

**Regulation 5148.3: Preschool/Early Childhood Education**

**Status:** ADOPTED

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When

Children with exceptional needs means either of the following: (Education Code 8205)

1. Children under three years of age who have been determined to be eligible for early intervention services pursuant to the California Early Intervention Services Act (Government Code 95000-95029.5) and its implementing regulations, including an infant or toddler with a developmental delay or established risk condition, or a child who is at high risk of having a substantial developmental disability, as defined in Government Code 95014. Children with exceptional needs under the age of three shall have active individualized family service plans (IFSP) and shall be receiving early intervention services.
2. Children 3 to 21 years of age, inclusive, who have been determined to be eligible for special education and related services by an individualized education program (IEP) team according to the special education requirements contained in Education Code 56000-56865, and who meet eligibility criteria described in Education Code 56026 and 56333-56338 and 5 CCR 3030-3031. Children with exceptional needs between ages 3 to 21 shall have an active IEP and shall be receiving early intervention services or appropriate special education.

Dual language learner children means children whose first language is a language other than English or children who are developing two or more languages, one of which may be English. (Education Code 8205)

Early enrollment child means a child whose fourth birthday will be between June 3 and September 1 preceding the school year during which they are enrolled in a transitional kindergarten (TK) classroom. (Education Code 48000.15)

Three-year-old children means children who will have their third birthday on or before December 1 of the fiscal year in which they are enrolled in a program approved by the California Department of Education (CDE) under the California State Preschool Program (CSPP). Children who have their third birthday on or after December 2 of the fiscal year, may be enrolled in a CSPP program on or after their third birthday. (Education Code 8205)

Four-year-old children means children who will have their fourth birthday on or before December 1 of the fiscal year in which they are enrolled in a CSPP program, or a child whose fifth birthday occurs after September 1 of the fiscal year in which they are enrolled in a CSPP program and whose parent or guardian has opted to retain or enroll them in a CSPP program. (Education Code 8205)

When approved by CDE under the CSPP, the district may operate one or more part- or full-day preschool programs in accordance with law and the terms of its contract with CDE.

The district's CSPP program shall include all of the following: (Education Code 8207)

1. Age and developmentally appropriate activities for children
2. Supervision
3. Parenting education and parent engagement
4. Social services that include, but are not limited to, identification of child and family needs and referral to appropriate agencies
5. Health services
6. Nutrition
7. Training and career ladder opportunities, documentation of which shall be provided to CDE
8. Physical activity to support children's health

The district's preschool program shall ~~include all required program components, as~~ satisfy all the requirements described in ~~5 CCR 18272-18281 and AR 5148 – Child Care and Development, for 17701-17711,~~ including, but not limited to, those related to the program philosophy, goals, and objectives, the educational program, the creation of a developmental profile for each child, staff development, ~~parent involvement~~ family engagement and education strengthening, community involvement, health and social services, nutrition, and program evaluation. ~~(5 CCR 18271-28281)~~

### **Minimum Hours/Days of Operation**

The district's part-day preschool program shall operate a minimum of three hours, and up to three hours and 59 minutes, per day, excluding time for home-to-school transportation, and for a ~~minimum of~~ at least 175 days per year unless otherwise specified in the ~~program's contract with~~ CDE. (Education Code ~~82358207~~; 5 CCR 17727)

However, a part-day preschool program may also offer TK or kindergarten children whose families meet the requirements of Education Code 8208 less than four hours of wraparound childcare services and a part-day preschool program operating on a school site may be allowed flexibility in the operational hours. (Education Code 48000)

The district may enroll an early enrollment child in TK whose fourth birthday is between June 3 and September 1, inclusive, preceding the school year during which they are enrolled in TK. If an early enrollment child is enrolled in the district's TK program, the district shall concurrently offer the child enrollment in the district's CSPP, subject to available space. (Education Code 48000.15)

The district's full-day program shall operate for a minimum of 246 days per year, unless the contract specifies a lower number of days of operation, and for the number of operational hours reasonably necessary to meet the preschool needs of the families in the community. (Education Code 8207; 5 CCR ~~181361~~17728)

### **Staffing**

The preschool program shall maintain an adult-child ratio of at least one adult for every eight children and a teacher-child ratio of at least one teacher for every 24 children. ~~If the district cannot recruit a sufficient number of parents/guardians or volunteers to meet the required adult-child ratio, teacher aides shall be hired as necessary. (5 CCR 18135, 18290)~~ (Education Code 8241, 5 CCR 17713-17716)

Any person employed at a district preschool and any volunteer who provides care and supervision to children at a preschool shall, unless exempted by law, be immunized against influenza, pertussis, and measles in accordance with Health and Safety Code 1596.7995 and ~~AR~~Administrative Regulation 5148 - Child Care and Development. Documentation of required immunizations, or applicable exemptions, shall be maintained in the employee's personnel file. (Health and Safety Code 1596.7995)

In addition, preschool teachers shall present evidence of a current tuberculosis clearance and meet other requirements as specified in Health and Safety Code 1597.055.

