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THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Community Services Agency

BOARD AGENDA # *B-5

Urgent Routine

AGENDA DATE October 11, 2011

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of Fiscal Year 2011-2012 Contract Amendments #1 with the California Department of Education (CDE) for the Administration of the Child Care and Development Block Grants

STAFF RECOMMENDATIONS:

1. Approve the amendment to the C2AP-1069 and the C3AP-1067 contracts with the California Department of Education (CDE) for administration of Child Care and Development Block Grants.
2. Authorize the Community Services Agency Director, or her Assistant Director Designee, to sign the contract amendments and any other amendments to add services and payments up to \$100,000 per agreement.

FISCAL IMPACT:

The C2AP contract amendment for \$200,454 increases the total amount of this contract from \$5,707,615 to \$5,908,069. The C3AP contract amendment for \$125,596 increases the total amount of the contract from \$589,040 to \$714,636. Sufficient appropriations and corresponding revenues of \$6,622,705 are included in the Community Services Agency's Service and Support Fiscal Year 2011-2012 Final Budget. The Child Care Programs are 100% Federal and State funded. There is no cost to the General Fund for the Child Care contracts.

BOARD ACTION AS FOLLOWS:

No. 2011-618

On motion of Supervisor DeMartini, Seconded by Supervisor Withrow
 and approved by the following vote,
 Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith
 Noes: Supervisors: None
 Excused or Absent: Supervisors: None
 Abstaining: Supervisor: None

- 1) X Approved as recommended
- 2) Denied
- 3) Approved as amended
- 4) Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

The Community Services Agency (CSA) receives program contracts from the California Department of Education (CDE) to fund the CalWORKs Stage 2 and Stage 3 Alternative Payment Program (APP). CSA administers these APPs for child care and makes payments directly to child care providers for eligible families that receive subsidized child care services. CSA submits monthly claims to the CDE for reimbursement of funds. The CalWORKs Stage 2 families are provided with child care up to 24 months after leaving aid. CalWORKs Stage 3 funds are used for only those families who have reached the 24 month time limit after being discontinued from cash aid. These families can continue in Stage 3 until the set income limit is reached or all children are over 13 years of age.

In March 2011, Senate Bill (SB) 70 enacted the elimination of subsidized Child Care for 11 and 12 year-old children, with some exceptions. The budget signed by the Governor in June 2011 restored funding for 11 and 12 year-old children. As a result, Stage 2 and Stage 3 contracts have been augmented and the funds will be used to assist CalWORKs families who are transitioning off cash aid by allowing them to remain employed and off cash assistance. In order for current and former CalWORKs families to remain eligible for Stages 2 and 3 Child Care, they must be working, be within certain income limits, and have children who meet specific age requirements.

The augmented funds could be used to provide child care services to approximately 450 additional children enrolled in Stage 2 and approximately 300 additional children enrolled in Stage 3 for the remainder of Fiscal Year 2011-2012.

The Agency recommends accepting these two CDE Child Care and Development Alternative Payment contract amendments effective July 1, 2011 through June 30, 2012.

POLICY ISSUE:

Approval of this request supports the Board's priority of Efficient Delivery of Public Services by providing payments for Child Care services received by working and low-income recipient families at risk of becoming dependent on public assistance.

STAFFING IMPACT:

There is no staffing impact associated with this request.

CONTACT PERSON:

Christine C. Applegate, Director 558-2500



CALIFORNIA DEPARTMENT OF EDUCATION

1430 N Street

Sacramento, CA 95814-5901

F.Y. 11 - 12

Amendment 01

LOCAL AGREEMENT FOR CHILD DEVELOPMENT SERVICES
AB 114 RESTORATION / FT&C CHANGE

DATE: July 01, 2011

CONTRACT NUMBER: C2AP-1069

PROGRAM TYPE: ALTERNATIVE
PAYMENT-STAGE 2

PROJECT NUMBER: 50-2250-00-1

CONTRACTOR'S NAME: STANISLAUS COUNTY COMMUNITY SERVICES AGENCY

This agreement with the State of California dated July 01, 2011 designated as number C2AP-1069 shall be amended in the following particulars but no others:

The 2011-12 Funding Terms and Conditions (FT&C) shall be amended in accordance with the attached 2011-12 amended FT&C Language (Attachment A) which by this reference is incorporated herein.

