CAPP and CMAP contractor shall not be subject to a penalty for accepting a child whose parent or guardian is determined not to meet those definitions.

Families who are essential workers are eligible to enroll their children in temporary Emergency Childcare, subject to capacity, if all of the following apply:

- The family works as an essential worker as defined below. If the family includes a two-parent household, both parents/caregivers must either be essential workers or the other parent must be unable to provide care for the child due to incapacitation
- The family requires childcare to perform their essential work
- The family is working outside of the home and is unable to work remotely
- The family's income does not exceed 85 percent of the State Medium Income, or the family is otherwise eligible for services under *EC 8263(a)(1)(A)*; *and*
- The family's assets do not exceed \$1 million

Families whose children are included in the "at-risk" population category are also eligible to enroll their children in temporary Emergency Childcare, subject to capacity, if **both** of the following apply:

1. The parent, as defined in *EC Section 8208(u)*, **self-certifies** a child is identified as one of the following:
 - Receiving Child Protective Services or at risk of abuse, neglect or exploitation; *or*
 - Participating in the Emergency Childcare Bridge Program for Foster Children (authorized by California's Welfare and Institutions Code Section 11461.6); *or*

- Experiencing homelessness as defined in Section 11434(a)(2) of Title 42 of the United States Code, known as the McKinney-Vento Homeless Assistance Act; or
 - A survivor of domestic violence; *or*
 - Has disabilities or special health care needs whose IEPs or IFSPs include ELC services
2. The family assets do not exceed \$1 million.

Reminder: Families enrolling in Emergency Childcare on the basis of the child being a survivor of domestic violence, or on the basis of having a child with disabilities or special health care needs whose IEPs or IFSPs include ELC services must meet the eligibility requirements and have a need for subsidized ELC services, as specified in *EC 8263*.

To enroll the children of essential workers and at-risk populations in an expeditious manner, contractors shall allow for the use of digital signatures and electronic submission of applications, if at all possible. To the extent possible, applications should be reviewed and the family should be enrolled in temporary Emergency Childcare immediately. Families can be notified of their enrollment electronically to expedite the process.

For families who are newly enrolled in temporary Emergency Childcare services, contractors may either issue families an NOA, or a letter notifying them of the enrollment in services. The notification must include the effective date of enrollment in temporary Emergency Childcare; the last date of enrollment in temporary Emergency Childcare (which cannot be later than June 30, 2022), and the amount of any family fee assessed, as specified below. A letter template for notification of enrollment in temporary Emergency Childcare services, assessment of family fees, and the last date of temporary Emergency Childcare services can be located at <https://www.cde.ca.gov/sp/cd/ci/documents/emerenrollparentletter.docx>.

Prioritization for New Enrollments in Temporary Emergency Childcare in CAPP and CMAP

Contractors must enroll new families into temporary Emergency Childcare in the following priority order:

1. At-Risk Populations
 - **At-Risk Population Priority 1:** Children identified as receiving Child Protective Services or at-risk of abuse, neglect, or exploitation
 - **At-Risk Population Priority 2:** Children receiving services through the Emergency Foster Care Bridge Program
 - **At-Risk Population Priority 3:** Families experiencing homelessness as defined in Section 11434(a)(2) of Title 42 of the *United States Code*, known as the *McKinney-Vento Homeless Assistance Act*
 - **At-Risk Population Priority 4:** Children of domestic violence survivors
2. Essential workers in the following sectors, whose total family income does not exceed the current income eligibility threshold and are not able to work remotely (enroll in the order listed):
 - **Essential Worker Priority 1:** Healthcare/Public Health and Emergency Service sectors
 - **Essential Worker Priority 2:** Food and agriculture, teachers, education staff and providers of ELC services including custodial, kitchen and other support staff; workers supporting critical infrastructure, state and local government workers, communications

and information technology (IT), energy, transportation and logistics, critical manufacturing, hazardous materials, financial services, and chemical sectors

- **Essential Worker Priority 3:** All other fields listed on the Essential Critical Infrastructure Workers document, located at <https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf>

3. Families with children with disabilities or special health care needs whose IEPs and IFSPs include ELC services.

Family Fees for Families Newly Enrolled in Temporary Emergency Childcare

Contractors must provide written notification to families who are newly enrolled in temporary Emergency Childcare that they will be required to pay a family fee, as applicable, effective the date they are enrolled into temporary Emergency Childcare. Family fees shall be assessed based on the family's self-certification of income, family size, and hours of need provided at enrollment into temporary Emergency Childcare services.