### **Wraparound Child Care Services**

~~In accordance with its contract with CDE, the~~  
~~The district may offer full-day services~~require any volunteer who is to meet the needs of eligible families through a combination of part-day preschool and wraparound child~~provide care services that are offered for the remaining portion of the day or year following completion of the preschool services. Child care and development services offered through this program shall meet the requirements of general child care and development programs pursuant~~and supervision to Education Code 8240-8244. (Education Code 8239)

~~Wraparound services shall operate a minimum of 246 days per year unless otherwise specified in the contract. Within this period of time, the part-day preschool program shall operate 175-180 days. After the completion of the preschool program, a part-time general child care and development program may operate a full day for the remainder of the year. (Education Code 8239)~~district preschool children to provide evidence that the volunteer is free of infectious tuberculosis.

### **Family Literacy Services**

When any district part-day preschool program receives funding for family literacy services pursuant to Education Code ~~8238.48221~~, the Superintendent Chief Learning Officer or designee shall coordinate the provision of: (Education Code ~~8238~~8220)

1. Opportunities for parents/guardians to work with their children on interactive literacy activities, including activities in which parents/guardians actively participate in facilitating their children's acquisition of prereading skills through guided activities such as shared reading, learning the alphabet, and basic vocabulary development
2. Parenting education for parents/guardians of children in participating classrooms to support their child's development of literacy skills, including, but not limited to, parent education in:
  - a. Providing support for the educational growth and success of their children

- b. Improving parent-school communications and parental understanding of school structures and expectations
  - c. Becoming active partners with teachers in the education of their children
  - d. Improving parental knowledge of local resources for the identification of and services for developmental disabilities, including, but not limited to, contact information for the district special education referral
3. Referrals to providers of adult education and instruction in English as a second language as necessary to improve academic skills of parents/guardians
  4. Staff development for teachers in participating classrooms that includes, but is not limited to:
    - a. Development of a pedagogical knowledge, including, but not limited to, improved instructional and behavioral strategies
    - b. Knowledge and application of developmentally appropriate assessments of the prereading skills of children in participating classrooms
    - c. Information on working with families, including the use of on-site coaching, for guided practice in interactive literacy activities
    - d. Providing targeted interventions for all young children to improve kindergarten readiness upon program completion

## **Eligibility and Enrollment**

### **Children-Criteria for Part-Day CSPP Programs**

~~A three- or four-year-old child is eligible for the district's a part-day CSPP program include those who will have their third or fourth birthday on or before December 1 if the child's family is one of the fiscal year that they are being served. Children who have their third birthday on or after December 2 may be enrolled on or after their third birthday following:~~ (Education Code 8208; 8235, 8236)

~~Eligibility for the CSPP program shall be as follows:)~~

- ~~1. Children shall be eligible for subsidized preschool services if their family is a~~ current aid recipient, income
- ~~2. Income eligible, or homeless and/or the~~
- ~~3. Experiencing homelessness~~
- ~~4. One whose children are recipients of child protective services, or whose children have been identified as being, or at risk of being, abused, neglected, or exploited. (, or at risk of being abused, neglected or exploited~~
- ~~1.5. One who has children with exceptional needs, as defined in Education Code 8235, 8263,~~ 8263.1)8205

6. One with a household member who is certified to receive benefits from Medi-Cal, CalFresh, the California Food Assistance Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the federal Food Distribution Program on Indian Reservations, Head Start, Early Head Start, or any other designated means-tested government program, as determined by CDE

After all eligible three- and four-year-old children have been enrolled as provided above, a part-day CSPP program may provide services to children in families whose income is no more than 15 percent above the income eligibility threshold, as described in Education Code 8213. No more than 10 percent of all the children enrolled in the CSPP program shall be eligible for subsidized wraparound from families above the income eligibility threshold. (Education Code 8208)

In addition, after all otherwise eligible children have been enrolled as provided in the paragraphs above, a part-day CSPP program may provide services to three- and four-year-old children in families whose income is above the income eligibility threshold if those children are children with exceptional needs. Such children with exceptional needs shall not count towards the 10-percent limit on enrollment of families with income above the income eligibility threshold described above. (Education Code 8208)

A CSPP program operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price lunch may enroll three- and four-year-old children after all otherwise eligible children have been enrolled as provided in the paragraphs above. (Education Code 8208, 8217)

The district shall certify eligibility and enroll families into the part-day preschool and program within 120 calendar days prior to the first day of the beginning of the new preschool year. Subsequent to a child's enrollment, the child shall be deemed eligible for the part-day CSPP program for the remainder of the program year and for the following program year, provided applicable age-eligibility requirements are met, as specified in Education Code 8205 and 48000. (Education Code 8208)

### **Enrollment Priorities for Part-Day CSPP Programs**

The district shall give priority for part-day CSPP programs as follows: (Education Code 8210)

1. The first priority for services shall be given to three- or four-year-old children who are recipients of child protective services or who are at risk of being neglected, abused, or exploited and for whom there is a written referral from a legal, medical, or social service agency. If the district is unable to enroll a child in this first priority category, the district shall refer the child's parent/guardian to local resources and referral services so that services for the child can be located.
2. When the number of three- or four-year old children with exceptional needs required to be enrolled pursuant to Education Code 8208 have been enrolled and there are additional children with exceptional needs who are interested in enrolling, the second priority for services shall be given to all three- and four-year old children with exceptional needs from families with incomes below the income eligibility threshold, as described in Education Code 8213. Within this priority category, children with exceptional needs from families with the lowest income according to the income ranking on the most recent schedule of income

ceiling eligibility table, as published by the Superintendent of Public Instruction (SPI) at the time of enrollment, shall be enrolled first. If two or more families have the same income ranking, the child that has been on the waiting list for the longest time shall be admitted first.

