



Early Learning for All Program Operating Guidelines Fiscal Year 2024-2025

Every child in San Francisco has the best start in life and our City is a great place to raise a family.

Mission

To weave together family, community, and system supports so that all children who grow up in San Francisco have a strong foundation of nurturing, health, and learning.

San Francisco Early Learning for All (ELFA)

DEC PROGRAM PHILOSOPHY

The San Francisco Department of Early Childhood (DEC) is committed to ensuring all children are ready for kindergarten. We believe in-person educational experiences are essential for young children to develop the cognitive, social-emotional, and physical skills they need to succeed. Children who attend high-quality early care and education (ECE) gain the skills to become better prepared for school and lifelong success.

All DEC funded programs should embrace a philosophy that supports all families and children in San Francisco, and policies aligned with DEC’s vision for positive outcomes for all children. These Program Operating Guidelines provide a framework for programs funded for child enrollment services by the City and County of San Francisco.

Introduction

In July 2017, the Office of Early Care and Education launched San Francisco’s Early Learning Scholarship (now called San Francisco Early Learning for All, ELFA) Program. ELFA provides eligible San Francisco families with young children under five years of age with financial assistance to access quality early care and education. More than 320 Early Care and Education Centers and Family Child Care Programs across San Francisco are qualified to participate in the city’s early learning system.

Purpose of Operating Guidelines

These Operating Guidelines provide guidance to city-funded qualified programs with general information for administering public funds. This information reflects current enrollment program policies and procedures, yet is subject to change and update by DEC, at any time. These guidelines and addendums are available at <https://provider.sfdec.org/funding-requirements/guidelines-and-forms/>.

In addition to the information contained in these guidelines, DEC funds two organizations to provide additional support and services to City funded ECE programs. The Integrated Services Agencies ([Children’s Council of San Francisco](#) and [Wu Yee Children’s Services](#)) are able to share Program and Family handbooks with detailed information regarding the policies and procedures outlined in these operating guidelines.

Integrated Services Agencies

The Integrated Services Agencies (ISAs) are contracted non-profit, community-based organizations (CBOs), who leverage local, state, and federal child care funds to assist eligible families with locating, enrolling in, and maintaining care with early care and education providers. The ISAs focus on helping families obtain quality early care and education experiences. Children’s Council of San Francisco and Wu Yee Children’s Services are the DEC contracted ECE Integrated Services Agencies for Fiscal Year 2024-25. Their services include, but are not limited to:

- Helping families determine their eligibility for enrollment in an ECE program
- Supporting families and child care programs through Resource and Referral services
- Leveraging state and federal child care funding to support families
- Issue child care payments for ECE enrollments and other related payment administration

Role of Compass Family Services in ELFA

Compass Family Services is a community service partner contracted by DEC to assist Homeless San Francisco families with children under five years of age obtain quality ECE services. The Homeless Early Care and Education Case Management program at Compass provides families who are homeless and/or living in a domestic violence shelter with enhanced child care enrollment support in collaboration with the ISAs.

Early Learning Division Continuous Improvement Strategy

DEC’s Early Learning Division is committed to “Continuous Learning and Improvement: To have our desired impact, we must consistently and frequently engage parents, providers and grantees in helping us understand what is working well and where improvement is needed –and use what we learn from shift and adapt our work”. (<https://sfdec.org/strategic-plan/>)

The Early Learning Division encourages parents, and providers to provide input on how to improve their experiences with the services they receive either directly from DEC or from any other collaborating entity in our system of early care and education in San Francisco.

The “Feedback” helps DEC gather new ideas and strengthens program and family engagement and satisfaction. Families and Programs are always welcomed to use our **“Continuous Learning and Improvement” feedback opportunities.**

San Francisco Early Learning for All Guidelines

Current Populations Served

Our Early Care and Education (ECE) system focuses on serving the needs of San Francisco’s birth to five-year-olds. DEC increases access to families, which include Black/African American, Latino, Native American/Indigenous, immigrant, homeless, and children at risk of abuse and/or neglect or involved with the child welfare system and children with identified special needs or disabilities.

ELFA Qualified Programs

ELFA qualified programs are Centers and licensed Family Child Care Programs approved through a comprehensive program quality standards and validation process. Qualified programs are committed to a process of continuous quality improvement and fully meeting the requirements of the ELFA Participation Agreement Programmatic Assurances and aligned Quality Standards. Qualified programs are eligible for city-funded training and technical assistance through DEC additional supports.

ELFA Enrollment Funding Types

Below is a description of the ELFA funding types. Funding of child enrollment is through one funding type at a time and is subject to funding availability.

ELFA Voucher

This type of funding provides a portable parent/guardian-based city- ECE fully funded voucher to eligible/income-based families ineligible for other state or federal subsidies. Programs with an ELFA Voucher enrollment receive full tuition reimbursement at the applicable ELFA rates for centers and FCCs. ELFA Voucher enrollment continues until the child reaches kindergarten-age and is subject to funding availability.

ELFA Voucher funded enrollments may not supplant state/federal funded spaces. The Integrated Services Agencies select families for ELFA Vouchers through DEC’s Early Learning SF (ELSF) data-system throughout the year based on funding availability. When ELFA Voucher funding is available, Wu Yee or Children’s Council identifies the next most-eligible family, according to DEC’s enrollment policies. The ISA will contact the family with instructions for funding eligibility and enrollment certification. Once the ISA certifies eligibility, the ISAs refer the family to ELFA qualified programs with openings that match the family’s preferences and needs.

ELFA Tuition Credit

PFA becomes the ELFA Tuition Credit

PFA tuition credit for 4-year-olds shifts to a tuition credit for children ages 0-5 from families earning 111% to 150% of the Area Median Income (AMI).

The entire Tuition Credit amount is applied to discounting the parent’s tuition (i.e., no portion of the credit is for the program).

The Tuition Credit can be donated back to the program, but that is between the parent and the program, and the parent is under no obligation to do so.

The ELFA Tuition Credit amount is 50% of the ELFA Fully Funded rates.

The provider may not charge ELFA Tuition Credit families a higher rate than other private paying families enrolled in the program. The credit must be applied to the provider’s published rate.

Wu Yee Children’s Services will be administering ELFA Tuition Credit. Programs and families must contact Wu Yee to receive child care information and enroll in the selected program.

ELFA Enhancement on State Voucher

This funding provides an enhanced, locally funded rate for state-funded child care vouchers to eliminate any gaps between the state’s reimbursement rates (i.e., RMR – “Regional Market Rate”) and DEC’s ELFA reimbursement rates, should one exist. The local enhancement amount varies depending on the state voucher rate, the full-time/part-time status, and age of the child receiving a state or federal voucher and the State enrollments enhancement only applies to children 0-5 years old enrolled in the program.

ELFA Center and Family Child Care Rates

For FY 2024-2025 ELFA rates please go to the [San Francisco Office of Early Care and Education website](#). The ELFA rate sheets for both [Family Child Care](#) and [Centers](#) are located in the [Funding Requirements and Forms section](#).

Maximum Reimbursable Amount (MRA)

The Maximum Reimbursable Amount (MRA) is the total funding the program can earn through ELFA Fully Funded, ELFA Tuition Credit, and/or GAP on Title 5 California State Preschool Program (CSPP) enrollments. It does not include state and local voucher enrollments in the total contracted amount.

