



FILED
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FEB 18 2011

CLERK OF THE SUPERIOR COURT

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14 SUPERIOR COURT OF CALIFORNIA
15 IN AND FOR THE COUNTY OF ALAMEDA

17 PARENT VOICES OAKLAND, JENNIFER
18 JOHNSTON, TINA TERRAZA, HAWA
19 MASSALEY and BRANDIE BROWNLEE,

20 Petitioners,

20 v.

21 JACK O'CONNELL, in his capacity as Chief
22 Executive Officer of the Department of
23 Education; CALIFORNIA DEPARTMENT
24 OF EDUCATION; JOHN WAGNER, in his
25 capacity as Director of the California
26 Department of Social Services; and
27 CALIFORNIA DEPARTMENT OF SOCIAL
28 SERVICES,

Respondents.

RG
CASE No. 10544021

SUPPLEMENTAL STIPULATION AND
[PROPOSED] ORDER
[Code Civ. Proc. § 1085]

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1 Whereas the Parties entered into a Stipulation for Implementation of the Court's
2 November 5, 2010 Order, and the Court entered said Stipulation as an Order of the Court on
3 November 17, 2010 (hereafter referred to as "the November 17 Stipulation").

4 Whereas the November 17 Stipulation set out a process for the screening and transfer, via
5 a lottery process, of some Stage 3 families to other subsidized child care, and addressed the
6 treatment of all Stage 3 families, both those transferring to other CDE subsidized child care
7 programs and those that did not, if or when Stage 3 child care funding is restored.

8 Whereas, the November 17th Stipulation also set out an identical process to that described
9 above for families who "timed out" of Stage 2 child care and were transferred into Stage 3 child
10 care prior to December 31, 2010, but expressly reserved and did not address "the interests or
11 rights of Stage 2 families who 'time[d] out' of Stage 2 on or after December 31, 2010, to be
12 screened for or transitioned to other subsidized childcare." (November 17 Stipulation; ¶8, fn. 1,
13 first sentence).

14 Whereas the Parties now wish to address the interests and rights of Stage 2 families who
15 timed out or will time out of Stage 2 on or after December 31, 2010 as well as address various
16 coverage and implementation issues for the treatment of Stage 3 families in the event that Stage
17 3 child care funding is restored:

18 IT IS STIPULATED, BY AND BETWEEN COUNSEL FOR THE PARTIES, THAT:

19 1. Families who timed out or will time out of Stage 2 between December 31, 2010
20 and June 30, 2011, and were or will be placed on the CDE Stage 3 "hold" list pursuant to CDE
21 Management Bulletin 10-22, shall be considered "eligible for and otherwise enrolled but waiting
22 status" consistent with the Stage 3 families as described in ¶ 18 of the November 17 Stipulation.

23 2. For purposes of both the November 17 Stipulation and this Supplemental
24 Stipulation, the end date applicable to the "enrolled but waiting status" for both Stage 2 and
25 Stage 3 families shall be July 31, 2011.

26 3. As soon as possible and no later than five (5) business days after funding has
27 become available to pay for all families to receive Stage 3 child care for any period of time from
28 January 1, 2011 and continuing, CDE will issue a Management Bulletin to all of its Stage 2 and

1 Stage 3 contractors and CEL Administrators. Said Management Bulletin shall instruct
2 contractors to do the following:

- 3 a. Provide written notification to all families who are on the "hold list" of an appointment
4 date and time that the family is to come in and meet in person with the Stage 3 contractor
5 for the purpose of reenrolling their child(ren) in Stage 3 services.
- 6 b. At this appointment, the Stage 3 contractor staff shall ask the family to update and sign
7 their application pursuant to the requirements of Title 5 C.C.R. section 18103(b);
- 8 c. Verify provider eligibility for reimbursement for any periods from January 1, 2011 and
9 thereafter if the current child care provider is not the last provider of record in the
10 family's data file;
- 11 d. Obtain evidence of the child's attendance in child care services for anytime after
12 January 1, 2011 and thereafter, for purposes of reimbursement pursuant to Title 5 C.C.R.
13 section 18065; and
- 14 e. Provide written Notices of Action to families who are determined ineligible for Stage 3
15 services explaining the basis for their ineligibility.

