

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

2018-10-09

2. Department

California Department of Education

3. Organizational Placement (Division/Branch/Office Name)

Early Learning and Care Division / Teaching and Learning Support Branch

4. CEA Position Title

Associate Director

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

The California Department of Education (CDE) proposes to allocate the position of Associate Director, Early Learning and Care Division (ELCD), to CEA. Under the direction of the Division Director, the subject position will oversee the Field Services Office (FSO), the Quality Improvement Office (QIO), and the Infant Toddler Office (ITO), and will assist with the development and implementation of policies and regulations of the early learning and child care development programs. This position will have responsibility for program mandates of the division in support of the division's mission to advance equity, opportunities, and well-being for all of California's diverse children, particularly those with high needs, through an innovative, family-engaged, and high-performing early learning and care system.

6. Reports to: (Class Title/Level)

Division Director, Early Learning and Care Division, CEA, Level B

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain):

8. Organizational Level (Select one)

- 1st 2nd 3rd 4th 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

Under the administrative direction of the Early Learning and Care Division (ELCD) Director of the California Department of Education (CDE), the Associate Director (CEA) will oversee the Field Services Office (FSO), the Quality Improvement Office (QIO), and the Infant Toddler Office (ITO), and will be responsible for program mandates of the division in support of the division's mission to advance equity, opportunities, and well-being for all of California's diverse children, particularly those with high needs, through an innovative, family-engaged, and high-performing early learning and care system.

Specifically, the CEA provides vision, leadership, technical assistance, in alignment with the Director's findings, in the development, implementation, planning and organization, and directing the work of the FSO, QIO, and the ITO. Provides leadership and support to ELCD programs offering early learning and child care development services, during and after-school, to infants, toddlers, children in preschool, and children in kindergarten through age six. Provides key guidance and direction, in concert with the Director, in determining legislative priorities and strategic assessment of federal and state legislation to influence positive policy direction for CDE programs.

Communication: promulgation of departmental and statewide policies and regulations regarding the needs of early learning and child care development programs. Facilitates the determination of strategies for ELCD program policy development for early learning and child care development programs, especially pertaining to administration at the State level, by coordinating and administrating stakeholder groups and committees. Works cooperatively with CDE staff, staff of other state agencies, contracting agencies that provide services to children from birth to age thirteen and their families, the State Legislature, the Department of Finance (DOF), the Legislative Analyst's Office, school district Superintendent's offices, County Offices of Education, Local Educational Agencies, and statewide stakeholder groups. In the absence of the Director, works cooperatively with federal oversight or control agencies.

Representation: In the absence of the Division Director, represents the CDE, the ELCD, and the State Superintendent of Public Instruction before the Legislature, advisory committees, statewide organizations and advisory groups, and other federal, state, and local educational agencies (LEAs). In the absence of the Division Director, serves as the chief advocate for California's early learning and child care and development programs. Set policies, goals, and objectives for multiple early learning and child care and development programs administered by the division. Recommends on behalf of the Director, federal and state legislation and regulations; and provides statewide leadership to LEAs and private child care and development programs. Represents the CDE in transactions with numerous state and federal agencies; and participates in legal negotiations with a wide range of public and private agencies and advocate organizations regarding early learning and child care and development programs.

Staff Supervision: Provides direct supervision to Education Administrators and oversees the FSO, QIO, and the ITO. Determines ongoing work assignments and delegates responsibilities; directs daily activities and special assignments; monitors and evaluates performance; approves travel and leave; conducts and approves training.

Work Products: Prepares documents, including reports, policy, and regulations to support early learning and child care development program activities for the Director, Federal and State control agencies (e.g., DOF, Office of Governmental Affairs, Legislature, Department of Social Services), and the early learning and child care and development service community; makes recommendations on issues to the Director; reviews and analyzes relevant materials such as legislation, regulations, policy, management memos, reports, contracts, instructional materials, quality improvement proposals, and various publications.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: California's public education system is administered at the state level by the California Department of Education (CDE) for the education of more than six million students from birth to adulthood. The CDE, under the direction of the elected State Superintendent of Public Instruction (SSPI), is responsible for developing and enforcing education laws and regulations, and for providing leadership to local education agencies as they continue to reform and improve public schools to ensure a strong, effective, high quality and wholesome learning environment for all students.

The Early Learning and Care Division (ELCD) provides leadership and support to the many child care and development programs in California. These programs are for children from birth to age 13 offering early learning and after-school services to infants, toddlers, children in preschool, and children in kindergarten through sixth grade. Some programs assist children with disabilities and children of migrant farm workers. Many of the programs assist parents with child care while they work. The ELCD provides leadership and support to contractors and the child development community, ensuring high quality early education programs are provided to these children. Through leadership and support, the division develops and disseminates policies and program guidance and administers all programs focused on early learning and child care development, while establishing accountability efforts to ensure educational goals and program requirements are being met.