General MRA Policy

MRA is calculated using your January 2024 MRA fully funded and PFA enrollments recorded in DETS (see chart example below).

For Title 5 funded MRA programs, there are no gap (i.e., the difference between the ELS rate and the state SRR rates) payments for next fiscal year because SB 140's \$211 per child enhancement plus the SRR daily rate exceeds the ELS (now called ELFA) rate.

ELFA MRA Payment Policy

Programs will receive their MRA funding via quarterly advances.

The Q1 advance will be 25% (1/4) of the annual MRA (determined by January's 2024's enrollments)

Programs who do not fully earn their MRA funding will receive a reconciled payment in each subsequent quarter's advance.

Programs may not over-enroll their MRA funded spaces, as your MRA will not increase over the fiscal year.

If a program is projecting to exhaust their MRA but wants to enroll more children in **Fully Funded** spaces, they can request a Fully Funded voucher via **Children's Council or Wu Yee**.

If a program is projecting to exhaust their MRA but wants to enroll more children in their **Tuition Credit** spaces, they can request a Tuition Credit voucher from **Wu Yee only**.

MRA funding is fungible between Fully Funded and Tuition Credit spaces.

All families being enrolled in MRA funded spaces must be determined eligible by documented means testing according to DEC's Family Enrollment Form policies and procedures

There are no part-time rates for MRA funded spaces.

State or locally vouchered families no longer need to give up their voucher if the center has unused MRA funding. DEC will reconcile for MRA under earnings, programs may enroll vouchers irrespective of their MRA enrollments. Any unused MRA will be recovered in each subsequent quarter.

Infant, Toddler, and Preschool Ages

DEC uses the following age definitions to determine funding amounts:

- Infant: ages 0 to 24 months
- Toddler: more than 24 months to less than 36 months
- Preschool: ages 3 until the child is eligible for kindergarten

Family Eligibility

San Francisco Residency Requirement

To be eligible to receive an **Early Learning for All Fully Funded Voucher, Center-MRA or ELFA Tuition Credit**, children must be San Francisco residents during the time that they are enrolled in the funded program, except for State funded enrollments and families involved in the children welfare system (FCS). Proof of residency must contain the name and address of at least one parent/guardian and be collected by the program at the time of enrollment. MRA funded programs must keep a copy of proof of residency in each child's file. For state and ELFA vouchered families the ISAs will obtain and retain proof of residency for all enrollments.

Residency Requirement for Homeless Families

Homeless families self-report homelessness in San Francisco. ELFA-eligible homeless families receiving Compass' Child Care Case Management services who subsequently relocate outside of San Francisco to obtain permanent/stable housing may continue using their ELFA funding with a new licensed out-of-county provider for up to 3 months from the date of their move. The

new out-of-county provider will be funded up to the Regional Market Rate (RMR) ceiling. This funding acts as a bridge to maintain families' continuity of care to assist families in obtaining alternative subsidized child care services in their new county.

Sibling Priority

DEC will provide priority access to ELFA funding for any siblings ages 0 – kindergarten (0-12 years if child is involved in or at risk of being involved in the child welfare system or homeless) of a currently ELFA funded (MRA or Voucher) child, subject to funding availability.

Programs or parents should contact their Integrated Services Agency when they know a family would like to enroll a sibling and indicate sibling priority on their ELSF profile. If funding is available, a sibling may receive ELFA voucher or center-MRA funding at the same program as their sibling or another ELFA qualified program depending on available space and family preference. If funding is not currently available, the sibling will be prioritized on ELSF for when funding does become available.

Note: ELFA funding for homeless families with at least one child under 5 may serve older siblings through age 12. For ELFA funded children in the child welfare system, all children through age 12 are eligible. The ELFA funding rates for children over 5 years old will be set at the California Department of Education's Regional Market Rate.

Family's Entry Income Eligibility Requirements for ELFA Voucher, ELFA Tuition Credit State Rate Enhancement, and Center-MRA Funding

For ELFA Fully Funded vouchers and ELFA MRA Fully Funded, a family's gross income must be at/or below **110%** of the Area Median Income (AMI) at the time of their eligibility determination. For ELFA Tuition Credit a family's gross income must be at/or between **111% and 150%** of the Area Median Income (AMI) at the time of their eligibility determination. The link below shows the maximum monthly gross income by family size up to 150% of the Area Median Income.

Certification of Family's Income Eligibility

Children's Council of San Francisco, as an ECE Integrated Services Agencies performs family's eligibility certification for ELFA Voucher. and ELFA Enhancement funding for State vouchers. Wu Yee Children's Services performs Family's eligibility certification for ELFA Voucher and ELFA Tuition Credit. Agencies administering Title 5, and Center-MRA, enrollments are solely

responsible for determining and documenting a family’s eligibility for these funds. All documentation collected by agencies pertaining to family eligibility, enrollment, or other related documents may be reviewed by DEC or other City Departments (e.g., Controller’s Office) at any time during or after the funding period.

Recertification of Income

ELFA Voucher, ELFA Tuition Credit and center-MRA subsidized families are not required to recertify eligibility after their initial income determination. Locally funded enrollments are eligible until the child reaches kindergarten-age.

Family Fee Requirements

Families with children at risk for abuse, neglect, or exploitation, and/or those connected to the child welfare system (i.e., Family and Children’s Services) are exempt from any income eligibility requirements and/or family fees. Currently, DEC is paying Family Fees (both state and local) for all San Francisco families receiving ECE services at a San Francisco Early Learning for All (ELFA) provider. This policy may be modified at any time and is dependent on funding availability and San Francisco executive leadership’s approval.

Co-Payments, Enrollment Fees, Extended Hour Fees, and/or Deposits

ELFA qualified programs are not permitted to charge and/or ask ELFA Voucher or Center-MRA funded families to provide co-payments, enrollment fees, extended hour fees, and/or deposits. ELFA funded families experience higher levels of economic pressures and therefore co-payments, enrollment fees, extended hour fees, and/or deposits conflict with the intent of the ELFA early care and education family supports. These supports are designed to ensure equitable access to quality early care and education opportunities through our ELFA qualified providers, regardless of economic status. These fees would create financial barriers for ELFA funded families to access quality early care and education services. DEC provides a competitive reimbursement rate to ELFA participating programs along with other funding supports (e.g., workforce compensation and quality improvement) to ensure programs are fairly compensated aligned with local market rates.

ELFA qualified programs who are substantiated to have required or requested ELFA funded families to pay additional fees may be terminated from San Francisco ELFA and therefore permanently ineligible for any City ECE funding or supports. Any termination process initiated

by DEC would include appeal rights for the affected program, as described later in this document.

For ELFA Tuition Credit, the entire Tuition Credit amount is applied to discounting the parent's tuition (i.e., no portion of the credit is for the program).

The provider may not charge ELFA Tuition Credit families a higher rate than other private paying families enrolled in the program. The credit must be applied to the provider's published rate.

