

Early Care and Education



California Foster Youth Education Task Force

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EARLY CARE AND EDUCATION PROGRAMS AND SERVICES

Early education is recognized as a key to children's later education success and a stabilizing force for families. In California, Early Care and Education (ECE) is provided by a patchwork of public, private non-profit, and private for-profit ECE service providers. State and federally funded affordable child care in California is administered by the California Department of Education's Early Learning and Support Division through contracts with public and private agencies and the Department of Developmental Services Early Start Program. Starting July 1, 2020, all child care programs except for state preschool will be transferred to and administered by the California Department of Social Services.

Eligibility for publicly funded affordable child care is based primarily on a family's income and need for care, with more specific individual criteria for certain programs. Children at risk of abuse and neglect or children receiving protective services through the county welfare department remain a top priority for receiving services. Under *EC 8263(b)*, the first priority for federal and state subsidized child development services are given to neglected or abused children who receive child protective services or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency. *EC 8263(b)*; *5 CCR 18106*.

Consequently, many programs streamline enrollment for children receiving child welfare services by waiving income requirements and making them automatically eligible. Families seeking child care should contact their local Child Care Resource and Referral Agency (R&R) for assistance finding child care at <http://www.cde.ca.gov/sp/cd/re/rragency/ist.asp> or <http://www.rnetwork.org>. R&Rs will also assess whether a family is eligible for state and federally funded child care and whether the family needs to be placed on a child care waiting list.

Early Education Options May Include the Following:

- **California Work Opportunity and Responsibility for Kids (CalWORKs) Child Care**

Families, resource parents, or caregivers who currently receive or received CalWORKs cash assistance or a diversion payment within the past two years are eligible to receive assistance paying for child care with a provider of their choice, if they are employed or participating in county-approved activities. Child care is provided for children through age 12, and up to age 21 for children who have exceptional needs or are severely disabled.



Eligible families are entitled to immediately receive child care and not be placed on a waiting list, and to receive at least 12 months of child care assistance. To qualify, the family, resource parent, or caregiver must be working, looking for work, getting training, going to school, or doing an activity that addresses family needs (such as counseling, housing search, or medical appointments). Families are also eligible for CalWORKs child care if they are experiencing homelessness or cannot take care of their child due to a physical or mental health condition.

CalWORKs child care payments are in the form of a voucher that recipients can use to pay the child care provider or center of their choice. The local Child Welfare Agency or Alternative Payment Program paying for CalWORKs child care usually makes the voucher payment

directly to the person or child care center providing child care. *EC 8350-8355*; *WIC 11323.1-11323.3*.

- **Early Head Start and Head Start**

Early Head Start and Head Start are federally funded programs promoting school readiness by enhancing social and cognitive development. Early Head Start provides family-centered services that facilitate child development, support parental roles, and promote self-sufficiency for children from birth to age 3. It also serves pregnant women with low incomes. Head Start provides part-day preschool programs for children ages 3 to 4, as well as educational, social, health, and other services, with a particular focus on early reading and math skills. Children in foster care are automatically eligible and have a priority for admission in both programs. To receive funding, all new Head Start programs must have a plan to meet the needs of children in foster care, including transportation. *42 USC 9831, 9840a*. *45 CFR 1302.20-1302.24, 1305.2*.

- **State Preschool Programs**

State preschool programs offer both part-day and full-day services that provide a core class curriculum that is developmentally, culturally, and linguistically appropriate for children ages 3 and 4. The program also provides meals and snacks to children, parent education, referrals to health and social services for families, and staff development opportunities to employees. The program is administered through local educational agencies (LEAs), colleges, community-action agencies, and private nonprofit agencies.

- **Alternative Payment Programs (APPs)**

APPs, funded with state and federal funds, offer an array of child care arrangements for parents, such as in-home care, family child care, and center-based care. The APP helps families arrange child care services and makes payment for those services directly to the child care provider selected by the family or directly to the parent. The APP is intended to increase parental choice and accommodate the individual needs of the family. The program is for children through age 12 and children with disabilities up to age 21. *EC 8201, 8208(i)*.

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- Emergency Child Care Bridge Program for Foster Children and Parenting Foster Youth (Bridge Program)**

Adopted in 2017, the Bridge Program helps foster families and parenting foster youth access high-quality child care for foster children by providing (1) an emergency, time-limited voucher to help them pay for child care for up to 6 months, with an extension to 12 months, as needed; (2) child care navigation support, with navigators helping them to immediately access child care and then working continuously with them to transition or stabilize the children in long-term, high-quality child care; and (3) training for the child care workforce in trauma-responsive best practices to better meet the unique needs of abused and neglected children. *EC 8212(a)(5); WIC 11461.6*. Foster families and parenting foster youth can receive the Bridge Program voucher for foster children through age 12, and if the child has a disability, they may qualify to receive child care vouchers until age 21.

