

Management Bulletin 10-09

Early Education and Support Division

Subject: Reduced Days of Operation or Attendance Due to Emergency Conditions

Number: 10-09

Date: October 2010

Expires: Until Rescinded

Authority: California *Education Code* Section 8271

Attention: Executive Officers and Program Directors of all Child Care and Development Programs

Purpose

The purpose of this Management Bulletin, which supersedes Management Bulletin 09-16, is to remind agencies that California *Education Code (EC)* Section 8271 provides against loss of funds due to circumstances that are beyond control of the contractor.

Background

This Management Bulletin, which supersedes Management Bulletin 09-16, is to remind agencies that *EC* Section 8271 provides against loss of funds due to circumstances that are beyond control of the contractor. It states:

In the event that operating agencies are unable to operate due to incomplete renovations authorized by administering state agencies, or due to circumstances beyond the control of the operating agency, including earthquakes, floods, or fires, such programs shall not be penalized for incurred program expenses nor in subsequent annual budget allocations.

Circumstances beyond the control of operating contractors include, but are not necessarily limited to:

1. Earthquakes
2. Floods
3. Fires
4. Epidemics
5. Impassable roads
6. The imminence of a major health or safety hazard, as determined by the local health department or law enforcement agency
7. A strike affecting transportation services for children provided by a non-agency entity
8. Incomplete facility renovations authorized by the California Department of Education, pursuant to California *Education Code* sections 8277.1 and 8277.2
9. State of California budget impasse

Policy

Whenever a contractor's days of operation are reduced for any of the above reasons, and the reduction in days of operation did not require the contractor to reduce staff through layoffs or unpaid furloughs, the contractor's governing board, or the executive office for contractors not having a governing board, must adopt a resolution that clearly and fully describes the nature of the emergency condition as well as the specific effect on program operations. The resolution should include:

- Dates program operation was necessarily suspended or substantially reduced
- Daily attendance for both certified and non-certified children for the week prior to the date operation was suspended or reduced

Whenever the contractor's days of operation are reduced because of a state budget impasse and this reduction requires the contractor to reduce staff through layoffs or unpaid furloughs, the contractor may request reimbursement for ongoing administrative and operational expenses that occurred during the emergency closure. The contractor's governing board, or the executive office for contractors not having a governing board, must adopt a resolution that clearly and fully describes the nature of the emergency condition as well as the specific effect on program operation. The resolution should include:

- Dates program operation was suspended
- A detailed list of actual program expenses incurred during the period of closure

Application Submission Requirements

The resolution should be faxed, e-mailed, or mailed to the appropriate Field Services Office Consultant in the Early Education and Support Division (EESD). Upon receiving the resolution, the EESD will jointly review the information with Child Development Fiscal Services to determine the amount of reimbursement for actual program expense incurred during the period of closure or reduced operation. Funding in subsequent fiscal years will not be affected by the above, contingent upon the availability of funds appropriated in the Annual Budget Act.

If you have any questions, please contact your assigned EESD Field Services Consultant at <http://www.cde.ca.gov/sp/cd/ci/assignments.asp> or by phone at 916-322-6233.

This Management Bulletin is mandatory only to the extent that it cites a specific statutory and/or regulatory requirement. Any portion of this Management Bulletin that is not supported by a specific statutory and/or regulatory requirement is not prescriptive pursuant to California Education Code Section 33308.5.

Questions: Early Education and Support Division | 916-322-6233

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