Two Weeks Early Termination Notice Payment for ELFA Voucher (not applicable to MRA enrollments)

The two weeks termination notice payment applies when the two-week period continues into the second month and the child is attending the program during the two-week period, the second month will not be prorated. If an ELFA Voucher funded family withdraws (no longer attends) from a program prior to their certification end date, the program will receive a "two weeks early termination notice payment." If the two-week period starts and ends in the same month, the payment will not be prorated, and the provider will receive the full month's payments for that enrollment. If the two weeks early termination notice payment period **continues into a second month and the child is no longer attending the program, payment for the second month will be prorated.** The proration of payment for the second month is determined by the number of days into the second month the two weeks early termination notice payment period ran.

Child's Age Requirement ELFA Voucher, ELFA Tuition Credit and Center-MRA

ELFA Voucher eligibility and/or center-MRA are for children under 5 years old at the time of enrollment. ELFA funded children may continue receiving an ELFA subsidy until they reach kindergarten-eligibility. An additional year of preschool is available for children that do not meet the September 1st cutoff for kindergarten and whose families have elected not to enroll their child in Transitional Kindergarten, based on funding availability. If a locally funded child is kindergarten eligible yet wants to continue in their current Center or Family Child Care Program setting for an additional year, DEC will make a case-by-case determination depending on the unique developmental situation of the child provided.

Note: Homeless families with at least one child 0-5 years of age (or until they reach kindergarten) are eligible along with any older siblings through age 12 for ELFA-funded enrollments. For ELFA fully funded children in the child welfare system, all children through age 12 are eligible. In the scenarios mentioned, school-age children will be funded at the California Department of Education's Regional Market Rate.

ELFA Enhancement on State Voucher

Following state guidelines eligible children are between birth and until they reach kindergarten, typically at 5 years old.

Process for Filling Child Vacancies

It is critical for programs to share any current and/or planned vacancies on ELSF. Programs can report vacancies by logging into the [ELSF website](#) and following the guidelines for posting a vacancy. For questions or technical assistance, please contact the Children’s Council Help Desk at support@childrenscouncil.org or 415-343-4669.

ELFA Voucher enrollments occur when funding is available. Children’s Council and/or Wu Yee enroll families from ELSF according to the DEC enrollment priorities and provide the family with referrals to ELFA qualified centers and family child care programs that have indicated openings on ELSF and meet the preferences and needs of the family.

MRA funded (ELFA Tuition Credit, ELFA GAP, and center-MRA) enrollments are programs initiated and administered. Programs may list vacancies in ELSF and solicit the assistance of the ISAs to enroll children in those funding categories.

DEC’s Enrollment Priorities

The San Francisco Department of Early Childhood (DEC) is committed to ensuring all children are ready for kindergarten. We encourage in-person educational experiences, as we believe they are essential for young children to develop the cognitive, social-emotional, and physical skills they need to succeed. Children who attend high-quality early care and education (ECE) are better prepared for school and life-long success.

As programs enroll children for the 2024-2025 program year, DEC requires programs to apply the following guidelines to prioritize enrollments for all ELFA funded spaces.

Enrollment Priorities

Category 1 (First Priority)

DEC requires ELFA funded programs grant the following groups top priority for enrollment in in-person ECE, regardless of age (in no particular order):

- Children who are clients of Family and Children’s Services (FCS) or are at risk of abuse, neglect, or exploitation
- Children eligible through the Emergency Child Care Bridge Program for Foster Children
- Children experiencing homelessness
- Children of domestic violence survivors

Category 2 (Second Priority)

- Second priority for enrollment should be given to families with the lowest income (and longest on list, if applicable).

General Provisions

- If your program is subject to enrollment priorities attached to federal/state funding/subsidies, then apply those priorities before local priorities.
- Younger siblings of a previously enrolled child may be enrolled before applying to the DEC enrollment priorities.
- DEC reserves the right to monitor ELFA programs to ensure enrollment prioritization compliance.

Two-way Enrollment

Programs can refer potentially eligible families to Children’s Council and Wu Yee Children’s Services for enrollment. Programs who identify interested families for their vacancies should perform a brief check for their eligibility (must be income eligible and a SF resident or case managed at Compass).

If the family appears to be income eligible or case managed at Compass, programs should share the required documentation with the family for enrollment preparation (preparing all required documents can expedite the enrollment process), then send the family’s name, email and phone number to HelpDesk at support@childrenscouncil.org or 415-343-4669 and Wu Yee at randr@wuyee.org or 844-644-4300.

Either Children’s Council or Wu Yee will contact the family and match them to the program’s open vacancy, an enrollment specialist will contact the family to conduct the enrollment certification, confirm the vacancy is within allowable ratios, and inform the program when that has been completed. The process should not take longer than two weeks and programs will be paid for the entire first month of enrollment per ELFA payment policies.

DEC's Nondiscrimination Requirement

All city-funded programs must have written policies that include language about not discriminating against any child, and their parent(s). The parent's activities, and practices shall be free from unlawful discrimination, harassment, intimidation, and bullying based on:

- Actual or perceived race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability,
- Sex, sexual orientation, gender, gender identity, or gender expression; or
- A person's association with a person or group with one or more of these actual or perceived characteristics, or
- The type of support received from local, state, and federal funds

Substantiated complaints of discrimination will be grounds for immediate termination of a program's participation in Early Learning for All.

The program's written enrollment policies, contracts must be available to parents/guardians upon request and to the extent possible translated into the family's preferred language.

Program Requirements for Children with Identified Disabilities or Special Needs

DEC defines children with identified disabilities or special needs as children with an assessment from a professional that has determined the child has special needs or the child has an existing Individualized Education Program (IEP), Individual Family Service Plan (IFSP), and Regional Center Report or is receiving Supplemental Security Income (SSI).

Programs receiving DEC funding will make reasonable accommodations for children identified as eligible for special education and/or related services under the Individuals with Disabilities Education Act (IDEA). The child's Individualized Education Program will determine appropriate special education and related services placement. All DEC funded programs must comply with applicable provisions of the Americans with Disabilities Act (ADA) and Individuals with Disabilities Education Act (IDEA).

ECE Educators, as Parents, accessing locally funded ECE services

The Department of Early Childhood, to ensure equitable access to locally funded early care and education (ECE) services, allows licensed family child care (FCC) and center-based program owners and employees access to locally funded early care and education (ECE) services for their children ages 0-5. Families must apply through Early Learning San Francisco (ELSF) and meet all income and residency requirements before receiving services. Eligible families may use the funding to support enrollment in Early Learning for All (ELFA) qualified programs not owned by the individual seeking services, nor located or affiliated with where they are employed. Payment for services is made to the program and not the parent. License-exempt providers (i.e., Family, friend, or neighbor care) are not eligible for these services. This policy applies only to locally funded ECE services and does not apply to, supersede, or modify any State funded ECE policies.

ELFA Participation Agreement and Liability Insurance

All programs qualified through a validation process are required to sign an ELFA program Funding or Participation Agreement between DEC, the program, and both of DEC's Integrated Services Agencies. This Agreement stipulates the requirements and programmatic assurances to receive city funding including, but not limited to: Grants, ELFA Voucher, ELFA Tuition Credit and ELFA Enhancement on State funding, MRA, ELFA Tuition Credit and other local ECE funding. Agencies must have a fully executed Funding or Participation Agreement to receive City-funded enrollment reimbursement.

In addition, all programs signing an ELFA Funding or Participation Agreement are required to submit a copy of their liability Insurance certificate. Details regarding the different Insurance and Liability types and amounts of coverage required, programs need to consult their signed Funding or Participation Agreement.