The Maximum Reimbursable Amount (MRA) payable pursuant to the provisions of this agreement shall be amended by deleting reference to \$5,707,615.00 and inserting \$5,908,069.00 in place thereof.

SERVICE REQUIREMENTS

Minimum Days of Operation (MDO) Requirement shall be 241. (No change)

EXCEPT AS AMENDED HEREIN all terms and conditions of the original agreement shall remain unchanged and in full force and effect.

APPROVED AS TO FORM:
STANISLAUS COUNTY COUNSEL
BY [Signature]
DATE: 9/16/11

Form with sections for STATE OF CALIFORNIA and CONTRACTOR, including signature lines for Margie Burke and Christine C. Applegate, and a detailed table for program details and amounts.

**CHILD CARE AND DEVELOPMENT
2011-12 LANGUAGE CHANGES TO
THE FUNDING TERMS AND CONDITIONS (FT&C)**

These changes apply to the FT&C for the following contract type: **C2AP**

Note: The page numbers cited may be a few pages off.

Amend Section I., DEFINITIONS as follows (p.5)

“Child care and development programs” means those programs that offer a full range of services for children from infancy to 13 years of age for any part of the day, by a public or private agency, in centers and family child care homes. These programs include, but are not limited to, all of the following:

- (1) General child care and development.
- (2) Migrant child care and development.
- (3) Child care provided by the California School Age Families Education Program (Article 7.1 (commencing with Section 54740) of Chapter 9 of Part 29 of Division 4 of Title 2).
- (4) California state preschool program.
- (5) Resource and referral.
- (6) Child care and development services for children with exceptional needs.
- (7) Family child care home education network.
- (8) Alternative payment.
- (9) Schoolage community child care.

~~“Child care and development programs” means those programs that offer a full range of services for any part of a day, by a public or private agency, in centers and family child care homes to children from infancy to 10 years of age or younger, children with exceptional needs to age 21, children 12 years of age or younger who are homeless, receiving child protective services or identified as at risk of abuse, neglect, or exploitation, children requiring at least one hour of care during non-traditional hours. Contractors shall only expend funds to provide services to those 11 and 12 year olds that meet the exceptions, unless the department determines and notifies contractors that funding is available. These programs include, but are not limited to, all of the following:~~

- ~~1. General child care and development.~~
- ~~2. Migrant child care and development.~~
- ~~3. Child care provided by the California School Age Families Education Program (Article 7.1 (commencing with Section 54740) of Chapter 9 of Part 29 of Division 4 of Title 2).~~
- ~~4. California state preschool program.~~

- ~~5. Resource and referral.~~
- ~~6. Child care and development services for children with exceptional needs.~~
- ~~7. Family child care home education network.~~
- ~~8. Alternative payment.~~
- ~~9. School age community child care.~~

Amend Section I.A, Eligibility and Need Criteria and Documentation, General Requirements as follows: (p.48):

Children who have reached their ~~eleven (11th)~~ thirteen (13th) birthday are ineligible for subsidized services except those children with exceptional needs and severely disabled children may be served to age twenty-one (21). Children with exceptional needs shall also meet the criteria for that age group specified in *EC* Section 56026 and *California Code of Regulations, 5CCR*, sections 3030 and 3031. ~~listed below as described in Section 1, Definitions:~~

- ~~1. Children with exceptional needs and severely disabled child may be served to age twenty one (21).~~
- ~~2. Children receiving child protective services, identified as at risk or abuse, neglect or exploitation, or homeless may be served to age thirteen (13).~~
- ~~3. Children who require at least one hour of child care services during nontraditional hours may be served to age thirteen (13).~~

~~Contractors shall only expend funds to provide services to 11 and 12 year olds, with the exceptions noted above, when the Department determines and notifies contractors that funding is available.~~

