

# **Infant/Child Enrichment Services (ICES)**



## **Alternative Payment Subsidized Child Care Program**

### **Policies for Participating Parents & Providers**

Approved by the ICES Board of Directors  
December 5, 2017



## **Infant / Child Enrichment Services**

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Closed Weekends & Holidays

### **Infant/Child Enrichment Services offers the following programs:**

#### **Subsidized Child Care Program (Alternative Payment Program)**

- Helping families pay for child care costs based on income, need and availability of funding.

#### **Resource and Referral Program**

- Helping families find child care and develop a long term child care plan.
- Supporting child care providers through the process of becoming a provider.
- Providing ongoing training, resources and information to child care providers to support quality child care for the families in our community.

#### **Raising Healthy Families Program**

- Offering free parenting classes on a variety of topics throughout the year.
- Providing free in-home parenting to any families upon request, regardless of income.
- Offering parenting information and resources to community agencies and groups upon request.

**We value your opinion and ideas!**

**If you have any questions or feedback to share, please contact us anytime.**

*Surveys are available on our website, in our lobby, or by contacting the office.  
Formal complaints can be filed in writing, following the policies contained in this booklet,  
or by contacting our office for further information and instruction.*

**Infant Child Enrichment Services (ICES)  
Alternative Payment Child Care Subsidy Program  
Program Participation Information**

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## **INTRODUCTION**

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Infant/Child Enrichment Services, Inc. (hereafter referred to as ICES) is a public benefit non-profit corporation created in 1983 to provide a variety of child care and parenting support services to families in Tuolumne and Mariposa Counties. The ICES vision is that all parents in the community have access to quality child care and parenting education. Services include child care resource and referral, child care subsidies, recruitment and training of child care professionals and parent education and support.

ICES operates in accordance with all applicable state and federal laws governing non-profit organizations. The agency is governed by a Board of Directors who establishes policy and set the direction for the agency. ICES refrains from religious instruction or worship, and operates on a non-discriminatory basis. No person shall be excluded from participation in or denied the benefits of ICES' program services or activities on the basis of gender, sexual orientation, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability. The agency welcomes the enrollment of children with disabilities as defined by the Americans with Disabilities Act (ADA).

ICES' subsidized child care program offers full or partial child care subsidies to eligible families through a certificate voucher program. This program is designed to maximize parental choice in selecting child care. Parents may select child care services from licensed centers and preschools, licensed family daycare homes and license-exempt or in-home providers. The ICES' subsidized child care program subsidizes the full or partial cost of child care for children whose parents qualify for the program based on income eligibility and service need, and who live or work in Tuolumne or Mariposa County.

The purpose of this booklet is to explain ICES' policies and procedures and to outline the responsibilities of parents enrolled in ICES' subsidized child care program. These policies and regulations are based on the California Code of Regulations Title 5 (CCR), Education Code, and the California Department of Social Services.

Eligibility for ICES' subsidized child care program varies from program to program (Stage 1, Stage 2, Stage 3, CAPP – see below for specific program descriptions) and is defined by the funding source. Eligibility criteria may include service need, family income and/or special circumstances. As funds become available, families are selected from the current eligibility list based on program priorities.

## **CHILD CARE PROGRAMS**

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### **CalWORKs Child Care Programs:**

The CalWORKs program serves families who are currently receiving Temporary Assistance for Needy Families (TANF) cash aid or who have received it within 24 months before completing the application process for child care services. There are three (3) stages to the CalWORKs Alternative Payment Program:

1. **Stage 1:** Parent/family is currently receiving TANF cash aid and is approved for child care by their Welfare-to-Work Case Worker.
2. **Stage 2:** Parent/family is transitioning off of TANF cash aid or received TANF cash aid within the previous 24 months and meets eligibility/need requirements.
3. **Stage 3:** Family has fully exhausted twenty-four months of eligibility for subsidized child care in Stage 2 after the parent left TANF cash aid and meets eligibility/need requirements.

We try to move families through these stages of child care as smoothly as possible. Each of these stages has different eligibility requirements; however, the CalWORKs child care system is designed to continue services to eligible families without interruption.

### **California Alternative Payment Program (CAPP):**

CAPP covers child care services while parents work, go to school, or look for work. A family may also be eligible for services if the child is receiving Child Protective Services; the child is at risk of abuse or neglect; the parent is incapacitated; or the family is homeless.

When a family's eligibility for one program ceases, every effort will be made to place the family on another program for which they are eligible. However, placement in another program cannot be guaranteed. Parents select their own child care whether licensed or license-exempt. ICES will make child care referrals to licensed programs. Every attempt will be made to accommodate the parent's choice.

## **CONFIDENTIALITY:**

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Information provided to ICES will be treated in a confidential manner and access will be limited to persons connected with the administration of the program. Parents participating in ICES' subsidized child care program can request, in writing, that information in their file be released. This information will only be released to the parent enrolled on the subsidy program. Without this permission, ICES cannot provide information unless it is court ordered or requested by the District Attorney. Attendance Records are property of ICES, and are not part of the parent file. Copies of completed attendance records will not be released to anyone other than the parent, unless required by court order.