Child Attendance Requirement

A quality early childhood program prepares children for kindergarten, as well as develops the social and emotional foundation children need to thrive in school.

Programs must establish their own policies for recording excused absences consistently across all enrollment types and provide information to families to support their full utilization of early learning services. This family engagement strategy allows programs to have a vital role in

promoting the benefits of consistent attendance while identifying attendance patterns that may jeopardize enrollment eligibility.

Programs are responsible for informing families and the ECE Integrated Services Agencies of all terminations of DEC funding due to excessive absences or any changes in the family's participation in the program within 5 program days. Prior to any enrollment termination, programs and/or the ISAs must engage the family to assist with resources needed in order to prevent disenrollment.

Reporting Child Enrollment

Accurate records of child enrollments are an important part of maintaining eligibility to participate in ELFA Voucher and ELFA Tuition Credit programs for both programs and parents. Attendance is reported as follows based on the program type:

- **MRA funded enrollments (center-MRA, ELFA enhancement, ELFA Tuition Credit)**
 - Programs are required to enter enrollment data into the DEC's DETS data tracking system; this is subject to change however and providers will be made aware well in advance of any changes, with the correct funding type for continued reimbursement.
- **State funded voucher enrollments (CAPP and CalWORKs)**
 - In accordance with state policy, programs are required to report attendance for state vouchered children to receive payment. Children's Council will make available to programs DEC approved attendance guidelines.
- **ELFA Voucher and ELFA Tuition Credit funded enrollments.**
 - Programs are required to track daily attendance for payment purposes using paper or electronic timesheets provided by the ISA agency funding the enrollment.

Requirements for Enrollment and Recordkeeping

DEC-funded programs must establish and maintain a basic file for enrollment information. Required DEC documentation for each enrollment file (refer to list below) differs somewhat based on funding source. Programs must retain all records, whether hard copy (paper) or electronic format, for a minimum of five years and programs must maintain a recordkeeping system readily accessible to individuals conducting audits or reviews.

The basic data file for locally funded programs must contain:

- Site information on total classrooms, age designation for classrooms, and teacher-child ratios for each classroom
- Enrollment Form for ELFA MRA includes information about the child and family. (Note: For ELFA funded children, this form must include information about the family income level, and San Francisco residence.)
- Documentation of Home Residence
- Data Acknowledgement form: The program must have the family sign this form at intake and maintain a copy in the program's family file.
- Copies of Child's Developmental Screenings and Assessments (ASQ & DRDP – if not already entered into DEC Enrollment Tracking System (TBD).
- Documentation of two Parent-Teacher Conferences per program year

ELFA Qualified Program Quality Requirements

Staff Compensation

All paid staff in licensed Centers and Family Child Care Programs must meet the [San Francisco Minimum Wage Ordinance \(http://sfgov.org/olse/minimum-wage-ordinance-mwo\)](http://sfgov.org/olse/minimum-wage-ordinance-mwo) unless stipulated in a Workforce Compensation grant agreement.

California Early Care & Education Workforce Registry

The [California ECE Workforce Registry](#) is a state, regional, and local collaboration designed to track education, training and work history of the early care and education workforce. Agency ECE staff must have up-to-date profiles in the California Early Care & Education Workforce Registry. Additionally, educators are required to update their California ECE Workforce Registry profiles to be eligible for DEC Workforce Development and Compensation Grants or CARES 3.0 stipends. All ELFA educators participating in CARES 3.0 or Early Educator Salary Support Grants (EESSG) are required to be active in the Registry as they will need to complete the Employee Verification for their team. Additionally, ELFA programs will be asked to submit verification of payroll as part of their staff's ongoing participation in CARES 3.0 and EESSG.

Programmatic Assurances and Quality Standards

The Department of Early Childhood has set 10 quality standards for early childhood programs that can assure families that they can make a good choice when they are looking for a child development program for their children. The standards build a strong foundation for *The San Francisco Early Learning for All* program, a system of early care and education, and help programs understand how to implement the Programmatic Assurance Requirements. Most importantly, they give children a strong start at a crucial time of their development.

Qualified programs are committed to a process of continuous quality improvement and fully meeting the requirements of the ELFA Participation Agreement’s Programmatic Assurances and aligned Quality Standards. Please refer to these Program Operating Guidelines and Quality Standards for the Early Learning for All (ELFA) Program for further guidance additional programmatic, enrollment, and funding guidelines located on the DEC website: SFDEC.org.

Programmatic Assurances Requirements

As stipulated in the ELFA Participation Agreement, programs are responsible for meeting the following Programmatic Assurances to remain an ELFA qualified program and serve city-funded children:

| PROGRAMMATIC ASSURANCES | |
|-------------------------|---|
| | Child Observation: Conduct observations and developmental assessments with each child using the California Department of Education (CDE), Desired Results Developmental Profile System or a researched and approved tool, which addresses attitudes to learning (self-regulation), social emotional, language and literacy, English language, Cognition (including Math and Science) and Physical Development. |
| | Developmental Screenings & Links to Early Intervention Supports: Work with families to ensure screening of all children using the ASQ and ASQ-SE (as needed) within 45 days of entry and as indicated by results thereafter. Document results and linkage to services as needed in each child’s file/record. |

| QUALIFICATIONS – Please check applicable section | |
|--|---|
| For Centers Only | |
| | <p>Center Director Qualifications: Associate’s degree with 24 units ECE/CD +/-with 6 units management/administration and 2 units supervision or Site Supervisor Permit, and 21 hours professional development annually.</p> <p>Center Lead Teacher Qualifications: Classroom led by a teacher holding a minimum Teacher Permit (or higher), according to the State of California Commission on Teacher Credentialing.</p> |
| For Family Child Care (FCC) | |
| | <p>FCC Owner or Full-time Teacher Qualifications: 12 ECE units, including 9 units of core classes (CDEV 53; CDEV 66; CDEV 67) & 3 ECE elective units for educator providing instruction and supervision to the children in progress with approval by DEC or completed by June 2023.</p> |
| QUALITY ASSURANCE | |
| | <p>Continuous Quality Improvement – Develop a Quality Improvement Plan (QIP) annually and participate in continuous reflection and learning to increase the quality of child learning and teaching. Participate in program quality validation visits.</p> |
| | <p>Curriculum – Adopt and implement a curriculum, which aligns with either the California Department of Education Learning &Development Foundations and Frameworks. If you don’t have an identified curriculum, please develop a (QIP) for professional development that supports site and teaching staff in implementing a curriculum.</p> |
| | <p>Environment - Provide indoor and outdoor environment that demonstrates a culture of caring, competence and excellence in learning.</p> |
| | <p>Interactions – Provide nurturing, responsive, language and cognitive rich interactions between adults and children, as demonstrated by CLASS observations.</p> |
| | <p>Ratio and Group Size: Age category ratio and maximum class size for child care centers:</p> |

