



ANNE CAMPBELL  
CHILD DEVELOPMENT CENTER

---

# Eligibility and Enrollment



ANNE  
CAMPBELL  
CHILD  
DEVELOPMENT  
CENTER

San Mateo County Office of Education

65 Tower Road  
San Mateo, CA 94402  
(650) 573-4010

Community Care Licensing  
Number: 414004898

# Table of Contents

Applying for Subsidized Services.....	3
Returned Check Fee.....	3
Eligibility Criteria.....	3
Notice of Action (NOA) .....	4
Approval for Services .....	5
Child Age Eligibility .....	5
Children with Exceptional Needs .....	5
Homelessness .....	5
Family Size .....	6
Self-Certification Absent Parent, or Single Parent Status.....	7
What is Countable Income? .....	7
Family Fee .....	8
Credits for Fee Paid to Other Providers.....	8
When Families Voluntarily Request a Reduction of the Family Fee .....	8
Documentation of Need for Full-Day Preschool.....	9
Documentation of Need for Full-Day Preschool.....	10
Family’s Right To Voluntarily Report Changes.....	11
Fraud Policy .....	11
Uniform Complaint Procedures Notice (UPC) .....	11

# Applying for Subsidized Services

Each family interested in applying for subsidized services must fill out a program waitlist application to begin enrollment. The application can be obtained from the Child Development office. Once the application is complete, the parent/guardian can return the application for processing. The family will be assigned an eligibility rank based on income and family size reported on the application. Families will be contacted based on the identified priorities and ranking established by the state of California. Additional documentation will be required to verify income and family size when a space is available.

## Returned Check Fee

A \$50.00 fee will be assessed for each returned check.

**Late Fee:** If payment is not received by the fifth day of the month, families will pay an additional charge of \$5 per day. After 10 days of late tuition, the student cannot attend school until the account is paid in full.

## Family Selection Process for Subsidized Services

When a family submits an eligibility wait list form, priority will be identified, and/or a ranking number will be issued based on the parent/guardian's initial reporting of their family size and gross income or other eligibility criteria. Based on the initial reporting of family size and income, the program staff will refer to the California Department of Education income eligibility ceiling chart to issue a ranking number. Families will be enrolled based on priority and/or the lowest ranking first until all spaces are filled. When two or more families have the same ranking number, a child from a family whose primary home language is a language other than English will be enrolled first. If there are no children on the wait list from a family whose primary language is one other than English, the child on the waitlist the longest will be admitted first. To determine the admission order, public assistance recipients' grants shall be counted as income.

Our program maintains an eligibility wait list when spaces are filled. Families will be contacted based on the ranking number issued when the wait list form is submitted. Please contact the office to update your information if income and/or family size change after the wait list form submission. Based on the change(s) reported the program staff will update the ranking number as needed. Families will be contacted as soon as spaces become available.

## Eligibility Criteria

The parent is responsible for providing documentation of the family's total countable income, and the contractor must verify the information. The parent(s) will provide the total countable income for all individuals counted in the family size. The contractor will calculate income based on income information reflecting the family's current and ongoing income.

Eligibility is based on documentation and verification of at least ONE of the following:

1. The family has a child who is in Child Protective Services OR is at risk of abuse, neglect, and/or exploitation
2. The family has a child with exceptional needs
3. The family is experiencing homelessness. The definition of homeless aligns with the federal McKinney-Vento Act. (See specific enrollment criteria on page 5)
4. The family is a current CalWORKs cash aid recipient
5. The family is income eligible
6. A member in the family is certified to receive benefits from specific means-tested government programs such as Medi-cal, Cal-Fresh, WIC, Head Start, etc.

7. The center and family reside within the attendance boundaries of a qualifying elementary school for Free and Reduced Price Meal FRPM eligibility.

Upon establishing initial eligibility or ongoing eligibility for services, **a family shall be considered to meet all eligibility and need requirements for those services for no less than 24 months** before having their eligibility or need to be recertified and will not be required to report changes to income or other changes for at least 24 months. The program will notify the family in writing within the final thirty days of the initial certification as notification to prepare for upcoming recertification. The recertification appointment will occur within 50 days after the initial certification ends.