3. The third priority shall be given to eligible four-year-old children who are not enrolled in a state-funded TK program. This priority shall not include children eligible for enrollment as children with exceptional needs pursuant to Education Code 8208(a)(1)(E), who are from families with incomes above the income eligibility threshold, as described in Education Code 8213. Within this priority category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, shall be enrolled first.

If two or more families have the same income ranking according to the most recent schedule of income ceiling eligibility table, a child who is identified as a dual language learner shall be enrolled first. If there are no children identified as dual language learners, the child that has been on the waiting list for the longest time shall be admitted first.

4. The fourth priority shall be given to eligible three-year-old children. This priority shall not include children eligible for enrollment as children with exceptional needs pursuant to Education Code 8208(a)(1)(E), who are from families with incomes above the income eligibility threshold, as described in Education Code 8213. Enrollment determinations within this priority category shall be made in the same way as for third priority in Item #3 above.
5. The fifth priority, after all otherwise eligible children have been enrolled, shall be given to children from families whose income is no more than 15 percent above the eligibility income threshold, as described in Education Code 8213. Within this priority category, priority shall be given to three- and four-year-old children with exceptional needs interested in enrolling beyond those already enrolled in the 10 percent of funded enrollment set aside pursuant to Education Code 8208, then to four-year old children before three-year-old children without exceptional needs.
6. After all otherwise eligible children have been enrolled in the first through fifth priority categories, as described in Items #1-5 above, the district may enroll other children in the following order:
  - a. A CSPP program site operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals as described in Education Code 8217 may enroll any three- or four-year-old children whose families reside within the attendance boundary of the qualified elementary school. These children shall, to the extent possible, be enrolled by lowest to highest income according to the most recent schedule of income ceiling eligibility table.
  - b. Children enrolling in a CSPP program that provides expanded learning and care services if their to TK or kindergarten students, pursuant to Education Code 48000

Regardless of the priorities listed above, until the district attains the percent of funded enrollment set aside for children with exceptional needs pursuant to Education Code 8208, children with exceptional needs shall be enrolled without regard to the priorities listed above. Within this category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, shall be enrolled first. If two or more families have the same income ranking, the child that has been on the waiting list for the longest time shall be admitted first. (Education Code 8210)

## Eligibility and Enrollment Priorities for Full-Day CSPP Programs

A three- or four-year-old child is eligible for a full-day CSPP program if the family meets at least both of the following requirements: (Education Code 8208)

1. The child's family is one of the criteria specified in item #1 above and needs child care services due to following:
  - a. A current aid recipient, income eligible, or experiencing homelessness
  - b. One whose children are recipients of child protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected, or exploited
  - c. One who has children with exceptional needs, as defined in Education Code 8205
  - d. One with a household member who is certified to receive benefits from Medi-Cal, CalFresh, the California Food Assistance Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the federal Food Distribution Program on Indian Reservations, Head Start, Early Head Start, or any other designated means-tested government program, as determined by CDE
2. The child's family needs the childcare services because of either of the following circumstances: (Education Code 8239, 8263)
  - a. The child is identified by a legal, medical, or social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of protective services; as being or at risk of being neglected, abused, or exploited; or as being homeless-experiencing homelessness
  - b. a. The parents/guardians are engaged-participating in vocational training leading directly to a recognized trade, paraprofession, or profession; are engaged in an educational program for English language learners or for the attainment of to attain a high school diploma or general educational development certificate; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated.

The Superintendent Chief Learning Officer After all eligible three- and four-year-old children have been enrolled as provided above, a full-day CSPP program may provide services to children in families whose income is no more than 15 percent above the income eligibility threshold, as described in Education Code 8213. No more than 10 percent of all the children enrolled in the CSPP program shall be from families above the income eligibility threshold. (Education Code 8208)

After all families meeting the criteria specified in the paragraphs above have been enrolled, a full-day CSPP program may provide services to three- and four-year-old children in families who do not meet at least one of the criteria in Item #2 above. (Education Code 8208)

After all otherwise eligible children have been enrolled as provided above, a CSPP program operating within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals as described in Education Code 8217 may enroll any four-year-old child. (Education Code 8208)

For full-day CSPP programs, the district shall use the same priority ranking specified in Items #1-4 of "Enrollment Priorities for Part-Day CSPP Programs" above, and the following: (Education Code 8211)

1. After all otherwise eligible children based on Items #1-4 of "Enrollment Priorities for Part-Day CSPP Programs" have been enrolled, fifth priority shall be given to children from families whose income is no more than 15 percent above the eligibility income threshold, as described in Education Code 8213. Within this priority category, priority shall be given to three- and four-year-old children with an IFSP or IEP, then to four-year old children before three-year-old children without IFSP or IEP.
2. After all otherwise eligible children based on Items #1-4 of "Enrollment Priorities for Part-Day CSPP Programs" and Item #1 above have been enrolled, the district may enroll other children in the following order:
  - a. Three- and four-year old children from families who do not meet at least one of the need requirements in Item #2 above. Within this priority, families shall be enrolled in income ranking order, lowest to highest, and within income ranking order, four-year old children before three-year old children
  - b. When a CSPP program site operates within the attendance boundary of a school where at least 80 percent of students are eligible for free and reduced-price meals as described in Education Code 8217, three- or four-year-old children whose families reside within the attendance boundary of the school may be enrolled without establishing eligibility or a need for services. Such children shall, to the extent possible, be enrolled by lowest to highest income ranking order.