| | <table border="1" data-bbox="375 275 850 653"> <thead> <tr> <th>Age Category</th> <th>Ratio</th> <th>Maximum Class Size*</th> </tr> </thead> <tbody> <tr> <td>Infant (Birth -15 months)</td> <td>1:4</td> <td>8</td> </tr> <tr> <td>Toddler (12-36 months)</td> <td>1:6</td> <td>12</td> </tr> <tr> <td>Preschool (30 months-5 years)</td> <td>1:10</td> <td>20</td> </tr> </tbody> </table> <p data-bbox="375 558 818 642">*CSPP programs must follow Title V guidelines, which allow for a 1:8 ratio with class size of 24 children.</p> <p data-bbox="337 726 1195 863">Family Child Care (FCC) programs often care for mixed-age groups, which makes child-to-adult ratios and groups sizes vary. FCC programs in Early Learning for All (ELFA) should follow California Community Care Licensing guidelines for ratios and group size.</p> | Age Category | Ratio | Maximum Class Size* | Infant (Birth -15 months) | 1:4 | 8 | Toddler (12-36 months) | 1:6 | 12 | Preschool (30 months-5 years) | 1:10 | 20 |
|-------------------------------|--|---------------------|-------|---------------------|---------------------------|-----|---|------------------------|-----|----|-------------------------------|------|----|
| Age Category | Ratio | Maximum Class Size* | | | | | | | | | | | |
| Infant (Birth -15 months) | 1:4 | 8 | | | | | | | | | | | |
| Toddler (12-36 months) | 1:6 | 12 | | | | | | | | | | | |
| Preschool (30 months-5 years) | 1:10 | 20 | | | | | | | | | | | |
| | <p data-bbox="337 894 1195 1031">Parent Partnership & Parent-Teacher Conferences - Implement an intentional approach to engage families, including but not limited to a minimum of two individual parent-teacher conferences each program year to discuss each child’s developmental progress.</p> | | | | | | | | | | | | |
| | <p data-bbox="337 1068 1195 1272">Professional Development (PD) – Each educator must complete (once) 6 hours of training on each of the following topics: Child Development / Learning Foundations (0-5), Inclusion and Meeting the Needs of Young Children with Disabilities or Other Special Needs, and Family Engagement and Support/Strengthening Families. College units may be applicable.</p> | | | | | | | | | | | | |
| | <p data-bbox="337 1310 1195 1482">Anti Bias/Equity PD Standard – Each educator must complete (once) 6 hours of training to implement an anti-bias, antiracist curriculum framework. Educators may choose from a menu of content, which includes but is not limited to: Understanding Implicit Bias, Anti Bias Curriculum, Supporting Dual Language Learners or the Black Joy Series.</p> | | | | | | | | | | | | |
| | <p data-bbox="337 1520 1162 1587">Non-Denominational Teaching Sites may not deliver any direct faith-based instruction during program time supported with DEC funds.</p> | | | | | | | | | | | | |

Quality Improvement Plan

DEC-funded programs must develop and implement an annual Quality Improvement Plan (QIP) that incorporates analysis and reflection on child assessments, observations, and other data

about the program. The QIP aims for continuous improved program quality, including aspects of curricula, staff interactions with children, and classroom practices. DEC will provide technical assistance, coaching, training and other support to assist programs in developing and implementing their QIPs.

Community Care Licensing Requirements

Centers and FCC Homes must have a current license with Community Care Licensing Division (CCLD) of the California Department of Social Services, and be ‘in good standing’ (per the Health and Safety Code Sections 1596.773 and 1596.886), which means they do not currently have any of the following:

- An administrative action taken or in the process of being taken (denied application, denied exemption, temporary suspension order, expedited revocation action, revocation action, noncompliance conference, or exclusion action that is being initiated, in process, or already taken place)
- A license in probationary status

DEC-funded Centers and FCC Programs are required to inform DEC and the appropriate ECE Integrated Services Agency of Type A violations noted during a licensing visit. The DEC-funded Centers and FCC Programs shall forward, upon receipt, to DEC any licensing report, any licensing documents that document noncompliance conference between CCLD and the licensee, and/or a copy of an Accusation that indicates CCLD intent to revoke the facility’s license. A full copy of the CCLD report must be forwarded within three (3) calendar days to DEC for review. Failure to provide this information may result in suspension or termination of DEC funding. DEC reserves the right to review an DEC-funded site’s licensing records at any time during the terms of the Participation Agreement.

City-funded programs are responsible for compliance with Community Care Licensing (CCL) regulations including those around license capacity as a minimum level of quality. Programs are responsible for tracking and maintaining the capacity and ratios of all children (private pay and those receiving funding) at any given time.

Intentional Approach to Family Engagement & Parent-Teacher Conferences

DEC requires all DEC-funded programs to have an intentional approach to engage families and to

develop relationships that foster children’s development. While there are many strategies to engage families, DEC encourages programs to, at a minimum, hold at least two (2) individual parent-teacher conferences each program year to discuss child progress. DEC may request to review documentation of these conferences during site visits.

Program Evaluation

All DEC-funded programs will be expected to participate in DEC-sponsored evaluation activities as needed. Evaluation activities will always be designed with the aim to inform, understand, and improve the impact of City-funded programs. Programs may be asked to provide additional information about their operations or student population, administer and/or take surveys, participate in focus groups or interviews, allow observation of classrooms, and conduct outreach to identify parents interested in participating in evaluation activities or other activities to support evaluation efforts.

Programs Operating Multiple Shifts

DEC supports programs in a variety of ways, so they offer a safe and healthy ECE experience to all children. Programs must ensure that children develop their cognitive, social/emotional, and physical skills so they set a strong foundation and are equipped to achieve better opportunities for success. For a child's proper development, it is imperative to keep them safe from an early age. When young children are learning how to recognize dangerous situations, a safe environment can help prevent and reduce their injuries.

If a program decides to offer multiple service schedules, outside the customary hours of service, programs must be aware that health, safety, and nutrition for every single child in their programs remain of the utmost importance. Programs operating multiple shifts must:

- Notify Community Care Licensing of their program service hours. The Integrated Services Agencies (Children’s Council and Wu Yee) will collect information and documentation that supports this requirement.
- Notify Children’s Council and Wu Yee of their intent to open a multiple shift program and provide copy of their parent information sheets, copy of the program’s brochure and internal policies, along with the information posted on their website, if applicable.

- DEC, Children’s Council and Wu Yee, at any time and as part of the approval of the multiple shift program may require additional information and/or will conduct an unannounced program site visit to verify the information and make sure the program is equipped to operate multiple shifts program.
- Avoid at any time pressuring families to enroll in a shift offered and/or to suggest families misrepresent their eligibility or participation in the program to fill a vacant space. Misrepresentation is a reason for a program to be terminated from their participation in Early Learning for All.
- Avoid engaging in misrepresentation of hours of services provided, schedules, days of service and operation alone or in coordination with families. Programs engaging in misrepresentation will be immediately terminated from Early Learning for All.
- Administer the applicable ASQs, DRDP assessments for all and every child enrolled at minimum 11 hrs. per week in their program, regardless of the shift they are attending.
- Be aware that operating a multiple shifts program increases the complexities of “program transitions” and that in certain circumstances it may put the program in an “over-capacity” status. Consistent over-capacity is a violation of CCL regulations.
- Have documentation available to substantiate that the program follows elements of a clean, healthy and safe facility. Documentation will include sanitation schedules followed at each session, bathroom, kitchen, play and program areas sanitation, etc. Programs that do not follow basic healthy and clean facilities incur a Type B CCL violation.