When a family voluntarily requests a reduction to their family fee (if applicable) by reporting a change such as family income, days and hours of care needed, or family size, the contractor must reassess the family fee. The parent must provide documentation to support the reported change. The program will issue a Notice of Action within ten business days of receiving appropriate documentation informing the program's decision.

The family fee reduction takes effect on the first of the month following the receipt and approval of the required supporting documentation. This documentation may not be used to make other changes to the family's service agreement.

**Families in part-day preschool classrooms are certified for two school years. Half-day preschool programs do not assess a family fee.**

The program will provide a current Schedule of Income Ceiling at 100% of the State Median Income (SMI) with the Parent Enrollment Packet. The program will provide the parent with a copy of the income calculation worksheet to verify income eligibility and the maximum income threshold for their family size. The family must notify the program within 30 calendar days of any income that causes the family's income to go above the maximum income threshold. The program will recalculate the family's income to determine the family's continued eligibility for services.

## Notice of Action (NOA)

The Notice of Action (NOA) is a written notification of your childcare status with the state-subsidized program for approval, change, and termination of services.

Parent/Guardian will receive a Notice of Action (NOA) at

- Initial certification to approve or deny services
- Recertification
- Changes in service
- When your family fee payment is delinquent
- Disenrollment from the program

### Parent Appeal information:

Notice of Action - Whenever the program makes changes to childcare services (for example, by approving or denying services, by changing the approved hours of care, or by terminating services), the agency must notify you by giving you a document called a "Notice of Action" (NOA). The NOA will inform you of the type of action taken, the reasons for the action, and the date when the action shall take effect. Parents must file a notice to appeal the action within fourteen (14) days from the date the NOA is given to the parent or nineteen (19) days if mailed to the parent. Your Notice of Action provides you with specific instructions for appealing an action. Please keep a copy of your NOA. If you, the parent, disagree with the local hearing appeal decision, the parent may appeal for a state review of the local hearing decision. The [Parent Appeal Information Pamphlet](#) (attached) provides information regarding the two levels of appeal described above. Please see your Notice of Action for specific instructions on how to appeal.

# Approval for Services

Families must first meet the program's specific California Department of Education (CDE) approved requirements for eligibility.

Families are certified for services for twenty-four (24) months at initial enrollment.

A Notice of Action (NOA) will be issued on the enrollment status.

## Child Age Eligibility

**CCTR** – Children under three years old and have not yet had their third birthday.

**CSPP – eligible three-year-old children** as those who will have their third birthday on or before December 1 of the fiscal year in which they are enrolled in a California state preschool program.

Children who have their third birthday on or after December 2 of the fiscal year may be enrolled in a California state preschool program on or after their third birthday.

**CSPP – eligible four-year-old children** as those who will have their fourth birthday on or before December 1 of the fiscal year in which they are enrolled in a CSPP.

Please note that children who are age-eligible for Transitional Kindergarten may choose to enroll in the state preschool program if that is the best fit for the family.

## Children with Exceptional Needs

Children with an exceptional need for state preschool eligibility are defined as having an active individualized family service plan (IFSP) for children ages 0-3 or an individualized education plan (IEP) for children ages 3-22.

Children with exceptional needs are eligible for the state preschool program as a separate eligibility category. Only children with a current IFSP or IEP may be enrolled in the program under this category. Any other children in the family who do not meet the definition of exceptional needs may be enrolled based on any other eligibility category for which the family is eligible.

To qualify for full-day CSPP, families must establish a need for service; however, after the program has enrolled all eligible families meeting the need criteria, the program can enroll families that do not have a need.

The program must set aside a percentage of the program's state-funded enrollment reserved specifically to allow children with exceptional needs, including children with severe disabilities, to be enrolled in income order, but without regard to enrollment priorities until set aside is met. No other children without exceptional needs can be enrolled within this set-aside amount.

Once the program has met the percentage of children with exceptional needs required in the set-aside amount, age-eligible children with exceptional needs and whose families are income eligible will receive second priority for enrollment. Once all eligible families have been enrolled and there are no additional families on the waitlist, additional children with exceptional needs whose families are over income may be enrolled.