Regardless of the priorities listed above, until the district attains the percent of funded enrollment set aside for children with exceptional needs pursuant to Education Code 8208, children with exceptional needs shall be enrolled without regard to the priorities listed above. Within this category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the SPI at the time of enrollment, shall be enrolled first. If two or more families have the same income ranking, the child that has been on the waiting list for the longest time shall be admitted first. (Education Code 8211)

Upon establishing initial eligibility or ongoing eligibility for a full-day CSPP program, a family shall be considered to meet all eligibility and need requirements for those services for not less than 24 months. Such families shall receive those services for not less than 24 months before having eligibility or need recertified, and shall not be required to report changes to income or other changes for at least 24 months. If the eligibility period ends before the end of a program year, eligibility shall be extended until the end of the program year, provided age-eligibility requirements are met, as specified in Education Code 8205. However, a family that establishes initial eligibility or ongoing eligibility on the basis of income shall report increases in income that exceed the threshold for ongoing income eligibility, as described in Education Code 8213, and the family's ongoing eligibility for services shall at that time be recertified. In addition, a family may, at any time, voluntarily report income or other changes. This information shall be used, as applicable, to reduce the family's fees, increase the family's services, or extend the period of the family's eligibility before recertification. (Education Code 8208)

## Waiting List



The Superintendent Chief Learning Officer or designee shall consult the county's centralized eligibility list, when available, or shall maintain a district waiting list in accordance with admission priorities. As vacancies occur, applicants shall be contacted in order of their priority. (5 CCR 18106)

First priority for enrollment in a preschool program shall be given to neglected or abused children ages 3-4 who are recipients of child protective services or who, based upon written referral from a legal, medical, or social service agency, are at risk of being neglected, abused, or exploited. If unable to enroll a child in this category, the district shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Education Code 8236; 5 CCR 18131)

After all children with first priority are enrolled, the district shall give second priority to eligible children 4 years of age who are not enrolled in a transitional kindergarten (TK) program prior to enrolling eligible children 3 years of age. (Education Code 8236)

After all otherwise eligible children have been enrolled, the program may provide services to children with disabilities who are ages 3-4 and whose family income is above the income eligibility threshold. (Education Code 8235)

In addition, after enrolling all eligible children, up to 10 percent of the program's enrollment, calculated throughout the entire contract, may be filled with children who exceed the age limitations and children whose family income exceeds the income eligibility threshold by no more than 15 percent. (Education Code 8235; 5 CCR 18133)

The district may certify eligibility and enrollment up to 120 calendar days prior to the first day of the beginning of the preschool year. After establishing eligibility at the time of initial enrollment, a child shall remain eligible for the remainder of the program year. (Education Code 8237; 5 CCR 18082)

The district's decision to approve or deny a child's enrollment shall be communicated to the family through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 18094, 18095, 18118)

Subsequently, the Superintendent Chief Learning Officer or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 18095, 18119) applicable enrollment priorities. As vacancies occur, applicant families shall be contacted in order of priority on the waiting list. (5 CCR 17744)

### Combined Preschool/Transitional Kindergarten Classroom

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~~1. A determination during recertification or update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified~~

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~~2.1. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing~~

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3. An indication by the parent/guardian that he/she no longer wants the service

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~~4.1. The death of a parent/guardian or child~~

~~5.1. The conclusion of a limited term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate~~

~~For each child enrolled in the district's preschool program, the Superintendent Chief Learning Officer or designee shall maintain a family data file including, but not limited to, a completed and signed application for services, documentation of income eligibility, and a copy of all Notices of Action. For each child not receiving subsidized services, the family data file shall also include records of the specific reason(s) for enrolling each child, the child's family income, and evidence that the district has made a diligent search for children eligible for subsidized services. (5 CCR 18130, 18133, 18081, 18084)~~

### **Combined Preschool/Transitional Kindergarten Classroom**

When a child is eligible for both the preschool program and the district's TK program, the district may place the child in a classroom which is commingled with children from both programs as long as the commingled program meets all of the requirements of each program as well as the following requirements: (Education Code ~~8235~~8207, 48000)

1. An early childhood environment rating scale, as specified in 5 CCR 18281, shall be completed for the classroom:
2. All children enrolled for 10 or more hours per week shall be evaluated using the Desired Results Developmental Profile, as specified in 5 CCR 18272.
3. The classroom shall be taught by a teacher who holds a credential issued by the Commission on Teacher Credentialing in accordance with Education Code 44065 and 44256:
4. The classroom shall comply with the adult-child ratio specified in Education Code ~~8264.8~~8241
5. Contractors of the district shall report the services, revenues, and expenditures for children in the ~~preschool program~~CSPP in accordance with 5 CCR 18068.
6. The classroom shall not include children enrolled in TK for a second year or children enrolled in a regular kindergarten classroom:

### **Fees and Charges**

Fees for participation in the district's ~~preschool~~full-day CSPP program shall be assessed and collected in accordance with the fee schedule established by the ~~Superintendent~~SPI in conjunction with the California Department of Public Instruction (SPI), Social Services. (Education Code ~~8273~~; 5 CCR 18078)

~~However~~8252)

Family fees accrued but uncollected prior to October 1, 2023, may be forgiven and not collected. (Education Code 8252)

In addition, no fee shall be charged to an income-eligible family whose child is enrolled in a part-day preschool program or a family that is receiving CalWORKs cash aid. (Education Code ~~8273~~18253;

A family may be exempt from the fees for up to 12 months ~~if the~~for any child ~~qualifies for~~enrolled in full-day preschool on the basis of being the recipient of child protective services or as being, or at risk of being, abused, exploited, or neglected. (Education Code ~~8273.1~~8253; 5 CCR 17735)

The Superintendent Chief Learning Officer or designee shall establish a process that involves parents/guardians in determining whether to require parents/guardians to provide diapers and/or whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (~~Education Code 8273.3~~)

### **Disenrollment Based on Reduced Funding**

~~When necessary due to a reduction in state reimbursements, families shall be disenrolled in the following order: (Education Code 8236, 8263.3)~~

- ~~1. Children 3 years of age whose families have the highest income in relation to family size shall be disenrolled first, followed by children 4 years of age whose families have the highest income in relation to family size.~~

~~At each age level, if two or more families have the same income ranking, the child with disabilities shall be disenrolled last. If there are no families that have a child with disabilities, the child who has received services the longest shall be disenrolled first.~~

- ~~2. Families of children 3 or 4 years of age who are receiving child protective services or who have been documented to be at risk of being neglected or abused, regardless of income, shall be disenrolled last.~~

### **Expulsion/Unenrollment Based on Behavior**

~~A district preschool program shall not expel or unenroll a child (Education Code 8254)~~

### **Disenrollment Based on Reduced Funding**

When necessary to disenroll families from subsidized preschool services, families shall be disenrolled in reverse order of the priority for services specified in Education Code 8210 and 8211 and as described above in the sections "Enrollment Priorities for Part-Day CSPP Programs" and "Eligibility and Enrollment Priorities for Full-Day CSPP Programs." (Education Code 8214; 5 CCR 17744)

### **Expulsion/Unenrollment and Suspension Based on Behavior**

Suspension means any removal of a child from all or part of the program day, or the prevention of a child from attending the program for one or more days, in response to the child's behavior.

Removing the child from the program means moving a child to an isolated or separate room. Programs may remove children from specific situations to allow the child to calm down or regain composure.

such as taking the child for a walk or accompanying the child to an outdoor environment. However, the child must return to the classroom as soon as the child has calmed down and may not be removed for longer than 30 minutes.

Expulsion means the permanent dismissal of a child from a program in response to a child's behavior.

Persistent and serious behaviors means either repeated patterns of behavior that significantly interfere with the learning of other children, or interactions with peers and adults that are not responsive to the use of developmentally appropriate guidance, including, but not limited to, physical aggression, property destruction, and self-injury.

A district preschool program shall not expel or unenroll a child or persuade or encourage a child's parents/guardians to voluntarily unenroll from the program based on the child's behavior, unless the district first takes the following actions to address the child's behavior: (Education Code 82398489.1)

1. Inform~~In writing, inform~~ the parents/guardians of the child's persistent and serious ~~challenging~~ behaviors and consult with the parents/guardians and teacher in an effort to maintain the child's safe participation in the program
2. If the child has an individualized family service plan (IFSP) or individualized education program (IEP), ~~contact,~~ with written parent/guardian consent, ~~contact~~ the agency or district employee responsible for such plan or program to seek consultation in regard to serving the child
3. If the child does not have an IFSP or IEP, ~~appropriate,~~ consider if it is appropriate to ~~complete~~ completing a universal comprehensive screening of the child, including, but not limited to, screening the child's social and emotional development, referring the parents/guardians to community resources, and implementing behavior supports within the program, ~~and considering an IEP for the child~~

If the district has taken the actions specified in ~~items~~ items #1-3 above and the child's continued enrollment would present a serious safety threat to the child or other enrolled children, the district shall refer the parents/guardians to other potentially appropriate placements, the local child care resource and referral agency, or any other referral service available in the local community. ~~Within 180 days of the start of the process,~~ the district may unenroll the child. (Education Code 8239.1)

~~Children with disabilities~~The district shall, to the greatest extent possible, support direct transition to a more appropriate placement. The district may then unenroll the child. The district shall have up to 180 days to complete the actions described above. (Education Code 8489.1)

A child shall not be suspended from a CSPP program, nor shall a child's parent/guardian be encouraged or persuaded to prematurely pick up a child before the program day ends, except as a last resort in extraordinary circumstances, when a safety threat exists that cannot be eliminated or reduced without the removal of the child.