16 CDE shall take reasonable steps to insure that contractors and CEL administrators promptly
17 comply with the aforementioned requirements. CDE shall give Counsel for Petitioners the
18 opportunity, at least 24 hours prior to issuance of the Management Bulletin, to review and
19 comment on the draft Management Bulletin.

20 4. Families who are transferred to Stage 3 funded child care pursuant to the
21 preceding paragraph shall be entitled to remain in Stage 3 funded care pending enactment of the
22 FY 2011-2012 state budget, so long as funding exists.

23 5. Families identified in Paragraph 19 of the November 17 Stipulation as having
24 transferred into other CDE-funded child care and development services will not be sent the
25 notice described in Paragraph 3(a). Instead, former Stage 3 families now enrolled in the
26 Alternative Payment Program (APP) are to remain in APP and will not be enrolled in Stage 3 at
27 this time. Former Stage 3 families now enrolled in CDE center-based programs will also remain
28 enrolled in their center-based programs for now. If funding is appropriated for Stage 3 services

1 for fiscal year 2011-2012, CDE will instruct its Stage 3 contractors to send written notification to
2 the CDE center-based families, no later than May 18, 2011, or as otherwise agreed to by the
3 parties, that clearly informs them that they have the option to remain with their current child care
4 and development services or to return to Stage 3 child care services effective July 1, 2011. The
5 notice shall further advise these families that if they do not exercise their option to transfer back
6 into Stage 3 by contacting the contractor's office no later than June 20, 2011, they will have lost
7 their right to return to Stage 3 care, unless they otherwise become eligible in the future due to
8 changed circumstances or legislative action. CDE shall give Counsel for Petitioner the
9 opportunity to review and comment on the draft of this notice prior to its issuance.

10 6. If funding is appropriated for Stage 3 for fiscal year 2011-2012 and a Stage 3
11 contractor becomes aware that a family enrolled in a CDE center-based program has a certified
12 need for care outside of the hours of operation of the center or has a child with an Individualized
13 Family Services Plan, Section 504 Plan or Individualized Education Plan whose needs cannot be
14 adequately met by the center, then the Stage 3 contractor may, in its discretion, reenroll the
15 family in Stage 3 prior to July 1, 2011.

16 7. Should funding become available for Stage 3 services, CDE shall ask that its
17 Stage 3 contractors provide information on enrollment into Stage 3 through the submission of
18 Form 801a. CDE further agrees to share with Petitioners' Counsel information on the number of
19 families and children entering into the Stage 3 program.

20 MISCELLANEOUS PROVISIONS

21 8. The Case Management Conference and the hearing on Petitioner's Motion for
22 Preliminary Injunctive Relief, if needed, has been continued to April 25, 2011.

23 9. Unless expressly modified by this Stipulation, the November 17, 2010 Stipulation
24 shall remain in full force and effect.

1 CALIFORNIA DEPARTMENT OF EDUCATION

2 

Dated: February 17, 2011

3 By: ELIZABETH S. STEIN
4 Deputy General Counsel
5 Attorneys for Respondents

6 THE PUBLIC INTEREST LAW PROJECT
7 THE CHILD CARE LAW CENTER
8 WESTERN CENTER ON LAW & POVERTY
9 NEIGHBORHOOD LEGAL SERVICES OF LA COUNTY
PUBLIC COUNSEL LAW CENTER
LEGAL AID FOUNDATION OF LOS ANGELES

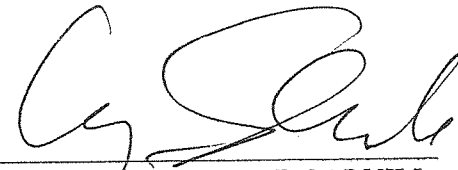
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Dated: February 17, 2011

11 By: STEPHEN E. RONFELDT
12 Attorneys for Petitioners

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14 HAVING REVIEWED THE STIPULATION OF THE PARTIES, IT IS SO ORDERED.

15
16
17 Date: February 17, 2011


18 HONORABLE WYNNE CARVILL
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