<p><b>Stage 1:</b> Attendance records may be provided to Social Services monthly to verify utilization of approved child care and serve as evidence for billing purposes.</p>
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## **DEFINITIONS:**

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Some of the more commonly used words/phrases and definitions listed as we use them:

- **CalWORKs:** California Work Opportunities and Responsibility to Kids – cash aid for eligible adults and their children.
- **Case Manager:** The staff person at ICES responsible for handling all aspects of the parent’s case.
- **Child Care Fraud:** The crime of obtaining money or child care services by deliberate deception.
- **Children with Exceptional Needs:** Children who have an active Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP), and are receiving early intervention services or appropriate special education and services, **and** require the special attention of an adult in a child care setting.
- **Co-payments:** The difference between what the provider charges and the amount ICES can reimburse. The parent is responsible for paying this difference directly to the provider. This is not the same as the family fee. A parent may have both a co-payment and a family fee.
- **Days:** Calendar days unless otherwise noted.
- **Days of Non-Operation:** Days that a provider would normally be open for business, but due to the provider’s holiday, vacation, or staff development day, the facility is closed for business.
- **Delinquent Fees:** Family fees are considered delinquent (late) when the provider notifies ICES the family fee has not been paid. Parents will receive a Delinquent Fee Notice if this is the case.
- **Family Fee (also called Parent Fee):** A family fee chart is issued by the State to have parents share in the cost of child care and to expand services to other families in need of subsidized child care services. The amount of the fee the family is expected to pay is based on the countable gross monthly income of the family, the size of the family, and the child care schedule. These fees are paid by the parent, directly to his/her provider.
- **Fiscal Year:** ICES runs on the State’s Fiscal Year calendar which starts on July 1st and ends on June 30th of the following year.
- **Notice of Action (NOA):** A written notification issued by ICES that informs parents of ICES’s decision to approve, deny or make changes to child care and development services. NOAs are also issued to inform parents that they no longer meet the program’s “need” or “eligibility” requirements, or that the level of services will change. All NOAs have an appeal period; refer to the back of the NOA for instructions on how to file an appeal if you disagree with the action. NOAs that have no negative impact to the parent can go into effect immediately if the parent signs a statement requesting the action go into effect immediately.

- **Parent:** A biological parent, adoptive parent, stepparent, foster parent, caretaker relative, legal guardian, domestic partner of the parent as defined in Family Code section 297, or any other adult living with a child who has responsibility for the care and welfare of the child
- **Provider:** A person (other than the parent) who takes care of a child for part of the day, for a fee.
- **Regional Market Rates (RMR):** The average rates charged for various types of child care services as determined by a statewide survey of providers. The results of this survey determine the maximum ICES can reimburse providers for child care services based on the county in which they provide care.
- **Welfare-to-Work Case Worker:** The staff person at the Department of Social Services in Tuolumne or Mariposa, responsible for establishing the welfare-to-work plan with the parent who is currently participating in the CalWORKs program.
- **Welfare-to-Work Plan (WTW Plan):** A plan of qualifying employment and training activities, or barrier removal services, which meets the individual's participation requirements in the CalWORKs program. The WTW Plan is established between the Welfare-to-Work Case Worker and the parent(s).

## **PARENT PARTICIPATION**

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### **GENERAL REQUIREMENTS:**

Eligibility and need for child care services are determined by guidelines established by the funding source (California Department of Education; California Department of Social Services; Tuolumne and Mariposa County Health and Social Services Department; etc.) Each program has different Eligibility and Need Criteria.

#### **Eligibility Criteria:**

Child(ren) needing care is/are under age 13 (under age 22 if the child has exceptional needs or is severely disabled) and one of the following:

1. Family is a public assistance recipient
2. Family is income eligible as established by the family fee schedule
3. Family is homeless
4. Family is a recipient of Child Protective Services (CPS) or has been referred by a legally qualified professional
5. Family is currently receiving or has received CalWORKS within the previous 24 months
6. Family has fully exhausted 24 months of eligibility for subsidized child care in Stages 1 and/or 2 after the parent left CalWORKS and is transitioning from Stage 1 or 2 into Stage 3

#### **Need Criteria:**

Any of the following:

1. Employed or seeking employment
2. Participating in vocational training leading to a recognized trade or profession
3. Homeless & seeking permanent housing
4. Incapacitated
5. Referred by Child Protective Services (CPS). Child(ren) is/are receiving protective services through the local county social services department; and/or children identified by a legal, medical, social service agency or emergency shelter as abused, neglected or exploited or at risk of abuse, neglect or exploitation.

<p><b>Stage 1:</b> While you are receiving cash assistance, ICES must have a child care authorization from your Welfare-to-Work Case Worker in order to approve your child care services. They determine your need/eligibility for hours of care.</p>
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## **ENROLLMENT, RECERTIFICATION AND UPDATES:**

Enrollment in any of the ICES child care subsidy programs requires an in-person certification appointment between the parent and an ICES case manager to record the information necessary to accurately document the family's eligibility for the program in a Family Data File. The case manager will provide an overview about our agency and explain the applicable subsidized child care program policies, regulations, program forms and participation expectations.