Contractors must issue families an NOA or a letter notifying them of the family fee, as applicable, with the right to appeal the assessed family fee in accordance with *California Code of Regulations*, Title 5 (5 CCR), Section 18120.

At the time CAPP and CMAP contractors notify families of the fee assessment, as applicable, they must also notify providers of the assessed fees and the date fees are to be collected from the family if the contractor deducts the family fees from the provider's reimbursement. Family fees are effective the date the family is enrolled in temporary Emergency Childcare. Family fees for subsequent months are due on the first day of the month, just as they are for families enrolled through the typical process and will become delinquent in accordance with normal procedures. Failure to pay the family fee could result in dis-enrollment from services. Unlike in ongoing childcare, in temporary Emergency Childcare, if a family appeals the contractor's decision to assess family fees, and if the family's appeal of the assessed family fee is successful, the contractor shall issue a refund of the overpayment of fees, as applicable. Contractors may, but are not obligated to, offer families a reasonable repayment plan for delinquent fees. Contractors should ensure that all delinquent fees are resolved prior to the end of the families' Emergency Childcare services.

Families who are dis-enrolled prior to June 30, 2022, due to non-payment of family fees must be given appeal rights. Contractors may notify families of dis-enrollment due to non-payment of family fees by issuing an NOA or a letter. In either case, the family shall be given appeal rights in accordance with 5 CCR Section 18120. A letter template to notify families of dis-enrollment from temporary Emergency Childcare due to unpaid fees can be found at <https://www.cde.ca.gov/sp/cd/ci/documents/emerdisenparentletter.docx>.

Contractors must use the FY 2020–21 Family Fee Schedule available at <https://www.cde.ca.gov/sp/cd/ci/documents/familyfeeschedulejul2020.xlsx> when assessing fees through the end of this fiscal year, as directed below:

- Fees are based on the income, family size and hours of need self-certified by the parent at time of enrollment. No additional documentation will be required.

- Part-time fees are assessed for self-certified need of less than 130 hours per month, and full-time fees are assessed for self-certified need of 130 hours or more per month.
- Families currently enrolled in temporary Emergency Childcare and whose family circumstances have changed may submit a revised self-certification.

The following families are exempt from paying family fees:

- All families with children who are receiving Child Protective Services (CPS) (for the duration of the extension, re-enrollment, or new enrollment of temporary Emergency Childcare)
- All families with children who have been identified as at-risk of abuse or neglect (for the duration of the extension or new enrollment of temporary Emergency Childcare)

In accordance with MB 20-19(a), through June 30, 2021; in instances where a provider must close unexpectedly, including due to COVID-19, or when the provider is required to limit in-person services in response to a local or public health order or guidance, the family should receive a refund or credit for their family fee as specified below:

- When the family paid a full-time or part-time fee as specified in their NOA or letter, as applicable, and the provider was closed for the entire month due to a written state or local public health order or guidance or needed to limit availability for in-person services due to staffing/group size restrictions, the family fees paid for the month of closure should be refunded or credited.
- When the family paid a full-time fee at the beginning of the month as specified on their NOA or letter, and the provider was unexpectedly closed due to a written state or local public health order or guidance, or needed to limit availability for in-person services due to staffing/group size restrictions, the family should be refunded or credited the difference between the full-time fee and the part-time fee, if the hours of in-person service due to the closure were less than 130 hours.

Transition of Temporary Emergency Childcare Families to Ongoing Childcare Services in CAPP and CMAP, and Priorities for Enrollment

Pursuant to AB 89, contractors received an augmentation in September 2020 to provide continuity of care for families who are enrolled in temporary Emergency Childcare. To the extent possible, CAPP contractors must utilize these funds to transition children who are enrolled in temporary Emergency Childcare into ongoing (non-Emergency) subsidized CAPP if they have sufficient funds to do so, in accordance with the requirements below.

CAPP contractors must prioritize families that were enrolled in temporary Emergency Childcare before July 1, 2020, for ongoing subsidized childcare, prior to any other new enrollments, and must enroll families in the following priority order, as specified in Item 6100-194-0890, Provision 7 of AB 89, Section 111(f) of Senate Bill (SB) 98, *EC* 8263(b) and (c), and 5 *CCR* Section 18106:

First Priority Category: Families that received temporary Emergency Childcare in a CAPP prior to July 1, 2020, who:

- Seek to enroll children that are receiving CPS through a county welfare program

- Seek to enroll children that are identified by a legally qualified professional as at-risk of being neglected or abused
- Meet income eligibility requirements, with the lowest gross monthly income in relation to family size admitted first

Second Priority Category: Families that did not receive temporary Emergency Childcare prior to July 1, 2020, who:

- Are receiving CPS through a county welfare program
- Are identified by a legally qualified professional as at-risk of being neglected or abused
- Meet income eligibility requirements, with the lowest gross monthly income in relation to family size admitted first

Note: *Within each priority category, families must be prioritized in the order listed.*

Families receiving temporary Emergency Childcare services that are certified for ongoing subsidized services for FY 2020–21 shall follow the typical enrollment process and must provide all documentation as specified in 5 CCR, and the *12-Month Eligibility Implementation Guidance* issued with MB 17-14, located at <https://www.cde.ca.gov/sp/cd/ci/documents/twelvemonthguidance.doc>.

