

Board Office Use: <b>Legislative File Info.</b>	
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**OAKLAND UNIFIED  
SCHOOL DISTRICT**

*Community Schools, Thriving Students*

# Memo

**To** Board of Education

**From** Jacqueline Minor, General Counsel  
Stephany Borja, Student at Oakland High School

**Board Meeting Date** August 26, 2015

**Subject** Amendment to Board Policy – BP 5148 Child Care and Development

**Action Requested** Approval of updates to the Oakland Unified School District Board Policy BP 5148 Child Care and Development

**Background** Periodically modifications to board policies are recommended to align with changes in law or recommended best practices. The proposed modifications to the board policies reflect the District's standards.

**Discussion** In order to ensure that our policies are current, it is important for us to review and update our policies. The proposed changes are based upon the California Association of Schools Board's recommended model. The modifications have been reviewed and vetted by the General Counsel.

The changes to the policy are shown on the attachment. The proposed deletions are indicated with **blue strikeouts**. The recommended additions are shown in **red**.

**Recommendation** Approval of modification to the Oakland Unified School District Board Policy BP 5148 Child Care and Development

**Fiscal Impact** No direct funding implications

**Attachments** Amendment to Board Policy BP 5148 Child Care and Development

# OAKLAND UNIFIED SCHOOL DISTRICT

## Board Policy

### Child Care and Development

BP 5148 —  
Students —

#### Early Childhood Education

The Governing Board desires to provide child care and development services ~~on or near school campuses~~ which meet the developmental needs of children and offer a convenient child care alternative for parents/guardians in the community.—

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6175 - Migrant Education Program)

The ~~Superintendent or designee~~ Board shall enter into a contract with the California Department of Education (CDE) for the provision of child care and development services by the district.

(cf. 3312 - Contracts)

The district shall work cooperatively with the local child care and development planning council ~~Child Care and Development Planning Council~~, public and private agencies, parents/guardians, and other community members to assess child care needs in the community, establish program priorities, obtain ongoing feedback on program quality, and ~~inform parents/guardians~~ supply information about child care options.

(cf. 1020 - Youth Services)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 1700 - Relations Between Private Industry and the Schools)

The Board shall approve for the district's child care and development ~~services shall be designed to support the cognitive, physical, social and emotional development of children in a safe, healthy environment. Activities and services shall be age and developmentally appropriate and shall consider~~ program a written philosophical statement, goals, and objectives that reflect the cultural, and linguistic, economic and other special needs of children and characteristics of the families being to be served. The program shall be consistent with and support the district's regular educational and address the program and shall provide access to essential support services components specified in 5 CCR 18272-18281 and the accompanying administrative

regulation. (5 CCR 18271)

(cf. ~~0450 - Comprehensive Safety Plan~~0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

### Eligibility and Enrollment

Child care admissions policies and procedures shall be in writing and available to the public. Such policies and procedures shall include criteria designating those children whose needs can be met by the child care center's program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and health examination requirements. (5 CCR 18105; 22 CCR 101218)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 3540 - Transportation)

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 5141.6 - ~~Student~~22 - Infectious Diseases)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

The Superintendent or designee shall ensure that subsidized child care is provided to eligible families to the extent that state and ~~Social Services~~/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8263 and 5 CCR 18106.

To the extent that space is available after the enrollment of children who are eligible for subsidized services, priority for admissions shall be given to district students, children of district students, and children of district employees.

(cf. 5111.1 - District Residency)

(cf. 5146 - Married/Pregnant/Parenting Students)

### Staffing

The Superintendent or designee shall ensure that individuals working in child care and development programs have the necessary qualifications and have satisfied all legal requirements ~~as specified in Board policy and administrative regulation.~~

(cf. 1240 - Volunteer Assistance)

(cf. 4112.2 - Certification)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)



(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)

~~The~~ (cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

### Facilities

Upon recommendation of the Superintendent or designee shall identify locations in both current, the Board may approve any of the following for the provision of child care and future development services:

1. The use of existing district facilities where child care programs might be placed without adverse impact on the district's instructional program that have capacity

~~(cf. 2.~~ Renovation or improvement of district facilities to make them suitable for such services