### **Priorities for Enrollment:** *(EC 8261, 8236 and, 8263(b); Title 5 CCR sect. 18106)*

1. First Priority: Families whose children are receiving child protective services through the county social services department shall be enrolled before children identified as at risk of being neglected or, abused.
2. Second Priority: All children and families who are not within the first priority for admission shall be admitted in accordance with family income, with the lowest ranked families admitted first.
3. For purposes of determining the order of admission, families with the lowest gross monthly income in relation to family size shall be admitted first. Public assistance grants are counted as income. When two (2) or more families have the same income the family that has a child with exceptional needs shall be admitted first. If there is no family of the same priority with a child with exceptional needs, the same priority family that has been on the waiting list for the longest shall be admitted first.

### **Initial Enrollment:**

When first enrolling in an ICES child care subsidy program, parents must submit applicable documentation to determine their need and eligibility for care, along with any other special criteria a funding source or enrollment may require. The case manager will discuss with the parent what documentation will be required before the enrollment appointment is scheduled. Parents will be given or mailed all of the required forms in advance of their appointment. Child care services will not be authorized until all required documentation has been submitted. **Failure to submit accurate information, as requested by ICES, will result in denial of subsidy.**

<p><b>Stage 1:</b> Parents will be directly referred by their worker and may not be required to submit need/eligibility documents to ICES. They will still come in for an enrollment appointment and will be asked to complete required enrollment forms.</p>
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During the enrollment process, parents will also identify the child care provider they have selected. If the provider is not yet a participant in the ICES child care subsidy program, the provider will need to meet with the ICES case manager (see section entitled **Provider Participation**). ICES can also assist parents in selecting a provider (see section entitled **Selection of Care**).

**The parent must select a provider and sign the child care subsidy application, and submit required documents before the enrollment process will be considered complete.**

**Recertification:**

Recertification is the process of determining a family's continued need and eligibility for child care services. Failure to complete the recertification process within the timeframe given will result in termination or non-payment of child care services by ICES. The recertification process applies to all families enrolled in our subsidized child care program. ICES requires a face-to-face recertification interview at least once within a 12-month period (or more often, depending on the family's need status). The parent will receive a recertification letter with all the details specific to their case, including a list of documents/ information required to determine continued eligibility. If there are changes ICES is unaware of, we may require more documentation at the time of the appointment.

<p><b>Stage 1:</b> Cases are updated based on Child Care Authorizations received from their Welfare-to-Work Case Worker.</p>
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## **PROGRAM DOCUMENTATION REQUIREMENTS:**

### **Employed** (Title 5 CCR sect. 18085.5)

The following forms of documentation must be provided by all employed parents in order to document need and eligibility for child care services:

1. All payroll check stubs for the preceding month, or a letter from the employer, or other record of wages issued by the employer for the month preceding the initial certification, an update of the application, or the recertification that establishes eligibility for services.
2. Employment Verification, completed by employer, or other means of contact and/or documentation between ICES staff and the employer that will substantiate employment status; designating the days and number of hours the employee is expected to work each week.
  - a. If the variability of the parent's employment is unpredictable and we cannot verify specific days and hours of employment or work week cycles, the case manager will authorize a variable schedule for the actual hours worked, identifying the maximum number of hours of need based on the week with the greatest number of hours within the preceding four (4) weeks and the verification.
3. Documentation of all non-wage income, self-certification of any income for which no documentation is possible, and any verified child support payments.

Parent is certified only for actual days and hours of work and reasonable travel time. In some cases, the parent may be authorized for a period of rest if they are required to work overnight.

### **Self-employed** (Title 5 CCR sect. 18084a3)

The following must be provided by all self-employed parents in order to document need and eligibility for child care services.

1. One or more of the following sources of income documentation for at least the month preceding the initial certification, an update of the application, or the recertification that establishes eligibility for services, depending on type of employment:
  - a. A letter from the source of the income
  - b. A copy of the most recently signed and completed tax return with a statement of current estimated income for tax purposes
  - c. Other business records, such as ledgers, receipts, or business logs
  - d. Receipts for all income and expenses
  - e. Most recent year's tax returns
  - f. Documentation of all non-wage income, self-certification of any income for which no documentation is possible, and any verified child support payments

### **Seeking Employment** (Title 5 CCR sect. 18086.5)

The following must be provided by all parents seeking employment in order to document need and eligibility for child care services:

1. Documentation of seeking employment shall include a written parental declaration signed under penalty of perjury stating that the parent is seeking employment. The declaration shall include the parent's plan to secure, change, or increase employment and shall identify a general description of when services will be necessary.
  - a. Use of child care for job search activities during the evenings or on weekends requires additional documentation.
  - b. If a parent finds a job during this time, and requires additional child care he/she can update their eligibility and need with their case manager.

- c. If at the end of the “seeking employment” time period, a parent has not found employment, services based on this need/criteria will end.
- d. Eligible parents receiving child care subsidy services while actively seeking employment may use up to 60 working days (no more than 5 days and less than 30 hours per week), per parent, per fiscal year.
- e. Parents should contact their case manager regarding their job search needs and the specific job search rules.

**Stage 1:** Parents must have their job search plan/activities approved by their Welfare-to-Work Case Worker as part of their WTW Plan and will submit documentation to their worker, not ICES.