Before determining that a suspension is necessary, the district shall collaborate with the child's parents/guardians and, as needed, shall use appropriate community resources to determine that no other reasonable option is appropriate.

When suspension is deemed necessary, the district shall help the child return to full participation in the program as soon as possible while ensuring safety, by doing the following:

1. Continuing to engage with the child's parents/guardians and continuing to use appropriate community resources
2. Developing a written plan to document the action and supports needed
3. Providing referrals to appropriate community resources
4. If the child has an IFSP or IEP, contacting, with written parent/guardian consent, the agency responsible for the child's IFSP or IEP, to seek consultation on servicing the child

Upon enrollment, the parents/guardians of each child shall be notified, in writing, of the limitations on expulsion, suspension, or any form of disenrollment and how the parents/guardians may file an appeal to CDE in the event of expulsion or suspension. If the district suspends or expels a child from any CSPP program, the district shall, at least 24 hours before the effective date of the suspension or expulsion, issue the child's parents/guardians a written "Notice of Action, Recipient of Services," as described in 5 CCR 17783, informing the parents/guardians of the right to file an appeal of the action directly with CDE no later than 14 calendar days after receiving the notice.

Children with exceptional needs may only be suspended or expelled in conformance with the procedures and limitations of the Individuals with Disabilities Education Act.

### **Notice of Action**

Upon receiving a parent/guardian's application for services, the Superintendent Chief Learning Officer or designee shall review the application and documentation and shall certify the eligibility of the family or child.

The district's decision to approve or deny a child's enrollment shall be communicated to the family through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR 17782)

Subsequently, the Superintendent Chief Learning Officer or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR 17783)

1. A determination during recertification or update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified
2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing
3. An indication by the parent/guardian that the parent/guardian no longer wants the service
4. The death of a parent/guardian or child
5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

For each child enrolled in the district's preschool program, the Superintendent Chief Learning Officer or designee shall maintain a family data file including, but not limited to, a completed and signed application for services, documentation of income eligibility, and a copy of all Notices of Action. For each child not receiving subsidized services, the family data file shall also include records of the specific reason(s) for enrolling each child, the child's family income, and evidence that the district has made a diligent search for children eligible for subsidized services.

### **Parent Hearing**

~~If a parent/guardian disagrees with any district action to deny his/her~~(5 CCR 17758)

### **Parent Hearing**

If a parent/guardian disagrees with any district action to deny the child's eligibility for subsidized preschool services, disenroll the child due to a funding shortage, increase or decrease fees, increase or decrease the amount of services, terminate services, or otherwise change the level of services, he/she the parent/guardian may file a request for a hearing with the Superintendent Chief Learning Officer or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent Chief Learning Officer or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5 CCR ~~18120~~17784)

The hearing shall be conducted in accordance with the procedures specified in 5 CCR ~~18120~~17784 by a district administrator who is at a staff level higher in authority than the staff person who made the contested decision. Within 10 calendar days after the hearing, the district administrator shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the written decision, ~~he/she the parent/guardian~~ may, within 14 calendar days, appeal the decision to CDE. (5 CCR ~~18120-18122~~17785-17786)

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### **Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
22 CCR 101151-101191	Licensing and application procedures
22 CCR 101151-101239.2	<a href="#">General requirements; licensed child care centers</a>
22 CCR 101212-101231	<a href="#">Continuing requirements</a>
22 CCR 101237-101239.2	<a href="#">Facilities and equipment</a>
5 CCR 14001-14036	School housing
5 CCR 17700-17833	California State Preschool Program
5 CCR 17701-17711	General Program Requirements
5 CCR 17746-17748	Enrollment priorities
5 CCR 18295	Waiver of qualifications for site supervisor
5 CCR 4600-4670	Uniform complaint procedures

5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 80067	Professional Clear Early Childhood Education Specialist Instruction Credential
5 CCR 80105-80125	Commission on Teacher Credentialing; child care and development permits
Ed. Code 17375	<a href="#">California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program</a>
Ed. Code 44065	<a href="#">Issuance of and functions requiring credentials</a>
Ed. Code 44256	<a href="#">Authorization for teaching credentials</a>
Ed. Code 48000-48003	<a href="#">Kindergartens</a>
Ed. Code 48985	<a href="#">Notices to parents in language other than English</a>
Ed. Code 60910	<a href="#">Data for students enrolled in California State Preschool Program</a>
Ed. Code 69617	<a href="#">Golden State Teacher Grant Program</a>
Ed. Code 8200-8340	<a href="#">California State Preschool Program</a>
Ed. Code 8489-8489.1	<a href="#">Expulsion and suspension procedures</a>
H&S Code 120325-120380	<a href="#">Immunization against communicable diseases</a>
H&S Code 1596.70-1596.895	<a href="#">California Child Day Care Act</a>
H&S Code 1596.90-1597.21	<a href="#">Day care centers</a>
W&I Code 10207-10215	<a href="#">General provisions</a>
W&I Code 10207-10492.2	<a href="#">Child Care and Development Services Act</a>
W&I Code 10217-10224.5	<a href="#">Resource and referral programs</a>
W&I Code 10225-10234	<a href="#">Alternative payment programs</a>
W&I Code 10235-10238	<a href="#">Migrant child care and development programs</a>
W&I Code 10240-10243	<a href="#">General child care and development programs</a>
W&I Code 10250-10252	<a href="#">Family child care home education networks</a>
W&I Code 10260-10263	<a href="#">Child care and development services for children with special needs</a>
W&I Code 10480-10487	<a href="#">Local planning councils</a>
<b>Federal</b>	<b>Description</b>
20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 6311-6322	Title I, relative to preschool
20 USC 6391-6399	Education of migratory children
42 USC 9831-9852c	Head Start programs