Under the direction of the Division Director, the proposed CEA position will serve as Associate Director within the ELCD, which reports to the SSPI, Chief Deputy Superintendent, and the Deputy Superintendent of the Teaching and Learning Support Branch.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

The ELCD is one of the largest divisions within the CDE and is currently undergoing a division reorganization which includes the addition of a new unit consisting of a Staff Services Manager I and five analysts. The reorganization will also bring on two new analysts and a new Consultant to the Governance and Administrative Unit (GAU) and Field Services Office (FSO).

Also, the CDE is requesting 5.7 positions totaling \$854,000 in General Fund state operations funding to support the additional workload related to the initial year implementation in Budget Year 2018–19. These positions will support the implementation of Chapter 697, Chapter 699, Chapter 701, and Chapter 703; Statutes of 2017. These chapters authorize nine new pilot counties (Fresno, Monterey, San Benito, Santa Cruz, San Diego, Solano, Contra Costa, Marin, and Sonoma) to develop and implement an individualized county child care subsidy plan, and authorizes the modification of four existing pilot programs in San Francisco, San Mateo, Santa Clara and Alameda counties. The bills require the ELCD to review and approve or disapprove the plans and any subsequent modifications to the plans. The plans shall ensure that child care subsidies received by these counties are used to address local needs, conditions, and priorities of working families in the respective communities. The new implementation creates additional complexities with unique exceptions that the CDE must monitor. The proposed CEA will be needed to properly implement the expansion of the pilot program.

Furthermore, Assembly Bill 752, Chapter 708 - Child Care: State Preschool Programs: Expulsion; that was recently passed, requires that the FSO begin supporting California State Preschool Program (CSSP) to ensure they do not expel or unenroll a child because of the child's behavior until they have taken and documented reasonable steps to maintain the child's safe participation in the program. FSO, due to this policy change, has increased requirements to provide updated and ongoing training and technical assistance to contractors, a new health and safety checklist for monitoring processes, and support to CSPPs.

Additionally, the final federal Child Care and Development Fund (CCDF) rule significantly increased the program requirements related to administering CCDF funds including additional collaboration with other agencies and enhanced monitoring and training and technical assistance for CCDF funded programs. In order to ensure California is in compliance with the CCDF final rule, ELCD needs to increase its monitoring and training and technical assistance provided to its child development contractors to ensure program integrity and the move towards higher quality of care. A recent policy change is that the ELCD must comply with federal regulatory changes to CCDF by developing health and safety trainings and ensuring that CCDF providers participate in these trainings before they offer child care services on an ongoing basis.

Moreover, due to an increase in administrative burden, such as compliance with federal and recent audit findings and concerns raised during a Joint Legislative Audit hearing as well as a California State Audit (CSA) report, ELCD needs to strengthen its oversight and policies related to monitoring of contracts. Therefore, the Director has had to divert more and more time and resources away from program administration; leaving the ELCD unable to meet these monitoring requirements, and crippled the ability of ELCD to provide early learning and care oversight at even an adequate level in past years. This has a major impact in the ELCD's ability to ensure agencies adhere to their contract requirements and that contractors provide high-quality early care and education services to subsidized children and families.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

Within CDE, the ELCD provides child care and development services to low income families. The ELCD serves over 400,000 children annually via its multiple service delivery systems. The ELCD currently engages 752 contractors with 1,330 contracts, serving children in 3,725 center-based sites and in 36,300 family child care homes, for a total of 40,025 sites. Additionally, with the recent implementation to authorize nine new pilots and the modification of four existing pilot programs in San Francisco, San Mateo, Santa Clara and Alameda counties; this policy incorporates the four previously established pilots as well as the nine additional pilots, representing 469 contracts and serving 82,287 children. The CDE is responsible for reviewing contractors' performance for fiscal and program compliance; providing daily ongoing program support in the form of approvals or disapprovals for changes to each contract; providing training and technical assistance to contractors via webinars, onsite regional training sessions, onsite cluster trainings, and one-on-one training sessions with contractors; and reassigning contracts when relinquishments or no offers of continued funding occur.

Per requirements, the ELCD must conduct onsite monitoring compliance reviews for each contractor every three years. This equates to approximately 250 reviews per year. Due to an increase in administrative burden, such as compliance with federal and state audit findings, compliance with changing state and federal laws, and compliance with the CCDF requirements; the Director has had to divert more and more time and resources away from program administration; leaving the ELCD unable to meet these monitoring requirements, and crippled the ability of ELCD to provide early learning and care oversight at even an adequate level in past years. This has a major impact in the ELCD's ability to ensure agencies adhere to their contract requirements and that contractors provide high-quality early care and education services to subsidized children and families.