## Homelessness

If the basis of eligibility is homelessness, one of the following is required:

- To meet the eligibility requirements, the family must obtain and provide documentation, which includes either of the following:
  1. A written referral dated within three months before the application for services from one of the following entities, which identifies the child as experiencing homelessness.
    - a. A legal, medical, or social services agency;
    - b. A local educational agency liaison for children and youth experiencing homelessness;

- a. A Head Start program or
- b. An emergency or transitional shelter

**The referral shall include the following:**

- a. The name of the identifying entity;
  - b. The physical address;
  - c. Telephone number; and
  - d. Title and signature of the person identifying the family as experiencing homelessness.
2. A written parental declaration, signed under penalty of perjury, that the family is experiencing homelessness

The McKinney-Vento Act defines homeless children and youths as individuals who lack a fixed, regular, and adequate nighttime residence and includes:

- Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
- Children and youths who may be living in motels, hotels, trailer parks, or camping grounds due to a lack of adequate alternative accommodations;
- Children and youths living in emergency or transitional shelters or are abandoned in hospitals;
- Children and youths who are a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings; or
- Migratory children who qualify as homeless because they are children who are living in similar circumstances listed above

## Family Size

The family size or composition of the family size, is initially determined by the number of adults and children that the applicant's parent presents to the agency or who is identified on the application.

**“Family”** means the parents and the children for whom the parents are responsible, who comprise the household in which the child receiving services is living.

**“Parent”** means a biological parent, adoptive parent, stepparent, foster parent, caretaker relative, legal guardian, or domestic partner of the parent as defined in Family Code section 297 or any other adult living with a child who has responsibility for the care and welfare of the child.

The parent shall obtain and provide supporting documentation regarding the number of children and parents in the family as listed on the application for service.

The number of children shall be documented by providing any **ONE** of the following documents, as applicable:

- Birth certificate or other live birth records
- Court order regarding child custody
- Adoption documents
- Records of foster care placements
- School or medical records
- County welfare department records
- Other reliable documentation indicating the relationship of the child to the parent



## Self-Certification Absent Parent, or Single Parent Status

If only one parent has signed an application and the information indicates the child(ren) in the family has another parent whose name does not appear on the application, then the parent who has signed the application shall self-certify the presence or absence of that parent under penalty of perjury and shall not be required to submit additional information documenting the presence or absence of the second parent.

### What is Countable Income?

Total countable income means all income of the individuals counted in the family size. For example:

- Gross wages or salaries, commissions, overtime, tips, bonuses, gambling, or lottery winnings;
- Wages for migrant, agricultural, or seasonal work;
- CalWORKs cash aid;
- Gross income from self-employment means fewer business expenses except wage draws;
- Disability or unemployment compensation;
- Workers' compensation;
- Spousal support, child support received from the former spouse or absent parent, or financial assistance for housing costs or car payments paid as part of or in addition to spousal or child support;
- Survivor and retirement benefits;
- Dividends, interest on bonds, income from estates or trusts, net rental income or royalties;
- Rent from a room within the family's residence;
- Financial assistance received for the care of a child living with an adult who is not the child's biological or adoptive parent;
- Veterans' pensions;
- Pension or annuities
- Inheritance;
- Allowances for housing or automobiles provided as part of compensation;
- Insurance or court settlements for lost wages or punitive damages;
- Net proceeds from the sale of real property, stocks, or inherited property; or
- Other enterprises for gain

If the basis for eligibility is employment income, documentation shall include but not limited to:

- A release authorizing the program to contact the employer(s) that includes, to the extent known, the employer's name, address, telephone number, and usual business hours
- Payroll check stubs or independently drafted letters from the employer, or other records of wages issued by the employer from either month of the two-month window immediately preceding the initial certification or the recertification of eligibility for services.
- Income documentation is for either month of the two-month window preceding certification. The program has the right to request additional documents to determine eligibility.

A release authorization allows the program's designated staff to contact the employer(s). the release authorization includes **Employer's name, address, telephone number, and usual business hours.**

## Family Fee

Families receiving full-day childcare will be assessed whether a family fee applies based on income and family size. The family fee is a flat monthly full-time or part-time fee based on the hours of care certified for the month. Families with a certified need of less than 130 hours per month will be assessed a part-time fee, while families with a certified need of 130 or more hours per month will be assessed a full-time fee. The agency can charge a part-time fee or the cost of care (calculated by multiplying the days of enrollment by the rate), whichever is less, depending on the number of hours of certified enrollment for the month.