42 USC 9857-9858r

Child Care and Development Block Grant

45 CFR 1301.1-1305.2

Head Start

**Management Resources**

**Description**

CA Commission on Teacher Credentialing  
Publication

[Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to the PK-3 Childhood Education Specialist Credential, Coded Correspondence 23-02, February 10, 2023](#)

California Department of Education  
Publication

[California State Preschool Program and Children with Disabilities \(Exceptional Needs\), Early Education Division Management Bulletin 23-02, February 2023](#)

California Department of Education  
Publication

[Part-day California State Preschool Program as an Extended Learning and Care Option, Early Education Division Management Bulletin 23-05, April 2023](#)

California Department of Education  
Publication

[Assessment and Reporting of Family Fees for Fiscal Year \(FY\) 2023–24, Early Education Division Management Bulletin 23-07, September 2023](#)

California Department of Education  
Publication

[Suspension and Expulsion in the California State Preschool Program, Early Education Division Management Bulletin 23-08, September 2023](#)

California Department of Education  
Publication

[Preschool English Learners: Principles and Practices to Promote Language, Literacy, and Learning, 2nd ed., 2009](#)

California Department of Education  
Publication

[California Preschool Learning Foundations](#)

California Department of Education  
Publication

[First Class: A Guide for Early Primary Education, 1999](#)

CSBA Publication

[The Importance of Early Childhood Education Programs, September 2019](#)

CSBA Publication

The Preschool Landscape in California and Strategies for Expansion, January 2020

U.S. Department of Education  
Publication

[Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings, 2016](#)

Website

[California Department of Education, Universal PreKindergarten, California’s Great Start](#)

Website

[California Office of Administrative Law](#)

Website

[California County Superintendents Educational Services Association](#)

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[California Commission on Teacher Credentialing](#)

Website

[National Institute for Early Education Research](#)

Website

[California Head Start Association](#)

Website

[California Preschool Instructional Network](#)



Website	<a href="#">Child Development Policy Institute</a>
Website	<a href="#">California Association for the Education of Young Children</a>
Website	<a href="#">First 5 California</a>
Website	<a href="#">California Department of Social Services</a>
Website	<a href="#">Cities Counties and Schools Partnership</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education</a>
Website	<a href="#">California Department of Education</a>

## Cross References

Code	Description
<u>0415</u>	<u>Equity</u>
0470	<del>COVID-19 Mitigation Plan</del> COVID-19 Mitigation Plan
0500	<del>Accountability</del> Accountability
1240	<del>Volunteer Assistance</del> Volunteer Assistance
1240	<del>Volunteer Assistance</del> Volunteer Assistance
1312.3	<del>Uniform Complaint Procedures</del> Uniform Complaint Procedures
1312.3	<del>Uniform Complaint Procedures</del> Uniform Complaint Procedures
<del>1330</del> <u>1312.3</u>	<del>Use Of School Facilities</del> Uniform Complaint Procedures
<u>1312.3</u>	<u>Uniform Complaint Procedures</u>
1330	<del>Use Of School Facilities</del> Use Of School Facilities
1330-E PDF(1)	<del>Use Of School Facilities</del> Use Of School Facilities
1330.1	<del>Joint Use Agreements</del> Joint Use Agreements
1340	<del>Access To District Records</del> Access To District Records
1340	<del>Access To District Records</del> Access To District Records
1400	<del>Relations Between Other Governmental Agencies And The Schools</del> Relations Between Other Governmental Agencies And The Schools
1700	<del>Relations Between Private Industry And The Schools</del> Relations Between Private Industry And The Schools
3260	<del>Fees And Charges</del> Fees And Charges
3260	<del>Fees And Charges</del> Fees And Charges
3280	<del>Sale Or Lease Of District-Owned Real Property</del> Sale Or Lease Of District-Owned Real Property