Program Validation and Monitoring

Programs will participate in validation and monitoring activities to demonstrate their implementation of the Programmatic Assurances and Quality Standards. The Early Learning Division aims to use a blend of three major approaches to coordinating early care and education quality assurance; access and enrollment, and monitoring by focusing on: (1) programmatic assurances and quality standards that programs implement for quality care and education, (2) access and enrollment of children in the programs with single and multiple funding streams, and (3) guiding programs to use positive feedback and supports to improve their program for the benefit of children and families in San Francisco. The Early Learning Division conducts monitoring to:

- Examine the program assurances and results achieved by ELFA participating programs, particularly their progress against the program dimensions and indicators.
- Review implementation of access and enrollment strategies with a focus on program and data quality and areas of improvements.
- Determine program compliance with applicable access and enrollment statutes/regulations; and
- Examine, with program’s active participation, the resolution of findings from monitoring reviews.

For purposes of validation and monitoring activities, all ELFA participating programs will grant access to their program and facilities to DEC staff, as needed. DEC will consider special circumstances and accommodate requests, to obtain validation and monitoring information in alternate ways.

Faith-Based Teaching Limitation

Programs may not deliver any faith-based instruction during program time supported with DEC funds. The U.S. Supreme Court has ruled that public funding of religiously affiliated programs violates the Establishment Clause if it has “the effect of advancing religion.”² Faith-based organizations are precluded from using any part of government funds to support religious content or activities, including religious worship, instruction, and proselytizing. Faith-based organizations may use public funds only to support the non-religious services they provide. They may not require DEC-funded program participants to engage in religious practice or activities.

Programs Reimbursement

Method of Payment

Agencies receive child enrollment reimbursement for all ELFA funding types via direct deposit only. All agencies are required to submit proof of an account that can receive payment deposits. ISAs will assist new programs with setting up direct deposit.

Whenever necessary and with the purpose of avoiding delays, DEC may request ISAs to issue paper checks to programs affected by error.

DEC has established monthly reimbursement for early care and education programming categorized by full-time, part-time, age groups and program types.

All families are eligible for full or part time Early Learning for All (ELFA) funding **and** services depending on the parent's preference and the selected program's published schedule. Full-time is a minimum of 30 hours per week and part-time is 17.5 to 29.9 hours per week. However, all **participating ELFA programs must offer ELFA funded families equal access to the program's hours of operation, including programs with staggered schedules. Programs cannot limit a family's access to care based on funding source. For example, a program with a published full-time schedule of 9am-5pm should not provide services from 9am-3pm to ELFA funded families, unless this is the family's preferred schedule. Failure to comply with this policy may be considered discriminatory and a violation of DEC policy.**

Payment Proration for ELFA Vouchers and ELFA GAP

- When a program's closure days exceed the allowable 15 days per fiscal year. [Note: Programs with state funded enrollments (vouchers) only allow 10 paid closure days.] At the beginning of each fiscal year, programs must submit their updated closure days for the fiscal year to Children's Council and Wu Yee.
- A two-week early termination payment where the two-week period straddles two months and the child is no longer attending the program. The second month's payment would be prorated.
- When a program is terminated from San Francisco Early Learning for All due to a CCL violation or any other Operating Guidelines violation. The prorating of the payment may be placed on hold for the duration of the adverse action appeal if the program chooses to use that option available to them.

Prorated payments, when necessary, are calculated based on the number of payable days per month, divided by the number of certified days in a month.

Program Closure Days

DEC will allow programs to take up to 15 paid closure days per fiscal year. These flexible paid closure days off can be any 15 days in the fiscal year. Paid closure days can be used for

provider's vacation time or professional development. Programs should note the closure days on their "Program Closure Form", provided by the Integrated Services Agencies at least 30 days in advance of the start of their program year. Programs are not required to use all of their paid closure days.

All paid closure days are reimbursed at the same rate. Paid closure days are inclusive of any federal/state holidays if programs identify these days as program closure days. Any closure day that exceeds the 15 days indicated in the form submitted to ISAs will not be paid.

Family Needs Back-up Care Due to Program Closure

- ELFA funded families whose ELFA provider is closed are eligible for back-up child care during their provider's closure period.
- ISAs will help the family to find a program that meets the family's need.
- The ISAs will first seek back-up care options with an ELFA program. If an ELFA qualified program is unavailable or doesn't fit the family's needs, a non-ELFA program may be used.
- Back-up care should end when the original authorized child care program re-opens.
- Payment for back-up provider is prorated based on days of care being provided.
- Non-ELFA programs are reimbursed at Regional Market Rate (RMR).
- Extensive program closure will affect family and child. ISAs will inform DEC if a parent's child care program is closed for 2 weeks or more (in addition to the 15 approved closure days). DEC will follow up with program as needed.

COVID-19 Closures

Early Care and Education programs are an important part of our communities as they provide safe, supportive learning environments for children. As the COVID-19 infectious disease trends change, DEC's intent with this policy is to help ECE programs in San Francisco to remain open, but if needed, to help them reduce the spread of COVID-19. This policy will remain flexible to adapt to changing local situations, including periods of higher or lower community health impacts from COVID-19.

It is recommended that Programs put in place prevention strategies and always follow the directives of the local San Francisco Department of Public Health (SFDPH), California Department

of Public Health (CDPH) and Centers for Disease Control (CDC); if there are differing requirements between the most current guidance from these entities, programs should follow the strictest requirements.

For purposes of ELFA reimbursement related to Covid-19, including ELFA-GAP, programs can expect reimbursement for ECE services for no more than 5 working days when:

- The program director or FCC owner tested positive and notified as soon as possible CDSS (Community Care Licensing) regional office, parents, and staff.
- The program director or FCC owner is unable to continue operating the program due to following the recommended isolation period.
- The program director or FCC owner and staff tested positive for COVID-19, not necessarily simultaneously, but within the same incubation period, and therefore the program is unable to continue to remain open.

To be considered for an additional 5-day period-payment, programs with a second positive diagnosis within a 12-month period will be asked to submit to the agency (Children’s Council or Wu Yee) that is issuing the payments one of the following: a picture of a rapid or PCR test results, or a doctor’s note only when proof of rapid or PCR test is not available.

COVID-19 payment is not allowable when:

- The affected staff members can isolate at their own or different home, and the program continues offering services to children and families.
- Positive cases only involve children or staff, and they follow isolation guidance at their own home and the program can continue operating.
- Days dedicated to facilities’ deep cleaning and sanitation.

Jury Duty Payment

State law does not require compensation to individuals because of jury service.

The Department of Early Childhood encourages the participation of the civic obligation of performing jury service when called. This policy only applies to Family Child Care programs.

In cases where a program is unable to continue the operation of the program, a family child care provider will be granted an excused absence to perform this service and will receive payment for the time the provider actively participates in the service. If the provider does not have to attend the court, the program will continue operating regularly and the Service Excused Absence will not apply.

Jury Services Excused Absence payment is not an additional payment to the current rate or payment, but it will not count against the 15 paid closure days a program has per fiscal year.