Amend Section !.R, Eligibility and Need Criteria and Documentation, Documentation of the Child's Exceptional Needs as follows (p.66):

If the contractor is claiming adjustment factors pursuant to *Education Code* Section 8265.5(b)(4) or (b)(5), the child with exceptional needs is thirteen ~~eleven (13 14)~~ through twenty-one (21) years of age, or the contractor is operating a program pursuant to *Education Code* Section 8250(d). The documentation of exceptional needs shall include:

1. A copy of the portion of the active individual family service plan (IFSP) or the individualized education program (IEP) that includes the information as specified in *EC* Section 56026 and *5CCR* sections 3030 and 3031; and
2. A statement signed by a legally qualified professional that:
 - a. The child requires the special attention of adults in a child care setting; and
 - b. Includes the name, address, license number, and telephone number of the legally qualified professional who is rendering the opinion

Amend Section XV.A and B, Due Process Requirements, Notice of Action, Application for Services and Notice of Action, Recipient of Services as follows (p 77 & 78)

- A. Notice of Action, Application for Services (*EC* 8261 and 8263; *5CCR* 18094, 18095, 18118, 18119 and 18120)
1. The contractor's decision to approve or deny services shall be communicated to the applicant by mailing or delivering a completed statement referred to as a Notice of Action, Application for Services within thirty (30) calendar days from the date the application is signed by the parent(s). The Notice of Action, Application for Services shall include:
 - a. The applicant's name and address
 - b. The contractor's name and address
 - c. The name and telephone number of the contractor's authorized representative who made the decision
 - d. The date of the notice
 - e. The method of distribution of the notice
 2. If services are approved, the notice shall also contain:
 - a. Basis of eligibility
 - b. Daily/hourly fee, if applicable
 - c. Duration of the eligibility
 - d. Names of children approved to receive services; and
 - e. Hours of service approved for each day
 3. If the services are denied, the notice shall contain:
 - a. The basis of denial; and
 - b. Instructions for the parent(s) on how to request a hearing if they do not agree with the contractor's decision in accordance with procedures specified in Sections XVII.D and XVII.E below.
 - c. ~~For 11 and 12-year olds who are otherwise eligible except for their age, the notice shall include:~~
 1. ~~Information to parents that their child can receive first priority for enrollment in an After school Education and Safety (ASES) program or 21st Century Community Learning Centers at the child's school of attendance, and may be able to receive services in a program located at another school in the district. If programs are full, these children will be given first priority on the waiting list for these programs.~~
 2. ~~A statement advising parent(s) that in order to receive first priority for services, a copy of the NOA must be provided to the ASES or 21st Century program at the time of enrollment.~~

3. ~~A list of programs along with contact information for before and after school programs located in the family's community.~~

B. Notice of Action, Recipient of Services (EC 8261 and 8263; 5CCR 18095)

If upon re-certification or update of the application, the contractor determines that the need or eligibility requirements are no longer being met, or the fee or amount of service needs to be modified, the contractor shall notify the family through a written Notice of Action, Recipient of Services in accordance with Section XVII.C below. The contractor shall maintain copies of all Notices of Action, Recipient of Services in the family's family data file. The Notice of Action, Recipient of Services shall include:

1. The type of action being taken
2. The effective date of the action
3. The name and address of the recipient
4. The name and address of the contractor
5. The name and telephone number of the contractor's authorized representative who is taking the action
6. The date the notice is mailed or given to the recipient
7. The method of distribution to the recipient
8. A description of the action
9. A statement of the reason(s) for the changes
10. A statement of the reason(s) for termination, if applicable
11. Instructions for the parent(s) on how to request a hearing if they do not agree with the contractor's decisions in accordance with procedures specified in Section XVII.D and XVII.E below
12. ~~If termination is due to a child reaching his 11th birthday, the contractor shall:~~
 - a. ~~Information to parents that their child can receive first priority for enrollment in an Afterschool Education and Safety (ASES) program or 21st Century Community Learning Centers at the child's school of attendance, and may be able to receive services in a program located at another school in the district. If programs are full, these children will be given first priority on the waiting list for these programs.~~
 - b. ~~A statement advising parent(s) that in order to receive first priority for services; a copy of the NOA must be provided to the ASES or 21st Century program at the time of enrollment.~~
 - c. ~~A list of programs along with contact information for before and after school programs located in the family's community.~~