3. Purchase of relocatable child care facilities

4. Inclusion of child care facilities in any new construction

5. Agreement with a public agency or community organization for the use of community facilities

(cf. 1330-.1 - Joint Use of School Agreements Facilities)

~~(cf. 3280 - Sale, Lease, Rental of District Owned Real Property)~~

(cf. 7110 - Facilities Master Plan)

### Early Childhood Education

~~These services shall be available to children between the ages of three and five (if toilet trained) and school-age children grades K-3. Grades 4 and 5 may be served contingent upon program needs and space.~~

~~Applicants who meet the State Admission Criteria will be placed on the waiting list. At the time of enrollment, the applicant must live, work or be in training in Oakland.~~

The Superintendent or designee shall ensure that facilities used for child care services meet all applicable health and safety standards. (5 CCR 18020; 22 CCR 101238-101239.2)

### Complaints

For a licensed child care center, any complaint alleging health and safety violations shall be referred to the California Department of Social Services. For a license-exempt facility, such

complaints shall be referred to the appropriate Child Development regional administrator. Any other alleged violation of state or federal laws governing child care and development programs shall be investigated and resolved using the district's procedures in BP/AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

### Program Evaluation

The Superintendent or designee shall annually conduct an evaluation of the district's child care and development services in accordance with state requirements. The evaluation report shall be submitted to the Board and the CDE along with an action plan which establishes program goals and objectives for the coming year and addresses any areas identified as needing improvement. (5 CCR 18279-18281)

(cf. 0500 - Accountability)

### Legal Reference:-

#### EDUCATION CODE—

8200-8499.710 Child Care and Development Services Act, especially:

~~17264—New construction; accommodation of before and after school programs~~

~~54740-54749—Cal SAFE~~8200-8209 General provisions for child care and development services

8210-8216 Resource and referral program ~~for pregnant/parenting~~

8220-8226 Alternative payment program

8230-8233 Migrant child care and development program

8235-8239 California state preschool program

8240-8244 General child care programs

8250-8252 Programs for children with special needs

8263 Eligibility and priorities for subsidized child development services

8263.3 Disenrollment of families due to reduced funding levels

8263.4 Enrollment of students ~~and their children~~ ages 11-12 years

8273-8273.3 Fees

8278.3 Child Care Facilities Revolving Fund

8360-8370 Personnel qualifications

8400-8409 Contracts

8482-8484.65 After-school education and safety program

8484.7-8484.8 21st Century community learning centers

8493-8498 Facilities

8499-8499.7 Local planning councils

49540-49546 Child care food program

49570 National School Lunch program

56244 Staff development funding

#### HEALTH AND SAFETY CODE

1596.70-1596.895 California Child Day Care Act

1596.90-1597.21 Day care centers

120325-120380 Immunization requirements

CODE OF REGULATIONS, TITLE 5

4610-4687 Uniform complaint procedures

18000-~~18308~~18434 Child care and development programs, especially:

18012-18122 General requirements

18180-18192 Federal and state migrant programs

18210-18213 Severely handicapped program

18220-18231 Alternative payment program

18240-18248 Resource and referral program

18270-18281 Program quality, accountability

18290-18292 Staffing ratios

18295 Waiver of qualifications for site supervisor

18300-18308 Appeals and dispute resolution

80105-80125 Commission on Teacher Credentialing, child care and development permits

CODE OF REGULATIONS, TITLE 22

~~101218 Admission policies~~

101151-101239.2 General requirements, licensed child care centers, especially:

101151-101163 Licensing and application procedures

101212-101231 Continuing requirements

101237-101239.2 Facilities and equipment

UNITED STATES CODE, TITLE 42

1751-1769 School lunch programs

9831-~~9852a~~9852 Head Start programs

~~9855-9855g Head Start Transition Program~~

9858-9858q Child ~~Care~~care and ~~Development Block Grant~~development block grant

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch program

CODE OF FEDERAL REGULATIONS, TITLE 45

98.2-98.93 Child care and development fund

COURT DECISIONS

CBS Inc. v. The Superior Court of Los Angeles County, State Department of Social Services,

(2001) 91 Cal.App.4th 892

Management Resources:

~~CDE~~MANAGEMENT BULLETINS

01-06 The Desired Results for Children and Families System, May 31, 2001

~~CDE~~PROGRAM ADVISORIES

06121-89 Educating Young Children: Next Steps in Implementing the School Readiness Task Force Report