To be eligible for a Service Excused Absence the program needs:

1. Upon receipt of a juror summons, the program must immediately present a copy of the notice to the Integrated Services Agency from where payments are received. Retroactive receipts are not accepted.
2. On completion of service, the program must obtain proof of documentation of time served and submit that information to the ISA that issues payments no later than 3 days after the service was completed.
3. Absence for jury service must be recorded on timesheets and match the document issued by the court.

The Service Excused Absence payment does not apply when:

- The program needs to call the service number to find out if their group has been selected.
- The program does not need to attend the court.
- The program attends the court, but the program operates regularly.

Unauthorized Uses of Funding

DEC prohibits the use of its funds to cover expenses not directly related to the delivery of quality early education and care services for children and families. Prohibited expenses include, but are not limited to, the following:

- Purchase of vehicles or other transportation equipment.
- Bad debts, including losses arising from uncollectible accounts and any related legal costs.

- Costs of amusement or entertainment that does not benefit children in the Program; Cost of idle facilities unless those costs are related to the Program and the costs of the idle facilities have been approved by DEC.
- Costs incurred after the Contract has been terminated.
- Fund-raising costs.
- Investment management costs.
- Costs of organization of a nonprofit corporation such as incorporation fees or consultant fees.
- Public relations consultant fees.
- Costs of legal, consulting and accounting services incurred in prosecution; and
- Compensation to the members of the board of directors, if applicable.
- Fees used to offset unpaid or uncollected family fees and/or family co-payments.

Misrepresentation or Fraud

Any fraudulent, false or misleading information and documentation provided will be grounds for immediate termination of participation in any locally or State-funded child care programs, and for DEC to pursue the recoupment of funds for child care payments received by the program and/or the family.

Some examples of fraud include, but are not limited to the following:

- False or misleading reporting of actual attendance days on the child care attendance form. This includes signing for hours of care that were not provided.
- Families providing false or misleading reporting of income, SF residency, family size, actual attendance days on the child care attendance form. This includes signing for hours of care that were not provided.
- Ask families to participate in completing forms, eligibility documents, attendance forms, or to report hours of service different from the actual hours of care provided.

- Falsified, misleading or inaccurate documentation regarding licensing. Any program terminated for any of the above reasons may request an appeal from the Office of Early Childhood (DEC). If the appeal is lost, it may be required that DEC be reimbursed for any funds for child care during the time the appeal was being heard.
- Families providing any falsified, misleading or inaccurate documentation regarding their eligibility will be terminated for any of the above reasons may request an appeal to the program or Integrated Services Agency issuing the termination. The Office of Early Childhood (DEC) might consider conducting an additional appeal hearing, depending on the situation involving local funding. If the appeal is lost, it may be required that DEC be reimbursed for any funds retroactively.

Annual Financial Audits Requirements

Programs agree to maintain and make available to the City, its employees and authorized representatives, and its Federal and State funders, during regular business hours, accurate books and accounting records. Programs will permit City to audit, examine and make excerpts and transcripts from such books and records, and to make audits of all invoices, materials, payrolls, records or personnel and other data related to all other matters covered in the Participation Agreement, whether funded in whole or in part by DEC.

Programs shall maintain such data and records in an accessible location and condition for a period of not less than five years after final payment under the Early Learning for All and/or ELFA Tuition Credit and Participation Agreement, or until after final audit has been resolved, whichever is later. The State of California or any federal agency having an interest in the subject matter of this Agreement shall have the same rights conferred upon the City by this Section.

Non-compliance

Corrective Action Process & Conditional Status Amendments: The SF Department of Early Childhood staff routinely monitor city-funded early learning providers for compliance with these Program Operating Guidelines, Programmatic Assurances, and Quality Standards. When monitoring activities identify areas of non-compliance, DEC will endeavor to work collaboratively with the Provider through a defined Corrective Action Process to resolve identified issues and

support the Provider's efforts to meet applicable early learning provider requirements. The Corrective Action Process seeks to remedy problems efficiently and amicably, but also provides a clear stipulation of consequences in cases where non-compliance is persistent.

The Conditional Status Amendment is an addendum to the Provider's Participation Agreement with Children's Council, Wu Yee and/or DEC, is part of the Corrective Action Process, and is used to document areas of non-compliance and identify specific activities with timelines for completion. DEC staff indicate the Conditional Status Amendment in collaboration with the funded agency's Program Director/Owner and/or other lead staff. These documents become part of the Participation Agreement and part of the contractual obligations.

Unresolved Issues: Programs with non-compliance areas not resolved through the Corrective Action Process may have their Participation Agreement suspended or terminated by DEC.

Corrective Action Process

The San Francisco Department of Early Childhood (DEC) routinely monitors early learning providers to comply with the Program Operating Guidelines, Quality Standards, and Participation Agreement. If monitoring activities identify issues of non-compliance, DEC endeavors to work collaboratively with the affected Provider to resolve identified issues and support efforts to meet applicable requirements. The corrective action process seeks to remedy problems efficiently and amicably, but also provides for consequences in cases of persistent non-compliance. The guidelines provide an opportunity for affected providers to be successful early learning partners with the City and County of San Francisco. When reviews of program data or site visits identify areas of non-compliance, DEC will typically initiate the corrective action process and take the following actions:

Initial Collaboration: A DEC representative will discuss with the Program Director or FCC Owner particular areas of concern for needed action to meet programmatic requirements. DEC will also discuss suggestions and a timeline for resolution. Such communication may occur in person or by phone and documented by DEC staff for follow-up.

Conditional Status: DEC may require amendment of the Program Participation Agreement to place the Provider on Conditional Status to address areas of noncompliance. Conditional Status begins when DEC staff work with the Provider to develop an Action Plan. This Action Plan becomes an amendment to the Provider’s current Participation Agreement and stipulates specific areas of non-compliance; actions for resolution; and timelines for completion and responsible parties. The Provider will be required to participate in special site monitoring with assigned DEC staff or representatives (e.g., Instructional Coach), including supplemental site visits, additional reporting, site support plans, or other conditions. Failure to meet the goals of the Action Plan will result in suspension or termination of the Agreement or no offer of continued funding. DEC reserves the right to place a Provider on Conditional Status, require development and completion of Action Plans, withhold referrals of families with city funding, withhold funding, and terminate a Provider’s funding eligibility at any time during the Participation Agreement period. Conditional Status may affect the program’s eligibility for grants or stipends.

The Conditional Status Action Plan

DEC may require collaborative development of an Action Plan to address areas of noncompliance.

1. DEC Program Officer and/or Technical Assistance staff will schedule an appointment with the provider’s Program Director (and other appropriate staff) or FCC Owner to review in detail all non-compliance findings and develop an Action Plan together.
2. The Action Plan will identify the needs of the Provider and itemize unmet programmatic requirements. It will include due dates and timeframes for progress where applicable.
3. Provider concerns are discussed and documented, as appropriate, in the “Clarification” section.
4. The Provider and DEC assigned staff sign the Action Plan. Executed copies shall be made available to all parties and will become an amendment to the Provider’s Participation Agreement with Children’s Council or Wu Yee by placing the provider on a Conditional Status.

5. If the Participation Agreement amendment to Conditional Status is during the last ninety (90) days of the program year, and the Provider is offered continued funding, the Participation Agreement for the subsequent contract period will include Conditional Status and the applicable Action Plan amendment.
6. If the Provider does not agree with the non-compliance findings or disagrees with the area(s) of non-compliance per the Action Plan, the Provider's response is documented. In these cases, DEC will proceed with suspension or termination actions.