CALIFORNIA DEPARTMENT OF EDUCATION

1430 N Street

Sacramento, CA 95814-5901

F.Y. 11 - 12

Amendment 01

LOCAL AGREEMENT FOR CHILD DEVELOPMENT SERVICES
AB 114 RESTORATION / FT&C CHANGE

DATE: July 01, 2011

CONTRACT NUMBER: C3AP-1067

PROGRAM TYPE: ALTERNATIVE
PAYMENT-STAGE 3

PROJECT NUMBER: 50-2250-00-1

CONTRACTOR'S NAME: STANISLAUS COUNTY COMMUNITY SERVICES AGENCY

This agreement with the State of California dated July 01, 2011 designated as number C3AP-1067 shall be amended in the following particulars but no others:

The 2011-12 Funding Terms and Conditions (FT&C) shall be amended in accordance with the attached 2011-12 amended FT&C Language (Attachment A) which by this reference is incorporated herein.

The Maximum Reimbursable Amount (MRA) payable pursuant to the provisions of this agreement shall be amended by deleting reference to \$589,040.00 and inserting \$714,636.00 in place thereof.

SERVICE REQUIREMENTS

Minimum Days of Operation (MDO) Requirement shall be 241. (No change)

EXCEPT AS AMENDED HEREIN all terms and conditions of the original agreement shall remain unchanged and in full force and effect.

APPROVED AS TO FORM:
STANISLAUS COUNTY COUNSEL
BY

[Signature]
DATE: 9/16/11

STATE OF CALIFORNIA		CONTRACTOR	
BY (AUTHORIZED SIGNATURE) <i>[Signature]</i>		BY (AUTHORIZED SIGNATURE) <i>[Signature]</i> 10/13/11	
PRINTED NAME OF PERSON SIGNING Margie Burke, Manager		PRINTED NAME AND TITLE OF PERSON SIGNING Christine C. Applegate, Director	
TITLE Contracts, Purchasing & Conference Services		ADDRESS PO Box 42, Modesto, CA 95353	
AMOUNT ENCUMBERED BY THIS DOCUMENT \$ 125,596	PROGRAM/CATEGORY (CODE AND TITLE) Child Development Programs	FUND TITLE Department of General Services use only	
PRIOR AMOUNT ENCUMBERED FOR THIS CONTRACT \$ 589,040	(OPTIONAL USE) See Attached		
TOTAL AMOUNT ENCUMBERED TO DATE \$ 714,636	ITEM See Attached	CHAPTER	STATUTE
	OBJECT OF EXPENDITURE (CODE AND TITLE) 702	FISCAL YEAR	
I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.		T.B.A. NO.	B.R. NO.
SIGNATURE OF ACCOUNTING OFFICER See Attached		DATE OCT 31 2011	


CONTRACTOR'S NAME: STANISLAUS COUNTY COMMUNITY SERVICES AGENCY

CONTRACT NUMBER: C3AP-1067

Amendment 01

AMOUNT ENCUMBERED BY THIS DOCUMENT \$ 0	PROGRAM/CATEGORY (CODE AND TITLE) Child Development Programs	FUND TITLE Federal		
PRIOR AMOUNT ENCUMBERED \$ 469,778	(OPTIONAL USE)0656 13881-2250	FC# 93.575	PC# 000324	
TOTAL AMOUNT ENCUMBERED TO DATE \$ 469,778	ITEM 30.10.020.012 6110-194-0890	CHAPTER 33	STATUTE 2011	FISCAL YEAR 2011-2012
	OBJECT OF EXPENDITURE (CODE AND TITLE) 702 SACS: Res-5062 Rev-8290			