Families certified for ongoing subsidized services shall receive services for no less than 12 months, as specified in MB 17-14, which can be located at <https://www.cde.ca.gov/sp/cd/ci/mb1714.asp>. Families who are certified for ongoing 12-month eligibility shall receive services for no less than 12 months from the date they are certified for ongoing childcare.

Families seeking to enroll children who are receiving CPS through a county welfare program into ongoing childcare, or who are seeking to enroll children who have been identified by a legally qualified professional as at-risk of being neglected or abused into ongoing childcare, must provide a written referral as specified in 5 CCR Section 18092 to be eligible for prioritization into ongoing childcare. Families who are seeking to be transitioned into ongoing childcare through the CAPP or CMAP, but who do not have a written referral, may continue to receive Emergency Childcare services until June 30, 2022. When the family has obtained the written referral, as specified in 5 CCR Section 18092, the CAPP or CMAP contractor may enroll the family into ongoing childcare services. To the extent possible, CAPP contractors must work directly with families whose children are enrolled in temporary Emergency Childcare and the local R&R agency to assist those families with accessing ongoing subsidized or nonsubsidized childcare services that meet the family's needs. As part of this process, families who meet need and eligibility requirements must be provided information and assistance to access subsidized childcare, while families who do not meet the eligibility and need requirements for ongoing subsidized childcare must be provided information and assistance to access nonsubsidized childcare.

Application Process for Families Transitioning from Temporary Emergency Childcare into Ongoing Childcare

As described above, to the extent possible based on the availability of funds, CAPP contractors **may** begin transitioning eligible families from temporary Emergency Childcare into ongoing childcare, following the certification processes specified in 5 CCR and the 12-Month Eligibility Implementation

Guidance, located at <https://www.cde.ca.gov/sp/cd/ci/documents/twelvemonthguidance.doc>.

Families must document, through the regular documentation process, that they meet the eligibility and need requirements specified in *EC* sections 8263 and 8263.1 in order to be enrolled into ongoing subsidized CAPP childcare.

At the time of certification into ongoing subsidized childcare, the contractor must determine if the family is responsible for paying a flat monthly family fee, and shall assess the family fee as specified in MB 20-13, available at <https://www.cde.ca.gov/sp/cd/ci/mb2013.asp> using the FY 2020–21 Family Fee Schedule available at <https://www.cde.ca.gov/sp/cd/ci/documents/familyfeeschedulejul2020.xlsx>.

Contractors shall issue families transitioning from temporary Emergency Childcare into ongoing childcare an NOA informing them of their 12-month eligibility in accordance with *EC* Section 8263(h) and MB 17-14. Contractors are required to issue an NOA as specified in 5 *CCR* Section 18118, and shall also provide families with due process as specified in 5 *CCR* Section 18120. Families transitioning from temporary Emergency Childcare into ongoing childcare shall be assessed fees, if applicable, based on the eligibility and needed documentation submitted during the enrollment process. If family fees are applicable, contractors shall determine and calculate the appropriate full-time or part-time monthly fee in accordance with MB 20-13, and issue an NOA informing the parent of the applicable full-time and part-time fee.

Child Development and Nutrition Fiscal Services Updates

Alternative Payment Program Contractor Augmentations

AB 82 provides \$76 million to extend current Emergency Childcare enrollments for CAPP and \$80 million to allow for new Emergency Childcare enrollments in CAPP and CMAP through June 30, 2022. The length of time families may be extended for temporary Emergency Childcare, or the number of new families that may be enrolled into temporary Emergency Childcare, is subject to the availability of funds for each CAPP and CMAP contractor. Augmentations provided in FY 2020–21, including the forthcoming augmentation provided by AB 82, must be considered when determining the number of new children that a CAPP or CMAP contractor may enroll with the intention that all temporary Emergency Childcare enrollments can receive care through June 30, 2022.

