

September 13, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**CHILD CARE BULLETIN NO. 21-07**

The purpose of this Child Care Bulletin is to provide guidance to counties and child care and development contractors regarding the implementation of the provisions of Assembly Bill 131 (Chapter 116, Statutes of 2021) pertaining to child care reimbursement based on enrollment rather than attendance and signature requirements effective July 1, 2021, through June 30, 2022.



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DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
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GAVIN NEWSOM  
GOVERNOR

September 13, 2021

CHILD CARE BULLETIN NO. 21-07

GUIDANCE TYPE: **DIRECTIVE**

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY CHILD CARE COORDINATORS  
ALL CHILD CARE AND DEVELOPMENT CONTRACTORS

SUBJECT: **IMPLEMENTATION OF ASSEMBLY BILL (AB) 131 (CHAPTER 116, STATUTES OF 2021): REIMBURSEMENT BASED ON ENROLLMENT RATHER THAN ATTENDANCE AND SIGNATURE REQUIREMENTS FOR CHILD CARE AND DEVELOPMENT PROGRAMS ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)**

APPLICABLE PROGRAMS: ALTERNATIVE PAYMENT PROGRAMS  
MIGRANT ALTERNATIVE PAYMENT PROGRAMS  
CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CALWORKS) STAGE ONE, TWO, AND THREE  
THE EMERGENCY CHILD CARE BRIDGE PROGRAM FOR FOSTER CHILDREN  
GENERAL CHILD CARE AND DEVELOPMENT PROGRAMS  
FAMILY CHILD CARE HOME EDUCATION NETWORKS  
MIGRANT CHILD CARE AND DEVELOPMENT PROGRAMS  
CHILD CARE AND DEVELOPMENT PROGRAMS FOR CHILDREN WITH SPECIAL NEEDS

REFERENCE: [ASSEMBLY BILL 131 \(CHAPTER 116, STATUTES OF 2021\);](#)  
[MANAGEMENT BULLETIN \(MB\) NO. 20-04\(A\); MB NO. 20-15A;](#)  
[ALL COUNTY WELFARE DIRECTORS LETTER DATED OCTOBER 2, 2020;](#)  
[SENATE BILL\(SB\) 98 \(CHAPTER 24, STATUTES OF 2020\);](#)  
[SB 820 \(CHAPTER 110, STATUTES OF 2020\)](#)

## **Purpose**

The purpose of this Child Care Bulletin is to provide guidance to counties and child care and development contractors regarding the implementation of the provisions of Assembly Bill 131 (Chapter 116, Statutes of 2021) pertaining to child care reimbursement based on enrollment rather than attendance and signature requirements effective July 1, 2021, through June 30, 2022.

## **Background**

Pursuant to Education Omnibus Budget Trailer Bill, [SB 98 \(Chapter 24, Statutes of 2020\)](#) and [SB 820 \(Chapter 110, Statutes of 2020\)](#), the following provisions were enacted:

### Provider Reimbursement Based on Certified Need

A hold harmless provision was included in SB 98 for all child care providers receiving state- and federally-funded subsidies. Child care providers and contractors were reimbursed for the maximum authorized hours of care, regardless of attendance during Fiscal Year (FY) 2020-21. This provision applied whether a facility was open or closed due to a public health order. Direct service contractors were also required to provide distance learning services under this policy.

### Signature Requirement Waiver

SB 820 granted a signature requirement waiver and flexibility for the attendance/records or invoices until June 30, 2021. Contractors and child care providers were allowed to submit attendance records/invoices for reimbursements during the fiscal year 2020-2021 without a parent signature if the parent was unable to sign due to the COVID-19 pandemic.

## **New Guidance**

Pursuant to [Assembly Bill 131 \(Chapter 116, Statutes of 2021\)](#), the above-described flexibilities have been extended, as detailed further below.

### Provider Reimbursement Based on Certified Need

- For voucher-based providers:
  - Licensed and license-exempt child care providers receiving vouchers through California Work Opportunity and Responsibility to Kids (CalWORKs) Stage One, Stage Two (C2AP) or Stage Three (C3AP), Alternative Payment (CAPP), Family Child Care Home Education Networks (CFCC), and/or Migrant Alternative Payment (CMAP) programs, shall continue to be paid based on families' certified need for services, as follows:
    - Providers, including license-exempt providers, shall be reimbursed based on the maximum authorized hours of care, regardless of attendance.
    - For families certified for a variable schedule, providers shall be reimbursed based on the maximum authorized hours of care.
    - For license-exempt providers who provide part-time services, providers shall be reimbursed based on the maximum authorized hours of care.