AMOUNT ENCUMBERED BY THIS DOCUMENT \$ 125,596	PROGRAM/CATEGORY (CODE AND TITLE) Child Development Programs	FUND TITLE General		
PRIOR AMOUNT ENCUMBERED \$ 119,262	(OPTIONAL USE)0656 23024-2250			
TOTAL AMOUNT ENCUMBERED TO DATE \$ 244,858	ITEM 30.10.020.012 6110-194-0001	CHAPTER 33	STATUTE 2011	FISCAL YEAR 2011-2012
	OBJECT OF EXPENDITURE (CODE AND TITLE) 702 SACS: Res-6042 Rev-8590			

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.	T.B.A NO.	B.R NO.
SIGNATURE OF ACCOUNTING OFFICER 	DATE OCT 31 2011	

**CHILD CARE AND DEVELOPMENT
2011-12 LANGUAGE CHANGES TO
THE FUNDING TERMS AND CONDITIONS (FT&C)**

These changes apply to the FT&C for the following contract type: C3AP

Note: The page numbers cited may be a few pages off.

Amend Section I., DEFINITIONS as follows (p.5 & 6)

“Child care and development programs” means those programs that offer a full range of services for children from infancy to 13 years of age for any part of the day, by a public or private agency, in centers and family child care homes. These programs include, but are not limited to, all of the following:

- (1) General child care and development.
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- (4) California state preschool program.
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- (6) Child care and development services for children with exceptional needs.
- (7) Family child care home education network.
- (8) Alternative payment.
- (9) Schoolage community child care.

~~“Child care and development programs” means those programs that offer a full range of services for any part of a day, by a public or private agency, in centers and family child care homes to children from infancy to 10 years of age or younger, children with exceptional needs to age 21, children 12 years of age or younger who are homeless, receiving child protective services or identified as at risk of abuse, neglect, or exploitation, children requiring at least one hour of care during non-traditional hours. Contractors shall only expend funds to provide services to those 11 and 12 year olds that meet the exceptions, unless the department determines and notifies contractors that funding is available. These programs include, but are not limited to, all of the following:~~

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~~Contractors shall only expend funds to provide services to 11 and 12 year olds, with the exceptions noted above, when the Department determines and notifies contractors that funding is available.~~

Amend Section I.P, Eligibility and Need Criteria and Documentation, Documentation of the Child's Exceptional Needs as follows (p.69):

If the contractor is claiming adjustment factors pursuant to *Education Code* Section 8265.5(b)(4) or (b)(5), the child with exceptional needs is thirteen ~~eleven (13 14)~~ through twenty-one (21) years of age, or the contractor is operating a program pursuant to *Education Code* Section 8250(d). The documentation of exceptional needs shall include:

1. A copy of the portion of the active individual family service plan (IFSP) or the individualized education program (IEP) that includes the information as specified in *EC* Section 56026 and *5CCR* sections 3030 and 3031; and
2. A statement signed by a legally qualified professional that:
 - a. The child requires the special attention of adults in a child care setting; and
 - b. Includes the name, address, license number, and telephone number of the legally qualified professional who is rendering the opinion

Amend Section XV.A and B, Due Process Requirements, Notice of Action, Application for Services and Notice of Action, Recipient of Services as follows (p 82 – 84)

- A. Notice of Action, Application for Services (*EC 8261 and 8263; 5CCR 18094, 18095, 18118, 18119 and 18120*)
1. The contractor's decision to approve or deny services shall be communicated to the applicant by mailing or delivering a completed statement referred to as a Notice of Action, Application for Services within thirty (30) calendar days from the date the application is signed by the parent(s). The Notice of Action, Application for Services shall include:
 - a. The applicant's name and address
 - b. The contractor's name and address
 - c. The name and telephone number of the contractor's authorized representative who made the decision
 - d. The date of the notice
 - e. The method of distribution of the notice
 2. If services are approved, the notice shall also contain:
 - a. Basis of eligibility
 - b. Daily/hourly fee, if applicable
 - c. Duration of the eligibility
 - d. Names of children approved to receive services; and
 - e. Hours of service approved for each day
 3. If the services are denied, the notice shall contain:
 - a. The basis of denial; and
 - b. Instructions for the parent(s) on how to request a hearing if they do not agree with the contractor's decision in accordance with procedures specified in Sections XV.D and XV.E below.
 - c. ~~For 11 and 12-year olds who are otherwise eligible except for their age, the notice shall include:~~
 1. ~~Information to parents that their child can receive first priority for enrollment in an After school Education and Safety (ASES) program or 21st Century Community Learning Centers at the child's school of attendance, and may be able to receive services in a program located at another school in the district. If programs are full, these children will be given first priority on the waiting list for these programs.~~
 2. ~~A statement advising parent(s) that in order to receive first priority for services, a copy of the NOA must be provided to the ASES or 21st Century program at the time of enrollment.~~

