Management Bulletin 20-05

Early Learning and Care Division

Subject: COVID-19 Guidance: Temporary Waiver of Family Fees

Number: 20-05

Date: March 2020

Expires: June 30, 2020, or unless rescinded sooner

Authority: Senate Bill 117 (Chapter 3, Statutes of 2020)

Attention: All Executive Officers and Program Directors of Early Learning and Care Programs

Purpose

This Management Bulletin (MB) is to notify and provide guidance to state-subsidized early learning and care (ELC) programs that they must waive family fees following the enactment of Senate Bill 117.

It is important to note that the fee waiver is not a permanent change to statute or regulation. Each requirement will apply until June 30, 2020, unless nullified or changed by the Legislature. As the situation evolves and more information is available, the California Department of Education (CDE) will issue additional guidance.

Background and Authority

California Education Code (EC) Section 8273 requires the CDE to develop a family fee schedule for families receiving ELC services. California Code of Regulations, Title 5 (5 CCR), Section 18109 sets forth requirements on how to assess family fees.

Code of Federal Regulations, Title 45 (45 CFR) Section 98.45(k)(4) provides that the CDE has the option to waive family fee requirements for families that meet established criteria.

On March 17, 2020, the Governor signed Senate Bill 117 (Chapter 3, Statutes of 2020) which includes provisions to ensure continuity of care for children and continuity of payments to state-subsidized early learning and care programs, subject to guidance from the State Superintendent of Public Instruction (SSPI).

This new law allows the SSPI to develop directives to modify, as necessary, contractual requirements applicable for Fiscal Year (FY) 2019-20 state-subsidized ELC programs impacted by COVID-19. This authority applies to FY 2019-20 and the following programs: Alternative Payment Program (CAPP), Migrant Child Care (CMIG and CMAP), California State Preschool Program (CSPP), General Child Care (CCTR), Family Child Care Home Education Networks (CFCC), Care for Children with Severe Disabilities (CHAN), and CalWORKs Stages 1, 2, and 3 (C1AP, C2AP, and C3AP) programs.
The guidance below responds to this topic.

Policy

Effective April 1, 2020, the contractors must not impose or collect family fees for ELC services for the months of April through June 2020. The waiver of family fees for parents will not affect the amounts paid to providers, as contractors will reimburse providers for the full amount of the certificate or voucher without deducting family fees.

Directive

All Early Learning and Care Division Contractors (CSPP, CCTR, CMIG, CHAN, CAPP, C1AP, C2AP, C3AP, CMAP, CFCC)

For the months of April, May, and June 2020, all family fees are waived. Fees paid for March services, will not be credited or refunded.

Contractors must immediately suspend collecting any family fees as of April 1, 2020, for the remainder of this FY and must notify families and providers that the fees for April, May, and June have been waived.

Alternative Payment (AP) contractors that require providers to collect family fees directly, must direct providers to suspend collecting these fees. Contractors will reimburse providers fully, without deducting the amount assessed for family fees. Contractors will inform families that fee imposition and collection will be suspended through June 2020.

New certifications or recertifications

Contractors that are continuing to certify or recertify families during this time where family fees are waived, shall continue to calculate the appropriate family fee and indicate such fee on the Notice of Action as typically done. The Notice of Action shall indicate the family fee assessed, as well as indicate that the family fee is waived for the months of April, May and June. Family fee payments will begin, for new certifications, or resume in July 2020.

Families on Delinquent Family Fee Plans

For families that have a delinquent family fee plan, contractors shall place the plan on hold for the months of April through June 2020. Families shall not be terminated due to outstanding fees owed or while repayment plans are on hold. Delinquent family fee plans, including outstanding fees for March, will resume in July 2020. Family fees waived for April through June 2020 will not be included in the delinquent family fee plan. Families that wish to pay off any outstanding family fee balance during the April through June period may do so and such amount shall be credited to their account.

Credit for Fees Paid to Other Service Providers

Contractors shall not be required to collect receipts or cancelled checks for the months in which family fees are waived.

CDE Reporting Updates

March family fees will be reported as usual on the Child Development and Nutrition Fiscal Services (CDNFS) Attendance and Fiscal Reports. The waived family fees for April through June 2020 will not be reported on the CDNFS Attendance and Fiscal Reports.

Resources

The California Department of Social Services (CDSS) Community Care Licensing Division has developed Provider Information Notice (PIN) 20-04-CCP, which provides a statewide waiver for operation of child care facilities, including licensees, registered TrustLine providers, and temporary employer sponsored child care, along with guidance for the implementation of prevention, containment, and mitigation measures for COVID-19. This PIN, as well as others, can be found on the CDSS website at https://www.cdss.ca.gov/inforesources/community-care-licensing.

Additional information is forthcoming to address ELC provider payments, care for families with essential workers, and contract requirements including program quality activities and reporting requirements. The CDE will additionally be developing a resource page that will include answers to frequently asked questions, all management bulletins issued to implement pertinent legislation, and other relevant resources. To be informed of the updated information, please sign up for the Early Learning and Care Division's (ELCD) email list at https://www.cde.ca.gov/sp/cd/ci/progspecialist.asp.


If you have any questions regarding the information in this MB, please contact your assigned ELCD Regional Consultant at https://www.cde.ca.gov/sp/cd/ci/assignments.asp or by phone at 916-322-6233.

If you have any questions related to reporting family fees that have been waived, please contact your assigned CDNFS Fiscal Analyst at https://www.cde.ca.gov/fg/aa/cd/faad.asp.

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

Last Reviewed: Thursday, March 26, 2020