Duration of Conditional Status

A Provider shall remain on Conditional Status until the Provider has corrected area(s) of noncompliance, and/or has met requirements identified in the Action Plan Amendment within the timeline stipulated in the Action Plan.

A Provider may request written verification from DEC of the corrected area(s) of noncompliance even if the Provider is not removed from conditional contract status.

The procedures used to resolve area(s) of programmatic and/or administrative noncompliance may arise regarding the interpretation and application of any term or condition of the Program Operating Guidelines and/or Participation Agreement.

DEC reserves the right to suspend or terminate a Provider's participation in city funding. Accordingly, a review procedure is available when a Provider is suspended or terminated. The Provider may contest the suspension or termination by filing an appeal with DEC.

Suspension & Termination

Criteria for Suspension or Termination of Provider: The Department of Early Childhood reserves the right to suspend or terminate a Provider's participation in all city-funded initiatives for any of the following reasons:

1. Provider's license is suspended or revoked.
2. A Provider is found to have committed a violation of licensing requirements, which is deemed by DEC to be a serious deficiency.

3. A Provider's teaching staff is found to have committed a violation of licensing requirements, which is deemed by DEC as a serious deficiency.
4. A report of child abuse by Provider is substantiated.
5. The provider is unable or unwilling to implement a DEC initiated Corrective Action Plan within the timeline provided.
6. A Provider is repeatedly uncooperative with DEC (e.g., refuses unannounced visits, refuses quality monitoring or quality support, non-compliance with reporting requirements).
7. The provider submits false or misleading information to DEC staff or their representatives.
8. Providers make fraudulent or unauthorized use of city funds.
9. Serious or repeated instances involving noncompliance with city-funded initiative program requirements.
10. The provider is unwilling to effect changes to the Operating Guidelines in violation of DEC policies or administrative and statutory guidelines issued by any state, federal or local governmental agency.
11. Failure to comply with the provisions of the Participation Agreement.

All suspensions and terminations will be issued in writing by DEC.

An appeal procedure will be available to any Provider whose Participation Agreement is suspended or terminated for the reasons stated in one (1) through eleven (11) above. The Provider may contest the suspension or termination by filing an appeal with DEC. For details, please refer to "Review Procedure for Suspension or Termination of Funding" section later.

Suspended or Terminated Provider Obligations: After receiving notice of DEC's decision to terminate the contract, the Provider may be required by DEC to submit the following:

- (1) A current inventory of equipment purchased in whole or in part with City funds;
- (2) Names, addresses and telephone numbers of all publicly funded families served through the Participation Agreement; and
- (3) Monthly enrollment and attendance reports until the final date of Participation Agreement.

Review Procedure for Suspension or Termination of Funding

DEC and/or its representatives may, during their normal course of business or monitoring, identify suspected provider activities of fraud and/or misuse of funding.

In these situations, DEC works closely with its Integrated Service Agencies (ISAs) partners, who are contracted by DEC to administer its state and locally funded child care services, to obtain further information and conduct a formal investigation, if necessary.

Typically, the ISAs, following their own internal fraud policies and procedures, conduct an initial investigation and review of materials and data relevant to the inquiry. The ISAs will share updates and findings with DEC during the entire inquiry and investigatory processes.

If at any point in their investigation the ISAs determine the provider's actions constitute fraud or misuse of funding, the ISAs reserve the right to suspend or terminate their business relationship with the provider. In these instances, the ISAs may recommend DEC suspend or terminate the provider's Early Learning for All (ELFA) Participation Agreement, which allows programs to participate in city funded ECE initiatives and programs.

Upon receipt of such recommendation, DEC will follow the policies and procedures outlined in this guide. This includes reviewing all information and investigatory materials submitted to DEC by the ISAs in support of ELFA termination. DEC has the right to conduct its own independent investigation or ask the ISAs to investigate further.

If DEC suspends or terminates a program from Early Learning for All, the program will receive this information via written communication. The Provider may contest the suspension or termination by filing an appeal petition with DEC, requesting an administrative hearing.

Appeal Process. Programs have the right to contest an action taken by the Early Learning Division. The request for an appeal hearing must be submitted in writing within fifteen (15) calendar days from the date of the suspension or termination letter. The appeal must include the following:

- a. A clear, concise statement of the action being appealed; and

- b. The name, address, and telephone number of the program's authorized representative for the proceeding.
- c. Reasons the suspension or termination is unwarranted and any written or other supporting documentation.

NOTE: Upon the filing of an appeal request, the intended action is considered suspended until the appeal process has been completed. The review is complete when the appeal process has been exhausted or when the program abandons the appeal process.

Appeal Hearing

DEC will schedule a hearing within thirty (30) calendar days of receipt of the provider's appeal hearing request. The Provider will receive at least fifteen (15) calendar days advance written notice regarding the time and location of the appeal hearing.

The Deputy Director of the ELD (Early Learning Division) will designate a hearing chair prior to the appeal hearing. The hearing chair will lead the hearing and communicate the hearing panel's recommended action to senior DEC leadership. It is the hearing chair discretion to request further information or conduct additional hearings should more information be required to inform the decision of the hearing panel.

If the hearing is conducted via video-call, the hearing must be recorded.

The Role of the Appeal Hearing Panel

The Deputy Director of ELD or their designee is the final authority for appeal decisions.

There will be a minimum of three people on the appeal panel, including the hearing chair. One of the two representatives will be from ELD and one or two representatives will be from other divisions or from the ECE provider community (e.g. Family Child Care Association, HSA-Human Services Agency, DCYF- SF Department of Children, Youth and their Families, EC COAC- Early Childhood Community Oversight and Advisory Committee, CPAC- Childcare Planning and Advisory Council).

The appeal board will take into consideration only issues of noncompliance regarding procedural, policy and related matters and the substantive provisions and interpretation of the current program assurances and participation/funding agreements.

It is not the role of the appeal board to make, edit or correct policies, procedures or clarify interpretation of any program provisions.

The Decision

In consultation with the Deputy Director of the Early Learning Division, the hearing chair shall issue a final decision, in writing, within thirty (30) calendar days of the appeal hearing. The decision shall be sent by registered mail, email, or personally delivered to the program representative on record. The joint decision of the Deputy Director and appeal panel is final, and no further appeals or reviews shall be afforded to the program.

NOTE on ELFA Termination: Once a provider is terminated from ELFA, the **termination is permanent** and would apply to all program licensees including any new child care businesses terminated licensees start under the same business name/location or new name/location. **The licensees are prohibited from participating in Early Learning for All (ELFA) entirely.** They will no longer be eligible to receive any city funding related to Early Care & Education services including but not limited to enrollments (ELFA vouchers), workforce compensation-CARES 3.0, technical assistance and training, and operation/expansion grants.

DEC Logo

We encourage DEC-funded programs to use an approved DEC logo in all materials used to market DEC-funded programs, including brochures, websites, flyers, banners, and advertisements. When using the DEC logo, please do not alter the colors or aspect ratio (ratio of the height to width) of the image. If you require a different format than the options provided, or have any other questions about DEC branding, please contact our communications team at sfdec@sfgov.org.