Each CAPP and CMAP contractor must assess the cost of extending care for each child enrolled in temporary Emergency Childcare to ensure all children enrolled prior to June 30, 2020, may receive care through June 30, 2022. Subsequently, contractors should determine the number of new children that can be enrolled in temporary Emergency Childcare. When determining the number of children that can be enrolled in temporary Emergency Childcare with total contract funding, contractors should consider the number of children that will transfer from temporary Emergency Childcare into ongoing childcare. It is the contractor's responsibility to ensure that the cost of providing care, for current and new enrollments, does not exceed the total CAPP and CMAP contract amount.

An FY 2020–21 augmentation will be provided to CAPP and CMAP contractors to support the extension of enrollments of families currently enrolled in temporary Emergency Childcare, and an additional allocation to allow for new temporary Emergency Childcare enrollments.

CDNFS Reporting Updates

CDNFS report forms will continue to collect temporary Emergency Childcare enrollment data. All temporary Emergency Childcare enrollments reported on CDNFS report forms must align with enrollment and eligibility criteria set forth in this MB. If there are questions related to caseload or fiscal reporting, please contact your assigned CDNFS Fiscal Analyst. The CDE Fiscal Apportionment Analyst Directory web page can be found at <https://www.cde.ca.gov/fg/aa/cd/faad.asp>.

Background and Authority

The California *Education Code (EC)* Section 8263(a)(1)(A) and 8263(a)(1)(B) sets forth the eligibility and need requirements for families receiving subsidized ELC services. Generally, families must meet one eligibility requirement and one need requirement to be eligible for ELC services.

With the exception of the California State Preschool Program (CSPP), *EC* Section 8263(b) specifies the priority order for enrolling families. Families with children who are receiving CPS or are at-risk of abuse, neglect, or exploitation receive first priority for services.

EC Section 8263(c) specifies the requirements for promoting continuity of care in a state or federally-funded child care program.

Additionally, *EC* Section 8263(h) specifies that a family who is found to be eligible by a contractor as meeting eligibility and need requirements pursuant to the state Child Care and Development Services Act must receive services for no less than 12 months from the certification date, and must not be required to report changes to income or other changes for at least 12 months.

In accordance with *EC* sections 8227.3, 8262.1, and 8262.2, contractors are authorized to use digital signatures and maintain records electronically, or convert records from a paper format to an electronic format. Please refer to MB 16-02, located at <https://www.cde.ca.gov/sp/cd/ci/mb1602.asp> for additional guidance.

EC Section 8273 requires the State Superintendent of Public Instruction (SSPI) to establish a family fee schedule for families receiving ELC services, subject to the approval of the schedule by the Department of Finance. The SSPI is charged with designing the family fee schedule based on the most current SMI, adjusted for family size.

On March 19, 2020, April 4, 2020, and April 7, 2020, respectively, the Governor issued Executive Order (EO) N-33-20, EO N-45-20, and EO N-47-20; which in pertinent part, during the State of Emergency:

- Required that all California residents stay at home unless they are considered “Essential Critical Infrastructure Workers” (essential workers)

- Defined “essential workers,” which can be found at <https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf>
- Sustained childcare subsidies for currently enrolled families
- Waived eligibility requirements for children with parents who are essential workers, as defined above, and children with disabilities and special health care needs whose IEPs or IFSPs include ELC services in the following subsidized ELC programs: California Alternative Payment Program (CAPP), California State Preschool Program (CSPP), General Child Care (CCTR), California Migrant Child Care (CMIG), California Migrant Alternative Payment Program (CMAP), and Family Child Care Home Education Networks (CFCC)
- Waived enrollment priorities in *EC* Section 8263(b)(2) and (3), other than prioritizing income-eligible families over families that are not income eligible; and any accompanying regulations with respect to non-CalWORKs ELC services provided to children of essential workers and children with disabilities or special health care needs whose IEPs and IFSPs include early childhood education services
- Waived requirements to allow children enrolling in temporary Emergency Childcare, that are at risk of abuse, neglect, or exploitation to enroll without the need for a written referral from a legal, medical, or social services agency

On March 17, 2020, the Governor signed SB 89 (Chapter 2, Statutes of 2020), which appropriated funds for Coronavirus Disease (COVID) response. The Governor and the Legislature identified \$50 million of these funds for CAPP contractors for new temporary Emergency Childcare enrollments during FY 2019–20.