3. ~~A list of programs along with contact information for before and after school programs located in the family's community.~~

B. Notice of Action, Recipient of Services (EC 8261 and 8263; 5CCR 18095)

If upon re-certification or update of the application, the contractor determines that the need or eligibility requirements are no longer being met, or the fee or amount of service needs to be modified, the contractor shall notify the family through a written Notice of Action, Recipient of Services in accordance with Section XV.C below. The contractor shall maintain copies of all Notices of Action, Recipient of Services in the family's family data file. The Notice of Action, Recipient of Services shall include:

1. The type of action being taken
2. The effective date of the action
3. The name and address of the recipient
4. The name and address of the contractor
5. The name and telephone number of the contractor's authorized representative who is taking the action
6. The date the notice is mailed or given to the recipient
7. The method of distribution to the recipient
8. A description of the action
9. A statement of the reason(s) for the changes
10. A statement of the reason(s) for termination, if applicable
11. Instructions for the parent(s) on how to request a hearing if they do not agree with the contractor's decisions in accordance with procedures specified in Section XV.D below
12. ~~If termination is due to a child reaching his 11th birthday, the contractor shall:~~
 - a. ~~Information to parents that their child can receive first priority for enrollment in an Afterschool Education and Safety (ASES) program or 21st Century Community Learning Centers at the child's school of attendance, and may be able to receive services in a program located at another school in the district. If programs are full, these children will be given first priority on the waiting list for these programs.~~
 - b. ~~A statement advising parent(s) that in order to receive first priority for services; a copy of the NOA must be provided to the ASES or 21st Century program at the time of enrollment.~~
 - c. ~~A list of programs along with contact information for before and after school programs located in the family's community.~~



CALIFORNIA DEPARTMENT OF EDUCATION

1430 N Street

Sacramento, CA 95814-5901

F.Y. 11 - 12

Amendment 02

LOCAL AGREEMENT FOR CHILD DEVELOPMENT SERVICES
Reduction

DATE: June 06, 2012

CONTRACT NUMBER: C2AP-1069

PROGRAM TYPE: ALTERNATIVE

PAYMENT-STAGE 2

PROJECT NUMBER: 50-2250-00-1

CONTRACTOR'S NAME: STANISLAUS COUNTY COMMUNITY SERVICES AGENCY

This agreement with the State of California dated July 01, 2011 designated as number C2AP-1069, Amendment #01 (AB 114 RESTORATION / FT&C CHANGE) shall be amended in the following particulars but no others:

The Maximum Reimbursable Amount (MRA) payable pursuant to the provisions of this agreement shall be amended by deleting reference to \$5,908,069.00 and inserting \$4,508,069.00 in place thereof.

Minimum Days of Operation (MDO) Requirement shall be 241. (No change)

EXCEPT AS AMENDED HEREIN all terms and conditions of the original agreement shall remain unchanged and in full force and effect.

APPROVED AS TO FORM:
STANISLAUS COUNTY COUNSEL

BY [Signature]

DATE: 25 JUN 12

Form with sections for STATE OF CALIFORNIA and CONTRACTOR, including signature lines for Margie Burke and Christine C. Applegate, and a table for financial details like AMOUNT ENCUMBERED BY THIS DOCUMENT and PROGRAM/CATEGORY.