EARLY INTERVENTION SERVICES ACT – PART C OF IDEA

To be eligible for federal funding for early intervention programs under the Individuals with Disabilities Education Act (IDEA, reauthorized under the Individuals with Disabilities Education Improvement Act of 2004), states must ensure that appropriate early intervention services are available to all infants and toddlers with developmental delays or at risk of developing such delays who are in foster care or in the custody of a child welfare agency. *34 CFR 303.1, et. seq.*

In addition, states receiving funding under Child Abuse and Prevention Treatment Act (CAPTA) must establish procedures to refer every child under the age of 3 who has been involved in a substantiated case of abuse or neglect to early intervention services funded under Part C of the IDEA. *42 USC 5106a*.

California’s Early Start Program

The California Early Intervention Services Act was California’s response to federal legislation requiring early intervention services. It created the Early Start Program designed to ensure that infants and toddlers



with developmental delays or at risk of developing such delays and their families are provided with early intervention services in a coordinated, family-centered system that is available statewide through the state’s 21 regional centers. Regional centers are non-profit organizations that contract with the Department of Developmental Services to provide services under Part C of the IDEA. *GC 95000 et seq.*

Early Start Eligibility

The Early Start program serves children under the age of 3 years old. To be eligible for services, the regional center must conduct a developmental evaluation to determine eligibility in five developmental domains including cognition, physical/motor, communication, social/emotional, and adaptive behavior, and conduct comprehensive multidisciplinary assessments to determine the need for services (e.g., speech and language assessment, occupational therapy assessment, physical therapy assessment). The evaluation and assessment(s) are also used to establish baselines from which to draft “outcomes” (i.e., goals) in an eligible child’s Individualized

Family Service Plan (IFSP). Children can be eligible for services under the following categories (*GC 95014, 95020*):

Category 1: Developmental Delay

Children qualify for Early Start if they have a developmental delay in one or more of the following five areas: cognitive development; physical and motor development, including vision and hearing; communication development; social/emotional development; or adaptive development. A developmental delay is defined as “a significant difference between the expected level of development for their age and their current level of functioning,” and must be determined by a qualified evaluator. A difference between expected and actual levels of development is significant if the child is delayed by 33% in one or more developmental areas. *GC 95014(a)(1)*.

Category 2: Established Risk

Children may be eligible for Early Start services if they have a condition diagnosed by a qualified individual that has a high probability of resulting in developmental delay. *GC 95014(a)(2)*.

Category 3: High Risk

Children are also eligible for Early Start services if they are at high risk of having substantial developmental disabilities due to biomedical risk factors, such as significant prematurity or prenatal substance exposure. *GC 95014(a)(3)*.

Responsibility for Services

Infants and toddlers who have only hearing, vision, or severe orthopedic impairments (or a combination of these) are served by LEAs through coordination with the Special Education Local Plan Area (SELPA). All other children qualifying for Early Start will receive services through one of California’s regional centers. All children and families receiving Early Start services will be assigned a service coordinator approved by the Department of Developmental Services to coordinate the services provided. *GC 95014(b) and 17 CCR 52120*.

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Early Start Referrals

After receiving a referral to Early Start, the regional center has 45 days to complete an evaluation and assessments, hold a meeting to determine eligibility, and develop an Individualized Family Service Plan (IFSP). *GC 95020; 17 CCR 52086.*

The Individualized Family Service Plan (IFSP)

The family, service coordinator, and service providers must meet at least every six months, or more often if necessary, to determine whether the child is making progress and whether any changes need to be made to the IFSP. An IFSP should include:

1. A statement of the infant's or toddler's present levels of physical development including vision, hearing, and health status, cognitive development, communication development, social and emotional development, and adaptive developments;
2. A statement of the family's concerns, priorities, and resources related to meeting the special developmental needs of the child;
3. A statement of the major outcomes expected to be achieved for the infant or toddler and family;
4. The details of the services to be provided—who will provide them, where, how often, etc.;
5. The services to be provided including the duration, location, and frequency of services to be provided (e.g., one hour per week of speech and language therapy provided in home), and the agency responsible for providing the identified services;
6. The name of the child and family's service coordinator;
7. The steps that will be taken to ensure the child and family receive appropriate services once the child reaches the age of 3; and
8. The projected dates for the initiation of services provided and the anticipated duration of those services. *GC 95020(d).*

Transition Requirements

A plan for a smooth and effective transition between early education services and the services the child may receive after their third birthday must be developed for all children receiving early intervention services, including developing and implementing an Individualized Education Program (IEP) if the child is eligible for special education. *34 CFR 303.124.*

Due Process Procedures

Most SELPAs throughout California utilize a conflict resolution support process referred to as Alternative Dispute Resolution (ADR). Any educational rights holder who believes the LEA is not appropriately assessing or serving a child may request ADR support from the SELPA. This first level of collaborative problem-solving preserves relationships, ensures a focus on the needs of the child, and supports ongoing teamwork focused on the resources available for the child.