The family fee is paid before service each month. No adjustment is made for absences from the program. The family fee is assessed based on the family's child enrolled for the longest period of childcare. Family fees shall be considered delinquent after seven (7) calendar days from the date the fees were due. A Notice of Action shall be issued for a delinquent family fee.

Childcare services shall be terminated 14 days from the Notice of Action (NOA) date unless all delinquent fees are paid or a payment plan has been established before the end of the period for NOA appeal. If the NOA was mailed to the family, the termination would occur after 19 days. Upon termination of services for nonpayment of delinquent fees, the family shall be ineligible for childcare and development services until all delinquent fees are paid. The program shall accept a reasonable plan from the parent(s) to pay delinquent fees. Childcare service shall continue to be provided to the child, provided the parent(s) pays current fees when due and complies with the provisions of the repayment plan.

The fee for the initial certification is due upon enrollment. For new family fees due as the result of recertification and updates to the family file, an NOA must be issued to the family showing the new fee to be imposed and contain an effective date of either 14 or 19 calendar days after service of the NOA, depending upon whether the NOA was personally served or mailed to the family. The fee is due on the first of the month following the effective date of the NOA.

When the initial enrollment is not on the first day of the month, the contractor can assess a fee based on certified hours for the partial month and another fee for each subsequent month based on certified hours as documented in the application for services. For example, a family works 40 hours per week or full-time, and their initial enrollment date is May 20. For the month of May, the family will utilize less than 130 hours. In this example, the family will be assessed a part-time fee for May and a full-time fee for each subsequent month of service. If a new family fee is assessed, the fee will become effective on the first day of the month following the issue date of the NOA.

## Credits for Fee Paid to Other Providers

This section shall apply to childcare and development services provided by someone other than the contractor:

- a. When a contractor cannot meet all of a family's needs for childcare for which eligibility and need have been established, the contractor shall grant a fee credit equal to the amount paid to the other provider(s) of these childcare and development services.
- b. The contractor shall apply the fee credit to the family's subsequent billing period. The family shall not be allowed to carry over the fee credit beyond the family's subsequent fee billing period.
- c. The contractor shall obtain copies of receipts or canceled checks for the other child care and development services from the parent. The copies of the receipts or canceled checks shall be maintained in the contractor's fee assessment record

## When Families Voluntarily Request a Reduction of the Family Fee

A family may voluntarily request a reduction to their family fee by reporting a change such as family income, days and hours of care needed, or family size. The program must reassess the family fee by requesting documentation to support the reported change. The family fee reduction takes effect on the first of the month following the receipt and approval of the required supporting documentation. **This documentation may not be used to make other changes to the family's service agreement.**



A Notice of Action (NOA) must be issued immediately upon receipt and approval of the required supporting documentation so that the new family fee will become effective on the first day of the month that follows the issue date of the NOA. For example, if an NOA is issued on July 28, 2021, the effective date of the reduced fee would be August 1, 2021.

When a family is initially certified or recertified based on income eligibility:

Within thirty (30) calendar days, the family shall report changes to ongoing income that causes their adjusted monthly income, adjusted for family size, to exceed ongoing income eligibility.

Once determined and certified as income eligible for services, families remain income eligible until their adjusted monthly income exceeds 100% percent of the most recent SMI, adjusted for family size.

The program must notify parents at the time of initial certification, and at recertification, the dollar amount that equals 100 percent of the SMI, based on their family size. **Parents must report when their family income exceeds the 100%-dollar amount for their family size.**

Families with incomes up to 15 percent over the income threshold are eligible for state preschool; however, no more than 10 percent of the total contract may be children enrolled under this provision. These families are still required to have a need for services.

When family income exceeds the identified 100% of SMI for the family size, the program must dis-enroll the family and issue a Notice of Action (NOA) citing the family has exceeded the 100 percent of the SMI adjusted for family size.