**Students** (*Title 5 CCR sect. 18087*)

To receive subsidized child care as a student, parent(s) must be enrolled in an approved educational or vocational program leading to a recognized trade or profession. The following documentation must be provided by all students:

1. Statement of the parent’s vocational goal(s).
2. Either a signed Training Verification form from sponsoring school or agency or a printout from the school detailing schedule of classes. It is the student’s responsibility to file this form at the start of each new semester or quarter in order to establish hours for care.
3. Report cards (grades), transcripts or other training records to document the student is making adequate progress toward the attainment of his/her vocational educational goal will be required each quarter, semester or training period. Failure to turn in this documentation will result in termination from the child care subsidy program, unless the student meets another qualifying need for services. Adequate progress is defined as a cumulative grade point average (GPA) of 2.0 or higher per semester. Students dropping below the minimum standard will be allowed one quarter, semester or training period to fulfill the GPA. Failure to achieve this requirement will result in termination from the child care subsidy program.

**Additional program guidelines:**

1. Students are certified for the days and hours they attend classes and adequate travel time.
2. ICES will cover child care during study time for up to two hours per academic unit.
3. Additional time limits for training are as follows:
  - a. six (6) years from the initiation of child care services based on this need; or
  - b. twenty-four (24) semester units, or its equivalent, after the attainment of a Bachelor’s Degree.

**Stage 1:** Parents must have their education/training plan approved by their Welfare-to-Work Case Worker as part of their WTW Plan and will submit documentation to their worker, not ICES.

**Incapacitated** (*Title 5 CCR sect. 18088*) – NOT APPLICABLE for Stage 1 parents

1. In order to be considered incapacitated, parent must submit a Medical Incapacitation form, completed by the treating legally qualified health professional, which includes:
  - a. A description of the nature of the incapacity.
  - b. The duration of the incapacitation and a statement that the parent’s incapacitation prevents the parent from caring for the child for some part of the day.
  - c. The days and number of hours that child care is needed.
  - d. The name, address, phone number, license or credential number and the signature of the legally qualified professional who is rendering the opinion of incapacitation.

2. Approved hours for care shall not exceed 50 hours per week. For parents with school-age children, the legally qualified health professional will also need to indicate the difference (in hours of need for care) for those children on school days and non-school days.

**Children with Exceptional Needs Over Age 13**

Children who have reached their 13th birthday are ineligible for subsidized services. Children with exceptional needs may be served up to their 21st birthday under state funded programs. Documentation required to meet the education code must be submitted. Please contact your Case Manager for specific requirements.

## **SELECTION OF CARE:**

ICES can help parents find child care by providing referrals to licensed family child care homes and centers in Tuolumne and Mariposa, as well as information on choosing quality child care. While ICES encourages the selection of high quality local programs including Title 5 and Head Start programs, there are provisions for the selection of non-licensed care. Parents are responsible for selecting and monitoring their own child care providers.

- **Child care center staff, family child care providers, and license-exempt providers are self-employed and are not employees of ICES.**
- **ICES assumes no responsibility for injury or damages arising from the provision of or reimbursement for child care services.**

### **Types of Care**

1. **Licensed Care** includes centers and Family Child Care Homes which are licensed by the State of California, Department of Social Services, Community Care Licensing Division (CCLD). Licensure focuses on the health and safety of the facility and criminal history background clearances of the provider/s. The CCLD Statewide Hotline accepts calls from parents who wish to check on the status of a program, and are the appropriate channels through which to raise concerns or file complaints. The number is 1-844-538-8766.
  - a. **Child Care Centers:** These are licensed facilities that meet Community Care Licensing Regulations under Title 22. Centers usually serve larger groups of children and center staff meet the minimum training requirements stipulated in Title 22 regulations. Centers can have either mixed-age group settings or age-specific classrooms. **Subsidized** center-based programs (such as State Preschool and Head Start) follow the same Title 22 Regulations and have additional requirements such as: lower adult/child ratios, child observations and screenings and more.
  - b. **Family Child Care Homes:** These are programs that operate in the provider's home and are licensed for either 6 to 8 children (small) or up to 14 children with an assistant (large). Family Child Care programs tend to have more flexible hours and sometimes open earlier and stay open later than centers. Most family child care providers care for a mixed-age group of children from infants to school-age children. There are fewer training requirements for family child care providers.
2. **License-Exempt Care**
  - a. **Out of Home License-Exempt Care:** These are caregivers who take care of the children from *one* family (as well as their own children, if applicable) in his or her own home. These caregivers are exempt from licensure.
    - i. All non-relatives (friend, neighbor, etc.) must be registered with **TrustLine\*** **in order to be eligible to receive a child care subsidy reimbursement.**
    - ii. Relatives (aunt, uncle or grandparent) do not have to register with TrustLine, but the parent may be asked to provide documentation to substantiate the family relationship.
  - b. **In-Home License-Exempt Care:** These are caregivers who provide care in the home where the child resides. These caregivers are exempt from licensure but must be registered with **TrustLine\*** **in order to be eligible to receive a child care subsidy reimbursement**- unless they are the aunt, uncle or grandparent of the child receiving care. Additionally, parental choice is limited by the minimum wage. ICES cannot contract for in-home care unless the care meets certain requirements. (See Provider

Participation; Criteria for Participation section for more information)

**All License-Exempt providers** caring for children in the ICES subsidized child care program must have the following on file with ICES:

the provider's name and address, social security number, **TrustLine** registration (if not the aunt, uncle or grandparent of the child), Health & Safety Certification, valid ID verifying that the provider is 18 years or older, the street address where the care is to be provided, the hours and rate charged for care.