If a child's educational rights holder disagrees with the services offered by the IFSP, or if the LEA or regional center refuses to evaluate or offer services to a child, the educational rights holder can file for a due process hearing with the Office of Administrative Hearings (OAH). OAH Complaints should be filed at: Office of Administrative Hearings, Attention: Early Start Intervention Section, 2349 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833; phone (800) 515-2229, fax (916) 376-6318.

If anyone believes that the agency responsible for providing services written in the child's IFSP is not meeting its obligations, they can file a complaint with the Department of Developmental Services (DDS). DDS Complaints should be filed at: Department of Developmental Services Office of Human Rights, Attention: Early Start Complaint Unit, 1600 Ninth Street, Room 240, M.S. 2-15, Sacramento, CA 95814.

All complaints and due process hearing requests should include:

1. The name, address, and phone number of the person filing the complaint;
2. A statement that the regional center or a service provider receiving funds under Part C of the Individuals with Disabilities Education Act has violated a state or

federal law or regulation regarding early intervention services;

3. A statement of facts upon which the violation is based;
4. The party responsible; and
5. A description of the voluntary steps taken to resolve the complaint (if any).

Once the Department receives a complaint, it has 60 days to investigate and issue a written decision. *17 CCR 52170-52171.*

An administrative law judge will hear both sides and make a decision within 30 days of the complaint being filed. *17 CCR 52174.*

Regional Center Transfers

When a foster child changes home placements, their social worker must immediately send a Notice of Relocation to the child's sending regional center (the regional center where the child received services before they changed homes). The Notice of Relocation must include the child's name, date of birth, new address, caregiver and ERH names and contact information, and court of jurisdiction.

Upon receiving a Notice of Relocation, the sending regional center must immediately send to the receiving regional center (the regional center that will serve the child in their new home) a Notice of Transfer and all records needed to provide services for the child in the new placement, including assessments. The Notice of Transfer must include the same information as the Notice of Relocation, plus a copy of the current IFSP and the contact information of the child's social worker.

The sending regional center is responsible for funding services for the child in their new placement until the receiving regional center has effectively assumed responsibility over the case. Throughout the entire transfer process, services must be provided to the child with no breaks or delays. To aid in this, the receiving regional center must provide information about available service providers to the sending regional center within 14 days of receiving the Notice of Transfer.

A receiving regional center has effectively assumed responsibility when all the following occurs: (1) a new service coordinator has been assigned to the child's case; (2) the IFSP from

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the sending regional center is adopted or, if changes to the sending regional center's IFSP are necessary to meet the child's needs or services are not available in the new location, a new or revised IFSP has been developed within 30 days of the Notice of Transfer; and (3) the child is receiving the services and supports in the adopted, new, or revised IFSP.

If the child has been found eligible for Early Intervention by the sending regional center but does not yet have an IFSP, the receiving regional center must also consider the child eligible and must develop an initial IFSP within 30 days of the Notice of Transfer.

If all services in the child's IFSP have not started in their new location within 30 days of the Notice of Transfer, the sending regional center must report in writing to the court, social worker, and the child's ERH, regardless of which regional center is at fault. The report must state what services are being provided to the child and the steps being undertaken to secure any services identified in the child's IFSP but not yet provided. The sending regional center must continue reporting at 30-day intervals until all services in the child's IFSP have started. *17 CCR 52111; WIC 4643.5; Department of Developmental Services, Inter-Regional Center Transfer Guidelines, Dec. 8, 1998.*

PRESCHOOL SERVICES FOR CHILDREN WITH DISABILITIES

All LEAs are required to provide special education services for eligible children with disabilities between the ages of 3 and 5 years old. *EC 56001(b) and 56440(c)*. These services are documented in an Individualized Education Program (IEP).

Eligibility

To be eligible for preschool special education services under IDEA Part B, a child must meet one of the 13 special education eligibility criteria. Additionally, the child must also need specially designed instruction and services, and must have needs that cannot be met by modifying a regular environment in the home or school (or both) without ongoing monitoring or support.

A child is not eligible for special education and services if the child does not otherwise meet the eligibility criteria and their educational needs are primarily due to:

1. Unfamiliarity with the English language;
2. Temporary physical disabilities;
3. Social maladjustment; or
4. Environmental, cultural, or economic factors.

EC 56441.11(b)-(c).

Transition Services

Prior to transitioning a child receiving preschool special education services to grade school (kindergarten or first grade), an appropriate reassessment of the child must be conducted by the LEA to determine if the child is still in need of special education services. *EC 56445(a)*.

For more special education information, please refer to the Special Education Fact Sheet.