A recent policy change is that the ELCD must comply with federal regulatory changes to CCDF by developing health and safety trainings and ensuring that CCDF providers participate in these trainings before they offer child care services on an ongoing basis. This issue is one of high profile sensitivity because of the health and safety needs of both agencies and children. With a more personalized administrative structure, the proposed position will be able to streamline policies which will allow FSO to monitor contractors' compliance, work with internal and external stakeholders to develop a system for collecting and storing monitoring reports electronically in a new online system, increase training and ongoing technical assistance to implement and monitor the new eligibility requirements under CCDF, and adopt a more comprehensive system that aligns with federal requirements.

Furthermore, another bill (AB 752) that was recently passed, requires that the FSO begin supporting California State Preschool Program (CSPP) to ensure they do not expel or unenroll a child because of the child's behavior until they had taken and documented reasonable steps to maintain the child's safe participation in the program. FSO, due to this policy change, has increased requirements to provide updated and ongoing training and technical assistance to contractors, a new health and safety checklist for monitoring processes, and support to CSPPs.

Therefore, the new CEA is proposed to be a fourth level CEA position in the CDE reporting to the third level Division Director of the ELCD. The proposed position will assume the responsibilities from the Division Director for directing the work of four separate units (FSO, GAU, ITO, and QIO) in the ELCD, which have the bulk of the policy and program development responsibilities in the division. The Division Director will continue to provide vision and oversight of policy development to the proposed position, as well as be responsible for policy implementation responsibilities such as development of new policies, legislation and regulations within the Policy Office of the division. This proposal relieves the intense work related to program monitoring and policy development that is so time-consuming for the Division Director. ELCD policies are so complex that they will benefit from having two high-level positions assigned these responsibilities.

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

The proposed CEA will have decision-making authority for all early learning and child care development programs administered by the division including but not limited to: primary oversight for all program activities including focused monitoring, training and technical assistance for all California child care and development programs, federal regulatory changes to CCDF by developing health and safety trainings and ensuring CCDF providers participate in these trainings, ensure contractors' compliance with new requirements, and increase the frequency of onsite contract monitoring reviews in order to (1) ensure CDE meets regulatory monitoring requirements, (2) children receive a high-quality program, and (3) public funding is properly safeguarded. Additionally, the proposed CEA will implement the recommendations from recent federal and state audits to increase compliance monitoring of contractors in an effort to reduce error rates to or below the national average in terms of dollar amounts; and fulfill the CSA recommendations to increase monitoring of contractors.

The Division Director's scope and authority will focus on an increase in the development of new policies, legislation and regulations within the ELCD; a more refined administrative structure to coordinate and implement ELCD organizational functions in accordance with the division's goals and objectives; participate in statewide collaboration efforts and the coordination of planning for ongoing changes to early education policy, nationally and within the state; plan, develop and implement statewide data for developing resources and standardizing work practices across the division; work with internal and external stakeholders to develop a more comprehensive system that aligns with federal requirements such as developing appropriate regulations for the law, training contractors and other early education professionals in the field; management of the CCDF, the Head Start State Collaboration Grant, data collection, program analysis and maintenance of federally mandated reporting requirements, initiatives, legislation, and regulations to improve the state child care and development infrastructure for all children in California.

By increasing the scope and decision-making authority for program monitoring, training and technical assistance, audits, CCDF, CSPP, and Health and Safety requirements, the CDE expects be in full compliance with all CDE contractors.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

Under the direction of the Division Director; the proposed CEA will plan, develop, and implement new statewide policies and requirements to reduce contractor error rates at or below the national average, comply with health and safety requirements, and comply with federal regulatory changes to CCDF. The new policies include the implementation of 1) local policy to authorize an agency that provides child care and development services through a contract with the ELCD to apply to the ELCD to amend existing contracts in order to benefit from the local policy, 2) delete previous provisions relating to superseding eligibility criteria relating to CalWORKs participation and the exceptions, and 3) require individualized plans to include a recognition that all funding sources utilized by contractors that provide child care and development services in said county are eligible to be included in the county's plan. The proposed CEA will also modify and implement monitoring tools and training plans for four existing pilot programs and incorporate those policies into the nine additional pilot programs.

Additionally, the proposed CEA position will be tasked with developing a new policy to implement a new contractor monitoring strategy to address recent audit issues. By increasing the frequency of onsite contract monitoring reviews, creating new monitoring tools, developing health and safety checklists, and improved training materials, the CDE will be able to ensure children receive a safe and high quality program, and that public funding for these programs is properly safeguarded. By updating monitoring review guides, tools, instruments and training materials, pilot programs will be able to submit accurate and timely individualized county child care subsidy plans specific to their county.