***TrustLine is a database of child care providers that have cleared criminal background checks in California. It is the only authorized screening program of in-home caregivers in the state with access to fingerprint records at the California Department of Justice and the FBI.***

**ICES will not reimburse License-Exempt providers who:**

1. Provide care for more than one family's children other than their own. *NOTE: ICES defines siblings who each have children as separate families; therefore another family member can only care for one of these families along with their own in order to receive subsidy reimbursement*
2. Reside in a home with another individual who is being paid as a license-exempt provider.

**Choosing Care:**

1. Parents are encouraged to call child care programs and schedule a time to visit and observe several programs before making their final selection. ICES provides a free referral service plus information regarding how to choose the best program for each family.
2. After a parent has selected a provider she/he must immediately contact ICES staff to schedule an enrollment appointment. If the provider is new to ICES Subsidy, authorization for care will not begin until the provider has contacted ICES staff and completed the provider enrollment process.
3. ICES requires that the provider chosen:
  - a. Be licensed and in compliance with all licensing regulations, or be exempt from licensing.
  - b. Be willing to meet ICES staff, and allow ICES staff to visit the child care site.
  - c. Operates on a non-discriminatory basis, and gives equal treatment and access to services without regard to race, color, creed, religion, capability, age, sex, national origin, sexual orientation, or any other category that is prohibited by law.
  - d. Refrain from the use of corporal punishment or any act that may be interpreted as corporal punishment.
4. If a child's usual child care program is closed, the parent may need to seek alternative child care. ICES will need to authorize an alternative provider for services.
5. Parents may select to use a Title 5 (State Preschool) Program or a Head Start Program. Parents who utilize one of these programs for their preschool age child/ren, will be offered a child care certificate for any days/hours their certified need exceeds the hours of operation of these programs (including provider closure days).
6. For more information, parents can visit the ICES website or contact the Resource and Referral department.

## **PARENTS' RESPONSIBILITIES:**

1. Report to ICES any changes in home address, and/or telephone number.
2. Report to ICES within thirty (30) working days when the families' income has exceeded the income amount for eligibility.
3. Supply requested documentation for recertification.
4. Pay a Family Fee, if required, to the provider at the beginning of each month.
5. Pay a co-payment if a parent chooses a provider with a rate exceeding the allowable reimbursement limit of the subsidy program. The co-payment shall be paid by the parent directly to the provider and shall not be accounted for by ICES.
6. Contact the provider and report reason for absence and/or termination to the provider on the day it occurs.
7. When a family chooses to leave the program, they should notify both ICES and their provider at least two (2) weeks in advance.

***Failure to comply with these regulations can result in termination of services from the subsidized child care program***

### **Parent Termination**

A family will be issued a terminating Notice of Action (NOA) when the family ceases to meet the eligibility requirements. ICES may terminate a parent from the program for program abuse, which may include the following:

1. Failure to provide current and correct information at the time of enrollment, recertification or at any time of the year when documentation is requested by ICES.
2. Providing false or fraudulent information at any time.
3. Failure to respond to ICES's request for documentation, signatures, recertification appointments and/or deadlines within **five (5) working days** of the date of request.
4. Family Fee payment to the provider is late more than three times in a fiscal year.
5. Failure to notify ICES of changes such as to increases in the hours of care needed, address of residence or contact telephone number.
6. Repeated failure to complete Attendance Record on a daily basis (see attendance guidelines).
7. Falsification of, or refusal to sign, the Attendance Record.
8. Any threat affecting the well-being of ICES program staff, both mentally and/or physically (includes verbal abuse). ICES will not tolerate threatening, harassing or violent behavior from anyone.
9. Failure to report within thirty (30) days of the family's income amount is over the eligibility limit.

### **Parent Appeal Rights:**

Parents will be mailed a NOA to terminate their subsidy at least **fourteen (14) calendar days** before the effective date of the intended action. ICES reserves the right to terminate a family's participation in ICES' subsidized child care program with **fourteen (14) calendar days** of notice (or sooner if instructed by funding source) if there is an interruption in, or loss of, the funding stream used to subsidize the family.

If the parent does not agree with an action taken by ICES, as indicated on a NOA, the parent has the right to appeal the agency's decision and request a fair hearing. ICES must have the parent's appeal/request for fair hearing no later than the Appeal Date on the NOA. The appeal and fair hearing processes are described on the back of the NOA.

**Stage 1** parents will appeal to the County of Tuolumne or Mariposa, Department of Social Services. The appeal and fair hearing processes are described on the back of the NOA.

If the appeal is received by the due date, ICES will issue payment to the provider for child care services rendered during the appeal process. **In child care fraud cases**, the parent may be billed for payments made to the provider during this period, if ICES' decision to terminate services is upheld.

**Parental Complaint Procedures for Child Care Settings:**

**Licensed programs/providers:** Parents with children in a licensed child care facility may file a complaint against the licensed facility by notifying Community Care Licensing Division at **1-844-538-8766**. In emergency situations, the local police department should be notified. The Resource and Referral Department can assist in contacting CCLD if needed.