Based on the authority of SB 117 and these Executive Orders, the CDE issued guidance stating that CAPP, CSPP, CCTR, and CFCC contractors could enroll families in temporary Emergency Childcare until June 30, 2020, if they are one of the following:

1. Deemed to be an “essential worker”, as defined above
2. Identified as a member of an at-risk population, which includes:
 - Children who are receiving CPS or who have been deemed to be at risk of abuse, neglect, or exploitation
 - Children eligible through the Emergency Childcare Bridge Program for Foster Children (authorized by California *Welfare and Institutions Code* Section 11461.6)
 - Families experiencing homelessness as defined in Section 11434(a)(2) of Title 42 of the *United States Code*, known as the *McKinney-Vento Homeless Assistance Act*
 - Children of domestic violence survivors
3. Families with children with disabilities or special health care needs whose IEPs and/or IFSPs include ELC services

Based on the authority of SB 117 and these Executive Orders, families enrolled in temporary Emergency Childcare were required to self-certify their eligibility for enrollment in temporary Emergency Childcare.

On May 29, 2020, the Governor issued EO N-66-20, which allows essential worker families, at-risk populations, and children with disabilities or other health care needs—whose IEPs and/or IFSPs include ELC services and who are enrolled in temporary Emergency Childcare through either a

CCTR, CSPP, CFCC, or a CAPP contract—to receive services through June 30, 2020, or for 60 calendar days following the date of the child’s enrollment, whichever is longer; subject to available funds.

On June 29, 2020, the Governor signed SB 98 (Chapter 24, Statutes of 2020), which appropriated \$73 million for CAPP and CMAP contractors to provide temporary Emergency Childcare services for essential workers and other designated populations for an additional 90 days, in addition to the 60 calendar days specified in EO N-66-20, and possibly longer if a contractor has not exhausted its funds. SB 98 also requires all children who received temporary Emergency Childcare services to be given first priority for enrollment in alternative payment programs with available capacity.

On June 29, 2020, the Governor signed Assembly Bill (AB) 89 (Chapter 7, Statutes of 2020), which appropriated \$47,236,000 available beginning July 1, 2020, for 5,600 CAPP slots to provide continuity of care for families who were previously enrolled in temporary Emergency Childcare. AB 89 requires that families previously enrolled in temporary Emergency Childcare through CAPP and CMAP be given first priority for enrollment into ongoing subsidized childcare through CAPP.

On October 21, 2020, the Joint Legislative Budget Committee (JLBC) released a letter directing \$110 million from the Coronavirus Aid, Relief, and Economic Security (CARES) Act to address some of the additional costs incurred by ELC programs. On October 28, 2020, Governor Newsom signed EO N-129-20 to allocate these funds for the cost of waiving family fees for families not receiving in-person care, to extend temporary Emergency Childcare enrollments through June 30, 2021, and to reimburse programs for the cost to provide school age children full-time childcare.

On February 23, 2021, the Governor signed AB 82, which appropriated \$76 million for CAPP and CMAP contractors to extend temporary Emergency Childcare services for currently enrolled families through June 30, 2022, and \$80 million for CAPP and CMAP contractors to enroll additional essential workers, at-risk children, and children with disabilities or special health care needs, whose IEPs or IFSPs include ELC services, in temporary Emergency Childcare services through June 30, 2022, when those families meet the eligibility and requirements specified in the *EC*, commencing with Section 8200. AB 82 directs the CDE to issue guidance for these additional temporary Emergency Childcare slots that is as similar as possible to guidance issued for temporary Emergency Childcare in the past.

On March 5, 2021, the Governor signed AB 86, to include allowing families enrolling into Emergency Childcare to self-certify their eligibility and need for services.

Resources

The ELCD has developed a COVID-19 guidance and resource page that includes answers to frequently asked questions, all management bulletins issued to implement pertinent legislation, and other relevant resources at <https://www.cde.ca.gov/sp/cd/re/elcdcovid19.asp>.

To be informed of the updated information, please sign up for ELCD's email distribution list at <https://www.cde.ca.gov/sp/cd/ci/progspeclist.asp>.

For guidance on the use of digital applications and signatures, refer to MB 16-01, located at <https://www.cde.ca.gov/sp/cd/ci/mb1601.asp>, and MB 17-03, located at <https://www.cde.ca.gov/sp/cd/ci/mb1703.asp>.

If you have any questions regarding the information in this MB, please contact your assigned ELCD Program Quality Implementation Office (PQI) Regional Consultant via the ELCD Consultant Regional Assignments web page at <https://www.cde.ca.gov/sp/cd/ci/assignments.asp> or by phone at 916-322-6233.

If you have any fiscal questions about the information in this MB, please contact your assigned Child Development Nutrition and Fiscal Services analyst at <https://www.cde.ca.gov/fg/aa/cd/faad.asp> or by phone at 916-323-6196.

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Questions: Early Learning and Care Division | 916-322-6233

Last Reviewed: Thursday, April 29, 2021