Specifically, the program must inform the parent in writing of the maximum adjusted monthly income the family could earn, based on the family size most recently certified, before the family is no longer income eligible for services. To do this, the program must provide the family with a copy of the most recent Schedule of Income Ceilings (100 percent SMI) for Recertification,

## Documentation of Need for Full-Day Preschool

A family may voluntarily request for a reduction to their family fee by reporting a change such as family income, days and hours of care needed, or family size. The contractor must reassess the family fee by requesting for documentation to support the reported change. The family fee reduction takes effect on the first of the month following the receipt and approval of the required supporting documentation. **This documentation may not be used to make any other changes to the family's service agreement.**

A Notice of Action (NOA) must be issued immediately upon receipt and approval of the required supporting documentation so that the new family fee will become effective on the first day of the month that follows the issue date of the NOA. For example, if a NOA is issued on July 28, 2021, the effective date of the reduced fee would be August 1, 2021.

When a family is initially certified or recertified on the basis of income eligibility: the family shall, within thirty (30) calendar days, report changes to ongoing income that causes their adjusted monthly income, adjusted for family size, to exceed ongoing income eligibility.

Once determined and certified as income eligible for services, families remain income eligible until their adjusted monthly income exceeds 85 percent of the most recent SMI, adjusted for family size.

The program must notify parents/guardians, at the time of initial certification, and at recertification, the dollar amount that equals 85 percent of the SMI, based on their family size. **Parents/guardians are required to report when their family income exceeds the 85 percent-dollar amount for their family size.**

When family income exceeds the identified 85 percent of SMI for the family size, the program must dis-enroll the family and issue a NOA citing the family has exceeded the 85 percent of the SMI adjusted for family size.

Specifically, the program must inform the parent in writing of the maximum adjusted monthly income the family could earn, based on the family size most recently certified, before the family is no longer income eligible for services. To do this, the program must provide the family with a copy of the most recent Schedule of Income Ceilings (85 percent SMI) for Recertification.

# Documentation of Need for Full-Day Preschool

Upon establishing initial eligibility or ongoing eligibility for services, a family shall be considered to meet all eligibility and need requirements for those services for no less than 24 months before having their eligibility and need to be recertified. The family shall not be required to report changes to income or other changes for the 24 months.

Each adult counted in the family size must have a need for childcare services. If it is determined by the enrollment specialist that there is no documented need for subsidized childcare, a Notice of Action to deny or terminate services will be issued. The following are the categories of documentable needs for childcare. However, after the program has enrolled all eligible families meeting the need criteria, the program may enroll families that do not have a need for services.

At any time during the family's certification period, a parent may request an increase or decrease in the certified schedule. Requests to change the certified hours must be provided in writing. If the request is to decrease hours, the program will notify the family of the right to maintain the current certified schedule.

- 1. At Risk of Abuse or Neglect** – When the basis of need is At Risk of Abuse or Neglect, a child who a legally qualified professional has identified in a legal, medical, social services agency, or emergency shelter as being at risk of abuse, neglect, or exploitation, and referred for childcare and development services. At-risk families may receive a 24-month fee exemption when a legally qualified professional from a legal, medical, social services agency, or emergency shelter specifies in the referral that it is necessary to waive the family fee. For families with a fee exemption, income information will not be required, and fees will not be assessed or collected. If the referral from a legally qualified professional (a legal, medical, social services agency or emergency shelter) does not waive the fee, the family must provide income documentation. Fees must be assessed and collected, as applicable, based on the most recent fee schedule issued by the CDE, CDSS. Fee assessment and collection will begin on the first day of enrollment unless the fee is waived.
- 2. Child Protective Services (CPS)** – When the basis of need is CPS, a written referral from a legal, medical, social service agency, or emergency shelter is required. The written referral shall include a statement that the child is at risk of abuse or neglect and that childcare services are needed to reduce or eliminate that risk. CPS shall certify that the child is receiving protective services and that childcare is a necessary part of the CPS plan. CPS families may receive a 24-month fee exemption when a legally qualified professional from a legal, medical, social services agency, or emergency shelter specifies in the referral that it is necessary to waive the family fee.

**Note:** A “legally qualified profession” means a person licensed under applicable law and regulation of the State of California to perform legal, medical, health, or social services for the general public.