**License-exempt programs/providers:** Parents with children in license-exempt care may file a complaint with ICES against the license-exempt provider using the following process:

- The complaint must be written and must include the nature of the complaint, the date and approximate time of the occurrence, the name and address of the provider being complained about, and it must be signed by the parent. Only complaints received about health and safety noncompliance will be accepted. These complaints will be deemed substantiated solely by the parent's written declaration;
- Upon receipt of a complaint, ICES will inform the license-exempt provider of the parent's complaint and inform the provider of his/her right to submit a written rebuttal. ICES will also notify the parent and the provider that payments will cease in 14 days unless a written declaration signed by both parties has been received by ICES stating that the health and safety deficiency has been corrected.
- ICES must maintain a record of parental complaints concerning a license-exempt provider's failure to meet the health and safety standards as specified in the Health and Safety Self-Certification. Upon receiving an inquiry about a specific license-exempt provider, ICES Staff will inform the person who made the inquiry of the general nature of the complaint and whether or not the provider submitted a rebuttal.

**Local Complaint Procedure:**

Any parent who is in disagreement with either ICES policies/actions or a staff member, which is NOT related to a NOA, may use the local complaint procedure. The purpose of this process is to provide a method for discussing and settling differences.

The parent shall first contact the Program Manager regarding the occurrence. The Program Manager shall communicate (meeting/phone/email) with the parent within 2 days. They shall attempt to resolve the complaint through discussion. If the conflict is not resolved in speaking with the Program Manager, the parent shall state the problem in writing and present it to the Executive Director within 2 working days. The Executive Director shall meet within 5 working days with the parent after receiving the written complaint. After a meeting with the parent, the Executive Director shall provide the parent a written response within 5 working days. The Executive Director's decision shall be final.

## **PARENT & PROVIDER PARTICIPATION**

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### **ATTENDANCE REPORTING:**

There are specific requirements for the recording of attendance for subsidy reimbursement. ICES requires parents to maintain a daily Attendance Record (AR) for each child on the program.

- ARs should be kept with providers and used daily.
- ARs must be noted daily with the actual time of drop-off and pick-up.
- You should share your “authorized pick up people” with your provider so that s/he will know who is able to drop-off and pick-up your child(ren).
- Only adults (18+) may drop-off and pick-up children and note times on the AR.
- If you make a mistake on the AR (for example, enter time on the wrong date), you should cross out the error and initial it, and fill in the correct information.
- Indicate the reason for any absence (on scheduled days) on the AR.
- If you use care that is not authorized on the NOA, you will be responsible to pay for that care. If you have additional needs for care, contact your case manager.
- If a child is scheduled for before and after school, the provider shall note the exact times the child leaves for and returns from school.
- When the last day of care for the month has been provided, review the AR for accuracy. The family fee receipt must be completed (if applicable) and the bottom of the attendance record must be signed by the provider and the enrolled parent (not the authorized pick-up person).
- **It is a violation of state regulations (and considered fraud) to pre- or post-sign ARs.**

The AR must be complete, accurate and received by ICES no later than 5:00 p.m. on or before the fifth (5th) of the month following service. If the 5th of the month falls on a weekend or holiday, forms must be returned no later than the next working day in order to be processed by the fifteenth (15th). ICES makes every attempt to issue payment before the end of the month during which attendance records are received. However, all incoming ARs must be checked for accuracy and completeness prior to issuing payment. **ARs received after the 15th of the month following service will be processed the following month. AR’s not received within 60 days may not be paid.**

Attendance in child care programs is important. Families are approved for care based on their needs and children are expected to attend care for which they are certified. When licensed providers supply documentation to ICES that private pay families are responsible for payment of absences and the child has a “set” schedule, ICES can reimburse for absences also.

**NOTE: Providers are strongly encouraged to notify ICES after two weeks of absences where the provider has had no contact with the parent so the case manager can contact the parent.**

## ATTENDANCE & ABSENCE POLICIES:

*The following attendance policies aim to encourage maximum usage of child care funding.*

1. Both parents and providers need to communicate with each other and with ICES regarding any problems in attendance.
2. ICES case managers are responsible for reviewing ARs to determine if the days and hours of service utilized were **broadly consistent** with the certified hours. Factors to determine **broadly inconsistent** use of care would be:
  - a. Anything that would cause a change in the parent fee (full time to part time or vice versa)
  - b. Anything that would cause a change to the RMR ceiling chosen based upon the certified need (full time to part time or vice versa)
3. When an AR is determined to be **broadly inconsistent** with the certified need for care, the Case Manager (CM) will follow these steps:
  - a. CM may contact the parent to determine the reason(s) for difference in use of hours from certified need.
  - b. If the parent reports a change in child care hours or need, CM will update their case and issue a new Notice of Action accordingly. CM will also issue new certificate.
  - c. The Case Manager may contact the parent and/or provider at any time to inquire about patterns or variations in use of care that do not match the care that was authorized.
4. CM will reimburse the provider according to the family's original certified need, until a new Notice of Action (NOA) is issued and effective.
5. Parents and/or providers who do not follow the AR policies may be terminated from our program. Examples of non-compliance include, but are not limited to:
  - o Times in/out are altered without explanation
  - o Over-lapping in/out times on multiple provider ARs
  - o Missing child's departure to, and return from school times. Provider interfering with the parent's ability to complete the AR on a daily basis.
  - o Provider recording and accepting reimbursement for hours of care NOT provided.
6. If the **parent** is not following proper AR procedures, ICES will reimburse the provider according to the hours authorized on the child care certificate, and we will take the following action:
  - a. **First Finding:** The Case Manager (CM) will send a warning letter to the parent reminding the parent of the correct use of the AR, as well as the consequences of not following procedure.
  - b. **Second Finding:** The CM will issue a 2nd warning letter with a requirement for the parent to attend/participate in a Counseling Session with the CM within one month of issuance of the warning letter. If parent does not participate, a NOA terminating subsidized child care services will be issued.
  - c. **Third Finding:** The CM may issue a Termination NOA to the parent terminating subsidized child care service and the provider will be notified. (Parent has the right to appeal).