~~CDE~~CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Pre-kindergarten Learning14-03a Revised Child Care and Development ~~Guidelines~~, 2000Fee

Schedule, Management Bulletin, September 2014

First Class: A Guide for Early Primary Education, 1999

Here They Come: Ready or Not!, Report of the School Readiness Task Force, 1988

Uniform Complaint Procedures, 2014

12-07 Disenrollment due to Maximum Reimbursable Amount Reduction, Management Bulletin, July 2012



Keeping Children Healthy in California's Child Care Environments: Recommendations to Improve Nutrition and Increase Physical Activity, 2010

WEB SITES

CSBA: <http://www.csba.org>

California Association for the Education of Young Children: <http://www.caeyc.org>

California Child Development Administrators Association: <http://www.ccdaa.org>

California Department of Education, Early Education and Support Division:

<http://www.cde.ca.gov/sp/cd>

California Department of Education, Early Education Management Bulletins:

<http://www.cde.ca.gov/sp/cd/ci/allmbs.asp>

California Department of Social Services-, Licensing Information:

[http://www.dss.ca.gov/cclld.ca.gov/CCLD\\_PG492.htm](http://www.dss.ca.gov/cclld.ca.gov/CCLD_PG492.htm)

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California Head Start Association: <http://caheadstart.org>

California School-Age Consortium: <http://calsac.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

National Association for the Education of Young Children: <http://www.naeyc.org>

U.S. Department of Education: <http://www.ed.gov>

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# **OAKLAND UNIFIED SCHOOL DISTRICT**

## **Board Policy**

### **Students**

BP 5148

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(cf. 1020 - Youth Services)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 1700 - Relations Between Private Industry and the Schools)

The Board shall approve for the district's child care and development program a written philosophical statement, goals, and objectives that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and the accompanying administrative regulation. (5 CCR 18271)

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

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(cf. 1312.3 - Uniform Complaint Procedures)

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(cf. 0500 - Accountability)

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EDUCATION CODE

8200-8499.10 Child Care and Development Services Act, especially:  
 8200-8209 General provisions for child care and development services  
 8210-8216 Resource and referral program  
 8220-8226 Alternative payment program  
 8230-8233 Migrant child care and development program  
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 8493-8498 Facilities  
 8499-8499.7 Local planning councils  
 49540-49546 Child care food program  
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 56244 Staff development funding  
 HEALTH AND SAFETY CODE  
 1596.70-1596.895 California Child Day Care Act  
 1596.90-1597.21 Day care centers  
 120325-120380 Immunization requirements  
 CODE OF REGULATIONS, TITLE 5  
 4610-4687 Uniform complaint procedures  
 18000-18434 Child care and development programs, especially:  
 18012-18122 General requirements  
 18180-18192 Federal and state migrant programs  
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 UNITED STATES CODE, TITLE 42  
 1751-1769 School lunch programs



9831-9852 Head Start programs  
9858-9858q Child care and development block grant  
CODE OF FEDERAL REGULATIONS, TITLE 7  
210.1-210.31 National School Lunch program  
CODE OF FEDERAL REGULATIONS, TITLE 45  
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CBS Inc. v. The Superior Court of Los Angeles County, State Department of Social Services,  
(2001) 91 Cal.App.4th 892

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

14-03a Revised Child Care and Development Fee Schedule, Management Bulletin, September 2014

Uniform Complaint Procedures, 2014

12-07 Disenrollment due to Maximum Reimbursable Amount Reduction, Management Bulletin, July 2012

Keeping Children Healthy in California's Child Care Environments: Recommendations to Improve Nutrition and Increase Physical Activity, 2010

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California Department of Education, Early Education and Support Division:

<http://www.cde.ca.gov/sp/cd>

California Department of Education, Early Education Management Bulletins:

<http://www.cde.ca.gov/sp/cd/ci/allmbs.asp>

California Department of Social Services, Licensing Information: <http://ccld.ca.gov/PG492.htm>

California Head Start Association: <http://caheadstart.org>

California School-Age Consortium: <http://calsac.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

National Association for the Education of Young Children: <http://www.naeyc.org>

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