- 3. Employment** – When the basis for need is employment, means of verification may include but is not limited to Pay Stubs, Record of Wages, Proof of Self-Employment, and/or Tax Returns, as well as a completed Employment Verification form.
- 4. Vocational training or participation in an educational program** – When the basis of need is training, childcare services may be authorized for six years from the initiation of services. Twenty-four-semester units, or its equivalent, after attaining a Bachelor's Degree. A parent may request additional hours for study time and travel to support their educational needs with appropriate documentation. At recertification, the continuation of services is contingent upon the parent's adequate progress. To verify adequate progress, the program will request additional documentation to assess the progress made. In a graded program, the parent must achieve a minimum of a 2.0-grade point average in the last enrollment period. In a non-graded program passing at least 50% of the class requirements or meeting the institution's standards. If adequate progress has been made, then that parent can recertify under this need.
- 5. Seeking employment** – When the basis for need is seeking employment, the participant may be approved to seek employment for 6.5 hours per day and no more than 32.5 hours per week.
- 6. Family is Experiencing Homelessness** – A family experiencing homelessness may establish both Eligibility and Need. The family must obtain and provide documentation which includes: a referral dated within three months before the application for services from one of the following: A legal, medical, or social services agency; a local educational agency liaison; a Head Start program or an emergency or transitional shelter OR a written parental declaration signed under penalty of perjury that the family is experiencing homelessness. If the Need is a family experiencing homelessness, services shall be as

requested by the parent and shall occur no more than five days per week for less than 30 hours per week.

7. **Seeking permanent housing for family stability** – When the basis of need is seeking permanent housing, the participant may be approved to seek permanent housing for no more than 32.5 hours per week for consecutive working days, Monday to Friday.
8. **Incapacity** – When the basis of need is Incapacity, childcare and development services shall be based on the documentation provided by the legally qualified health professional, which shall include; a statement that the participant is incapacitated and incapable of providing care and supervision for the child. The documentation must identify the extent to which the participant is incapable of care and supervision. Childcare cannot exceed 50 hours per week.

Eligibility for subsidized spaces is not based on “first-come, first-serve” but is determined by CDE or CDSS guidelines.

## Family’s Right To Voluntarily Report Changes

A family may at any time voluntarily request a reduction to their service level or a re-evaluation of their family fee. Before a contractor may make any actions, a parent shall submit a written request for the requested changes, which may include the days and hours per day requested, the effective date of a proposed reduction of service, or the parent’s income status change. The parent must acknowledge in writing that he/she understands that the parent may retain their current certified childcare service level.

Upon receipt of the parent’s written request, the contractor shall notify the family in writing of the parent’s right to continue to bring their child pursuant to the original certified service level and collect documentation to support the changes requested, and not later than ten business days after receipt of applicable documentation, issue a Notice of Action for the requested change in service level. No other changes to the service agreement shall be made using the received information.

## Fraud Policy

The California Department of Education requires the Anne Campbell Child Development Center to take reasonable action to recover funds due to fraud. Fraud is the submission of false or misleading information or documentation to obtain subsidized childcare services. This includes but is not limited to providing false or misleading information or statements, altering documentation, or failure to report income exceeding 85% SMI, need for services, family size, or family information. If a determination is made that fraudulent activity has occurred, one or more of the following actions will take place:

- The participant’s services will be terminated, and Anne Campbell Child Development Center may no longer serve the family.
- The case will be referred to the appropriate agency for investigation and possible prosecution.

## Uniform Complaint Procedures Notice (UPC)

Individuals, agencies, organizations, students, and interested third parties have the right to file a complaint regarding the Name of Agency and Early Learning and Care program’s alleged violation of a statute or regulation that the California Department of Education is authorized to enforce. This includes allegations of unlawful discrimination. Complaints must be signed and filed in writing with the following:

California Department of Education  
Early Learning and Care Division Complaint Coordinator  
1430 N Street, Suite 3410  
Sacramento, CA 95814

If the complainant is not satisfied with the final written decision of the California Department of Education, remedies may be available in federal or state court.

### Notice of Action

Whenever an agency makes changes to child care services (for example, by approving or denying services, by changing the approved hours of care, or by terminating services), the agency must notify you by giving you a document called a “Notice of Action” (NOA).

The NOA will:

- Tell you **what** action will be taken, the reasons for the action and **the date** on which that action will be taken.
- Specify that you have a right to appeal the action on the NOA if you disagree with it, and provide you with instructions for appealing.