7. If the **provider** is not following proper AR procedures, ICES will reimburse the provider according to the family's certified need/hours, and we will take the following action:
  - a. **First Finding:** Case Manager (CM) will call and discuss with the provider of the correct use of the ARs, as well as the consequences of not following procedure.
  - b. **Second Finding:** The CM will issue a warning letter to the provider regarding the consequences of not following procedure.
  - c. **Third Finding:** The CM will issue a Termination Notice to the provider, terminating services with the provider. (Provider has the right to file a grievance)
  
8. ARs will not be returned to the parent or provider for corrections. Reimbursements will be based on the parent's certified need, regardless of any discrepancies or missing in/out times or signatures/ initials (which will be addressed through the processes previously noted). Certified need for reimbursement purposes is:
  - o As listed on the NOA and Certificate for set schedules; or
  - o Based on actual usage for variable schedules, up to the maximum listed on the NOA and Certificate).
  
9. **Provider reimbursements may be held, reduced, &/or denied when:**
  - o The AR is not signed on the bottom by both parent and provider
  - o The family fee receipt has not been completed.
  - o The provider has exceeded the 10 non-operational days for the fiscal year (i.e.: holidays.)
  - o AR is submitted to us more than 60 days after the close of the month of service.
  - o If the parent or provider is found to have completed the AR in a fraudulent manner, the responsible party/ parties will be terminated from the program, without advance warning, and will not be allowed to participate in the future (except as mandated by regulations). In these cases, we will not reimburse the provider.

## **FAMILY FEES**

Families whose income falls within a certain range, as specified in the State's Family Fee Schedule, will be required to pay a fee for services (Family Fee). Family Fees are based on the following: 1) Family size; 2) gross monthly income and 3) total amount of certified hours of care to be used each month. (If a family has more than one child in care, the fee is assigned to the child who receives service for the longest period.)

### **Paying Fees:**

1. Fees are assessed monthly according to the CDE issued Family Fee Schedule.
2. Families pay the fee to their provider. That portion is deducted from the total reimbursement from ICES.

### **Delinquent Fees:**

1. When it has been determined that Family Fees are delinquent (when the provider notifies ICES that the fee has not been paid), a NOA to terminate subsidy will be mailed to the parent. The NOA will state the total amount of unpaid fees, the fee amount and the period of delinquency. Subsidy will be terminated on the date falling fourteen (14) days from the date of the NOA unless all delinquent fees are paid to the provider before such a date or a reasonable plan for payment of delinquent fees has been established. ICES will retain

- documentation of the mailing date.
2. If the parent fees are late more than three times within a fiscal year, (July-June), subsidy will be terminated.
  3. If a parent has been terminated due to failure to pay fees, any and all outstanding family fees must be paid in full prior to reinstatement in the program.
  4. Unpaid family fees may be pursued through legal channels.

**Stage 1:** Parents do not usually pay family fees; however if they are no longer on cash aid and transitioning out of stage 1, they may have a family fee, depending on their income.

### **Fraudulent Information**

The CDE requires ICES to inform all families receiving funds from the agency that if child care funds are obtained by providing fraudulent or incomplete information, ICES shall actively pursue recovering the funds paid out for the child care services. Any fraudulent, false, or misleading information provided to ICES regarding: employment, income, status as a student, enrollment in a training program, or eligibility relating to medical incapacitation will be grounds for termination.

Any of the following, but not limited to, could constitute fraud:

1. Failure to report accurate information regarding wages (including commissions, overtime and bonuses), SSI/SSA, child support, financial aid or any other income required to document eligibility and parent fees.
2. Inaccurate reporting of actual attendance on the attendance record. If the provider and/or parent signs that care was provided for days when it was not, ICES will make every attempt to recover funds.
3. Failure to report provider information changes. This includes changing providers or provider no longer providing care.

### **Infant Child Enrichment Services Shall:**

- Only reimburse providers for child care services. ICES cannot cover the cost of private school tuition, educational fees, transportation, diapers, clothing items, or other expenses that are not part of the basic child care cost.
- Not reimburse for services before enrollment in the program, after a family has been discontinued, or for service days and hours not authorized in the certificate (this includes overtime and late fees).

## **TERMINATION OF SERVICES:**

### **Parents:**

1. Parent's failure to notify ICES when the family's income amount has exceeded the eligibility income amount within thirty (30) days of reaching over-income.