Note: Guidance pertaining to the Emergency Child Care Bridge Program for Foster Children will be released at a later date.

- For direct service contractors:
  - Contracting agencies operating a Migrant Child Care and Development Program (CMIG), a General Child Care and Development Program (CCTR), a Child Care and Development Services for Children with Special Needs Program (CHAN) or a Family Child Care Home Education Network Program (CFCC) shall be reimbursed based on the maximum authorized hours of care, regardless of attendance, if they meet either of the following requirements:
    - The program is open and operating in accordance with their approved program calendar and remains open and offering services through the program year.
    - The program is closed by local or state public health order or guidance due to the COVID-19 pandemic.
  - Reimbursement shall be 100% of the contract maximum reimbursable amount or net reimbursable program costs, whichever is less.
  - Contracting agencies operating a CMIG, CCTR, CHAN or CFCC program that is physically closed due to the COVID-19 pandemic but funded to be operational shall provide distance learning services and submit a distance learning plan to the Department.

#### American Rescue Plan Act (ARPA) Survey Requirement

Provider reimbursement based on certified need is being funded by American Rescue Plan Act of 2021 (Public Law 117-2) Child Care Stabilization funds. In accordance with federal requirements for Child Care Stabilization Grants appropriated pursuant to ARPA, contractors and providers who are reimbursed based on certified need rather than attendance must provide information via a one-time survey. CDSS will specify the timeline and format in which this information must be submitted, and information shall include, but not be limited to, all of the following:

- Address, including zip code;
- Race and ethnicity;
- Gender;
- Whether the provider/contractor is open and available to provide child care services or closed due to the COVID-19 public health emergency;
- Use of federal funds received; and,
- Documentation that the provider/contractor met certifications as required by federal law.

CDSS will release the survey and associated guidance under separate cover.

### Signature Requirement Waiver

Pursuant to Welfare and Institutions Code (WIC) Section 10227.5, attendance records and invoices must include the dates and times in and out documented on a daily basis and must be signed by both the provider and the parent. If the child is not in attendance, the provider must indicate the reason for absence.

Effective July 1, 2021, through June 30, 2022, or through the end of the state of emergency in response to the COVID-19 pandemic as declared by the Governor on March 4, 2020, whichever comes first, contractors must reimburse providers who submit an attendance record or invoice without a parent or guardian signature if the provider has attempted to collect the signature but the parent or guardian is unable to sign due to the COVID-19 pandemic.

WIC Sections 10227.5 and 10269 allow contractors and providers to use digital signatures. Software that uses digital signatures is reimbursable within contract funds.

### **Provider Notification**

In accordance with WIC Section 10233.5, beginning July 1, 2020, Alternative Payment Programs (APPs) must provide a written notice, which includes the specific action(s) and effective date of the action(s), to the provider. This notice must be issued on the same day the NOA is issued to a family. The provider notice is to be issued when any of the following occurs:

- Changes to reimbursement amounts
- Changes to certified need (hours of care)
- Changes to certified schedules
- Rate changes
- Increases or decreases to family fees
- Disenrollment from services
- Changes of provider

The provider notice must be issued either electronically, if requested by the child care provider, or via the United States Postal Service. The notification shall not be deemed a violation of the parent's confidentiality, but as a method to ensure the proper administration of subsidy funds.

### **Data Collection**

Effective July 1, 2021, all CAPP and CMAP contractors are required to report monthly caseload and fiscal data online to the contractor's assigned fiscal analyst. The following data elements are to be reported to the fiscal analyst regardless of the contractor's contract status:

- County-by-county caseload
- Expenditures

- Unit costs
- Family fees
- Other key costs of care variables requested by CDSS and used to determine any additional state allocations to these programs for purposes of the emergency response.

Monthly Caseload and Fiscal reports shall be exclusively submitted electronically at [Child Development Fiscal Services](#) and are due by the 20th of the month following the month of the reported data. All CAPP and CMAP contractors will be required to submit caseload data associated with emergency child care enrollments, as well as caseload data associated with ongoing enrollments.

Note: If a contractor provides services in more than one county, the contractor will be required to submit a separate Caseload Report for each county in which services are being provided. Each report shall include a certification of the person authorized by the contractor that the information contained in the report is correct and complete.

If you have any questions or need additional guidance please contact the Child Care Policy and Development Bureau at (916) 657-2144 or at [CCPB@dss.ca.gov](mailto:CCPB@dss.ca.gov).

Sincerely,

***Original Document Signed By***

DR. LUPE JAIME-MILEHAM, Deputy Director  
Child Care and Development Division