

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



Regulation Package # 0306-01

CDSS MANUAL LETTER NO. EAS- 07-02

TO: HOLDERS OF THE EAS MANUAL, DIVISION 47

**Regulations Package # 0306-01****Effective 7/30/07****Sections 47-201 and 47-401**

This manual letter has been posted on the Office of Regulations Development website at [http://www.dss.cahwnet.gov/ord/Eligibilit\\_617.htm](http://www.dss.cahwnet.gov/ord/Eligibilit_617.htm).

These regulations implement and make specific Senate Bill (SB) 68, Chapter 78, Statutes of 2005 which amended Section 8263.4 of the Education Code which states that the preferred placement of 11- or 12-year-old children is in a before or after school program.

These regulations also implement SB 1104, Chapter 229, Statutes of 2004, which amended Sections 8263(b)(1) and (f) of the Education Code that state that a family receiving subsidized child care on the basis of a child receiving child protective services can receive child care services and an exemption from family fees for up to 12 months. These regulations place time limits on the exemption from family fees for families with children at risk of abuse, neglect, and exploitation and for families with children receiving child protective services.

These regulations change the maximum reimbursement rate to no more than 85 percent of the rates charged by providers offering the same type of child care for the same age child in that region. The amendments are consistent with the California Department of Education (CDE) as required by the Budget Act of 2003, Chapter 157, Statutes of 2003, Item 6110-196-0001, Provisions 7(b) and (c).

These regulations eliminate the county option by requiring counties to reimburse providers for an ill child and for other excused absences as specified in Education Code Section 8208(e).

Education Code Section 8263(f) requires the Superintendent of Public Instruction to establish the family fee schedule. Education Code Section 8447(e) requires the CDE to adjust the family fee schedule annually. For clarity and ease of use, the regulations make a nonsubstantive change in a handbook section by replacing the September 2000 family fee schedule with a reference to the regulations that support the provision which are found in the California Code of Regulations, Title 5, Division 1, Chapter 19, Subchapter 3, Article 5.

These regulations were considered at the Department's public hearing held on August 16, 2006.

### **FILING INSTRUCTIONS**

**Revisions to all manuals are shown in graphic screen.** The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing EAS changes was EAS-07-01.

Page(s)

Replace(s)

632 through 632.3  
643 through 646

Pages 632  
Pages 643 through 646

Attachments

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**47-201 ELIGIBLE CHILDREN (Continued)** **47-201**

- .2 Age Requirements The child shall not exceed the age specified in Section 42-101 and shall be:

  - .21 Age Limit 10 years of age or younger; or
  - .22 Disabled 11 years of age or older and require child care or supervision because she or he is physically or mentally incapable of caring for herself or himself based on a written statement of a physician or licensed or certified psychologist or receipt of SSI/SSP; or
  - .23 Court Supervision 11 years of age or older and be under court supervision as specified in Welfare and Institutions Code Section 300, 301, 601 or 602.

- .3 11 –and 12 – Year Old Children 11 – and 12- year- old children may receive services to the extent funds are available.

  - .31 Children with Disabilities The following section on the preferred placement for 11- or 12–year-old children does not apply to 11- or 12–year–old children with disabilities per Education Code Section 8263.4.

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- .311 This section does not apply to 11- or 12-year-old children with disabilities, including a child with exceptional needs who has an individual education plan as required by the Individual with Disabilities Education Act (20 U.S.C Section 1400), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794), or Part 30 Sections 56000 through 56885) of the Education Code.

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- .32 Preferred Placement The preferred placement for 11-and 12-year-old children is in a before or after school program as specified by Education Code Section 8263.4.

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.321 Children who are 11 or 12 years of age shall be eligible for subsidized child care services only for the portion of care needed that is not available in a before or after school program.

Families may combine care provided in a before or after school program with subsidized child care in another setting, for those hours within a day when the before or after school program does not operate, in order to meet the child care needs of the family.

.322 Children who are 11 or 12 years of age, who are eligible for and who are receiving subsidized child care services, and for whom a before or after school program is not available, shall continue to receive subsidized child care services.

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.33 Notification and Certification The CWD must provide a notification and certification form as developed by the Department of Education pursuant to Education Code Section 8263.4(d) to families with children who are at least 10 years and 10 months old stating that the preferred placement is in a before or after school program. In the event that a child is beyond his/her 11th birthday at the time child care services are requested, the CWD must provide the notification and certification form to the family at the time of the request.

If a before or after school program does not meet the family's needs, the parent is to complete, sign and return the notification and certification form to the CWD by the child's 11<sup>th</sup> birthday. After the child's 11th birthday, a before or after school program shall be considered available until such time as the parent returns the certification form.



**CHAPTER 47-400 PAYMENT FOR CHILD CARE SERVICES**

**47-401 CHILD CARE PAYMENT LIMITS 47-401**

.1 Maximum Payment Rate The maximum payment rate for all Stage One child care shall be consistent with the rate established by the California Department of Education and as specified by the Budget Act of 2006, Chapter 47 Statutes of 2006, Item 6110-196-0001, Provision 2(b).

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.11 The maximum payment rate for all child care costs shall be up to the 85<sup>th</sup> percentile of the market rates charged by providers who offer the same type of child care for the same age child in the region where care is provided.

.12 Refer to the California Code of Regulations, Title 5, Division 1, Chapter 19, Subchapter 2.5, Sections 18074 to 18076.3 for the Utilization of the Regional Market Rate Ceiling.

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.13 Payment Basis Counties shall calculate payments for child care on a monthly basis, weekly basis, daily basis or hourly basis, depending on the client's needs and the contractual terms used by the child care provider to charge other members of the public receiving the same services.

.2 Payment Limits Payment for Stage One child care services shall not exceed the fee charged to other members of the public receiving the same service.

.21 Exception to Payment Limits Counties shall not be bound by the rate limit described in Section 47-401.1 when there are, in the region, no more than two child care providers of the type needed by the recipient of child care services provided under this Division.





**47-401 CHILD CARE PAYMENT LIMITS (Continued)** **47-401**

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| .8 | Family Fee Schedule | The Family Fee Schedule is established by the Superintendent of Public Instruction pursuant to Education Code Section 8263. Refer to the California Code of Regulations, Title 5, Division 1, Chapter 19, Subchapter 3, Article 5 for the utilization of the family fee schedule. |
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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 U.S.C. 9858c, 45 CFR 98.43; Budget Act of 2006, Chapter 47, Statues of 2006, Item 6100-196-0001, Provision 2(b); Sections 8202(g)(3), 8208, 8208.1, 8221, 8222, 8263, 8351, and 8357, Education Code; And Sections 11320.3, 11323.2, 11323.4 and 11323.8, Welfare and Institutions Code.

**47-420 PAYMENT OF CHILD CARE COSTS** **47-420**

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| .1   | Child Care Payments to Providers | The county shall issue child care payments on behalf of the client directly to the child care provider except as provided in Section 47-420.2.  |
| .2   | Child Care Payments to Clients   | Child care payments may be made directly to the client, as the employer, if child care is provided in the home of the client. The county shall inform the client of his/her corresponding legal and financial reporting requirements. |
| .21  | Information Needed for Payment   | The county shall issue a child care payment only when the client provides the following information on a monthly basis:   |
| .211 | Hours of Care                    | Number of hours of care given per child.  |
| .212 | Cost Per Child                   | Cost per child as verified by the child care provider's rate schedule.  |
| .213 | Signatures                       | Signatures provided by both the child care provider and the client under penalty of perjury, verifying the accuracy of the information.   |