3280	<del>Sale Or Lease Of District-Owned Real Property</del> <u>Sale Or Lease Of District-Owned Real Property</u>
<u>3523</u>	<u>Electronic Signatures</u>
<u>3523</u>	<u>Electronic Signatures</u>
3541	<del>Transportation Routes And Services</del> <u>Transportation Routes And Services</u>
3550	<del>Food Service/Child Nutrition Program</del> <u>Food Service/Child Nutrition Program</u>
3550	<del>Food Service/Child Nutrition Program</del> <u>Food Service/Child Nutrition Program</u>
3580	<del>District Records</del> <u>District Records</u>
3580	<del>District Records</del> <u>District Records</u>
4112	<del>Appointment And Conditions Of Employment</del> <u>Appointment And Conditions Of Employment</u>
4112.2	<del>Certification</del> <u>Certification</u>
4112.2	<del>Certification</del> <u>Certification</u>
4112.4	<del>Health Examinations</del> <u>Health Examinations</u>
4112.5	<del>Criminal Record Check</del> <u>Criminal Record Check</u>
4112.5-E PDF(1)	<del>Criminal Record Check</del> <u>Criminal Record Check</u>
4112.6	<del>Personnel Files</del> <u>Personnel Files</u>
4131	<del>Staff Development</del> <u>Staff Development</u>
4131	<del>Staff Development</del> <u>Staff Development</u>
4212.4	<del>Health Examinations</del> <u>Health Examinations</u>
4212.5	<del>Criminal Record Check</del> <u>Criminal Record Check</u>
<u>4212.5</u>	<u>Criminal Record Check</u>
4212.6	<del>Personnel Files</del> <u>Personnel Files</u>
4222	<del>Teacher Aides/Paraprofessionals</del> <u>Teacher Aides/Paraprofessionals</u>
4222	<del>Teacher Aides/Paraprofessionals</del> <u>Teacher Aides/Paraprofessionals</u>
4222-E PDF(1)	<del>Teacher Aides/Paraprofessionals</del> <u>Teacher Aides/Paraprofessionals</u>
4231	<del>Staff Development</del> <u>Staff Development</u>
4231	<del>Staff Development</del> <u>Staff Development</u>
4312.4	<del>Health Examinations</del> <u>Health Examinations</u>
4312.5	<del>Criminal Record Check</del> <u>Criminal Record Check</u>

4312.5	<u>Criminal Record Check</u>
4312.6	<u>Personnel Files</u> Personnel Files
4331	<u>Staff Development</u> Staff Development
4331	<u>Staff Development</u>
5020	<u>Parent Rights And Responsibilities</u> Parent Rights And Responsibilities
5020	<u>Parent Rights And Responsibilities</u> Parent Rights And Responsibilities
5030	<u>Student Wellness</u> Student Wellness
5111	<u>Admission</u> Admission
5111	<u>Admission</u> Admission
5125	<u>Student Records</u> Student Records
5125	<u>Student Records</u> Student Records
5141.23	<u>Asthma Management</u> Asthma Management
5141.23	<u>Asthma Management</u> Asthma Management
5141.26	<u>Tuberculosis Testing</u> Tuberculosis Testing
5141.31	<u>Immunizations</u> Immunizations
5141.31	<u>Immunizations</u> Immunizations
5141.32	<u>Health Screening For School Entry</u> Health Screening For School Entry
5141.6	<u>School Health Services</u> School Health Services
5141.6	<u>School Health Services</u> School Health Services
5141.6-E PDF(1)	<u>School Health Services</u>
5144.1	<u>Suspension And Expulsion/Due Process</u> Suspension And Expulsion/Due Process
5144.1	<u>Suspension And Expulsion/Due Process</u> Suspension And Expulsion/Due Process
5145.6	<u>Parent/Guardian Notifications</u> Parent/Guardian Notifications
5145.6-E PDF(1)	<u>Parent/Guardian Notifications</u> Parent/Guardian Notifications
5145.6-E PDF(2)	<u>Parent/Guardian Notifications</u>
5148	<u>Child Care And Development</u> Child Care And Development
5148	<u>Child Care And Development</u> Child Care And Development
6011	<u>Academic Standards</u> Academic Standards
6020	<u>Parent Involvement</u> Parent Involvement
6020	<u>Parent Involvement</u> Parent Involvement

6159	<u>Individualized Education Program</u> Individualized Education Program
6159	<u>Individualized Education Program</u> Individualized Education Program
6164.4	<u>Identification And Evaluation Of Individuals For Special Education</u> Identification And Evaluation Of Individuals For Special Education
6164.4	<u>Identification And Evaluation Of Individuals For Special Education</u> Identification And Evaluation Of Individuals For Special Education
6170.1	<u>Transitional Kindergarten</u> Transitional Kindergarten
<del>6170.1</del>	<u>Transitional Kindergarten</u>
6171	<u>Title I Programs</u> Title I Programs
6171	<u>Title I Programs</u> Title I Programs
6173	<u>Education For Homeless Children</u> Education For Homeless Children
6173	<u>Education For Homeless Children</u> Education For Homeless Children
6173-E PDF(1)	<u>Education For Homeless Children</u> Education For Homeless Children
<u>6173</u>	Education For Homeless Children
6173.1	<u>Education For Foster Youth</u> Education For Foster Youth
6173.1	<u>Education For Foster Youth</u> Education For Foster Youth
6173.2	<u>Education Of Children Of Military Families</u> Education Of Children Of Military Families
6173.2	<u>Education Of Children Of Military Families</u> Education Of Children Of Military Families
6174	<u>Education For English Learners</u> Education For English Learners
6174	<u>Education For English Learners</u> Education For English Learners
<u>6175</u>	<u>Migrant Education Program</u>
<u>6175</u>	<u>Migrant Education Program</u>
6200	<u>Adult Education</u> Adult Education
6200	<u>Adult Education</u> Adult Education
7110	<u>Facilities Master Plan</u> Facilities Master Plan
7210	<u>Facilities Financing</u> Facilities Financing