**Please keep a copy of your NOA.**

### What if I disagree with the action on the NOA?

You have the right to appeal.

### What is the appeal process?

There are two levels of appeal:

1. A local hearing conducted by a hearing officer who is not involved with the decision; and
2. A state review conducted by the California Department of Education (CDE) of the local hearing decision.

**NOTE:** *A state review by CDE may only be requested, if after going through the local hearing, you disagree with the decision of the agency (as noted on the decision letter from the agency).*

This document provides general information regarding the two levels of appeal described above. Please see your NOA and parent handbook for instructions on how to appeal.

### Can I continue to receive services during the appeal process?

Yes. When you submit a request for a local hearing within 14 calendar days of the date the NOA was received, you will continue to receive services in accordance with your last service agreement until the appeal process is completed or abandoned.

Your appeal will be considered abandoned if:

- You do not submit a request for local hearing within 14 calendar days of receiving your NOA; or
- You (or your authorized representative) do not attend the local hearing; or
- You do not submit a timely request for the CDE’s review after the local hearing process has taken place.

### How do I request a local hearing?

To request a local hearing, you must notify the agency within 14 calendar days of the date the NOA was received. You may:

- Complete the second page of the NOA and mail, fax, deliver, or email a copy to your agency; or
- Submit your request using any other communication method identified in your parent handbook.

**Please keep a record of how/when you submitted your request.**

**You have the right to:**

- Review the information in your family data file.
- Have another person (called an “authorized representative”) attend the local hearing with you, or on your behalf.
- An interpreter, if needed.

### How will the agency let me know when my local hearing is scheduled?

Within 10 calendar days of receiving your timely request, the agency will provide you with a notice telling you the date, time and place of the local hearing.

### What happens at the local hearing?

At the local hearing,

- The hearing officer will explain the reason for the NOA.
- You (and/or your authorized representative) will be able to explain the reasons why you think the action on the NOA is wrong.
- You will be able to ask questions about the agency’s decision.

You should bring any documents/information that support why you think the action is wrong.

The hearing officer will make a decision based on the information provided at the hearing.

### When will I be informed of the local hearing decision?

Within 10 calendar days after your local hearing, the hearing officer will mail or deliver a written decision letter to you. The decision letter will tell you how to request the CDE’s review, if you do not agree with the decision.

### What if I disagree with the hearing officer’s written decision letter?

You have the right to request a review of the local decision by the CDE. The CDE must get your request within 14 calendar days from the date on the local agency’s decision letter.

**Your request to the CDE must include the following information:**

- A copy of both sides of the original NOA with which you disagree;
- A copy of the written decision letter from the local hearing; and
- A statement (e.g., letter) explaining why you disagree with the local hearing officer's decision.

You may mail, fax or deliver your request to:

California Department of Education  
Early Education and Support Division  
Attn: Appeals Coordinator  
1430 N Street, Suite 3410  
Sacramento, CA 95814  
Phone: 916-322-6233  
Fax: 916-323-6853

**What happens during the CDE review?**

If the CDE receives your request within 14 calendar days of the date on the local agency's decision letter, the CDE will:

- Review the information provided.
- Contact you and/or the agency which issued your NOA if necessary.

The CDE has up to 30 calendar days to make a decision and mail a final decision letter to you and to the agency which issued your NOA.

**What happens next?**

- If the CDE grants your appeal, the decision letter will include direction to the agency regarding continued services.
- If the CDE denies your appeal, the action on the NOA will become effective.

The CDE's decision is the final administrative decision and agencies must follow the CDE's decision.

**For further information or to ask a question about the appeal process, please contact your child care agency at:**

Agencies should insert the following information:  
Agency's Name  
Agency's Address  
Phone number parents should call



**Parent Appeal Information Pamphlet**

California Department of Education  
March 2014

Based on:  
California Code of Regulations,  
Title 5, Section 18118 Et Seq.

This flyer is mandatory only to the extent that it cites a specific statutory and/or regulatory requirement. Any portion of this flyer that is not supported by a specific statutory or regulatory requirement is not prescriptive pursuant to California *Education Code*, Section 33308.5. For regulations regarding parental appeal rights, see *California Code of Regulations*, Title 5 (5 CCR), Section 18118 et seq.