### **Providers:**

1. A provider may terminate participation in the subsidized child care program by notifying ICES.
2. A provider may terminate a family in adherence to his or her established policies and procedures.

### **Infant Child Enrichment Services:**

1. ICES reserves the right to suspend or terminate a family's participation in the subsidized child care program if the family no longer meets the eligibility requirements and/or fails to comply with the regulations, procedures or deadlines.
2. ICES will issue a NOA to the parent terminating the family's child care services and stating the last day for which services will be reimbursed.
3. ICES reserves the right to immediately suspend or terminate a provider's participation in the subsidized child care program without notice if CCLD suspends, revokes or denies a license or if their TrustLine clearance is denied or closed. A provider may request reinstatement if terminated due to licensing concerns and/or violations. The provider may be reinstated on written confirmation from the Licensing agent that the concerns and/or violations have been resolved.
4. ICES reserves the right to suspend or terminate a provider's participation in the subsidized child care program if:
  - a. The provider fails to provide current and correct information regarding child care attendance and child care rate, or provides any false or fraudulent information to ICES.
  - b. The provider fails to comply with the regulations, procedures and/or deadlines.
  - c. The parent chooses to discontinue services with a provider or the provider chooses to discontinue serving the parent.
  - d. The provider's status with Trustline changes to denied or closed.
  - e. The provider is listed on Megan's Law.
5. ICES reserves the right to terminate a provider for any threat or abusive behavior affecting the well-being of the program staff (mentally or physically and including verbal abuse).
6. ICES will give written notice to any provider who is terminated from the subsidized child care program. The notice will outline the reasons for termination and explain the Grievance Process.
7. ICES reserves the right to terminate a family's participation in the subsidized child care program with fourteen (14) calendar days' notice if there is an interruption in, or loss of, the funding streams used to subsidize the family.

## **UNIFORM COMPLAINT PROCEDURES:**

It is the intent of ICES to fully comply with all applicable state and federal laws and regulations. Individuals, agencies, organizations, students and interested third parties have the right to file a complaint regarding ICES's alleged violation of federal and/or state laws. This includes allegations of unlawful discrimination (Ed Code sections 200 and 220 and Government Code section 11135) in any program or activity funded directly by the State or receiving federal or state financial assistance. Complaints must be signed and filed in writing with the California Department of Education (CDE) at:

*California Department of Education  
Early Education and Support Division  
Complaint Coordinator  
1430 N Street, Suite 3410  
Sacramento, CA 95814*

If the complainant is not satisfied with the final written decision of CDE, remedies may be available in federal or state court. The complainant should seek the advice of an attorney of his/her choosing in this event.

## **PROVIDER PARTICIPATION**

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ICES's Subsidy Programs are parental choice programs that support the parent's right and responsibility to select the most appropriate child care provider for their children. State funding prohibits contracting with providers whose services offer religious instruction or worship; therefore parents who chose a facility offering religious instruction or worship may only do so if funding is available from federal sources. Any provider, licensed or non-licensed, in good standing may participate in the Subsidy Program when selected by an enrolled parent. Good standing for license-exempt caregivers indicates that the provider cannot have a TrustLine status of closed, denied or revoked. Also, license-exempt providers cannot be listed on Megan's Law. For licensed providers to be in good standing, the provider's license must be current and not be revoked or suspended.

Providers are considered self-employed and are not employees of ICES. Each January ICES files 1099-MISC forms with the IRS for all payments and/or reimbursements of \$600 or more in the previous year. ICES does not withhold taxes from provider payments (unless instructed to do so by the IRS or the California Franchise Tax Board). Each licensed or exempt provider is responsible for paying her/his own income, social security and other taxes. Any caregiver who works in a parent's home is considered employed by the parent who is then responsible for all applicable employer requirements. Additionally, ICES is required to report all independent contractors to the state Employment Development Department (EDD) for the purposes of child support enforcement. Providers in the subsidized child care program are independent contractors.

Each provider working with ICES must fill out a provider packet which includes an Independent Contractor Agreement, a W-9 tax ID form, and a Direct Deposit Authorization. In order to expedite payment to providers and ensure safety of funds, ICES no longer pays Providers by check. Providers can choose to have their child care payment electronically transferred by Direct Deposit into their checking or savings account or to a pay card that they can use to withdraw cash, make purchases or pay bills.

Each provider must also provide us with a statement of their rates. Any difference between the rates ICES can reimburse and the normal and customary rates charged to private pay families must be worked out between the parent and provider are not the responsibility of ICES. Consistent with California Department of Education regulations, parents are allowed unlimited access to their children and providers caring for their children during normal hours of provider operation, and whenever the children are in the care of the provider.

### **CRITERIA FOR PARTICIPATION:**

#### **Licensed Family Child Care Homes or Centers:**

##### **Licensed Family Child Care Homes or Centers shall:**

1. Provide child care services that comply at all times with the CCLD regulations for licensure.
2. Supply a copy of a current license and any updates to ICES as well as a copy of your facility brochure/flyer that includes your schedule of fees and all policies that will assist us in calculating your reimbursement (absence policy, closure days, sibling discounts, etc.).
3. Provide services to all children referred by ICES on a non-discriminatory basis giving equal treatment and access to services without regard to race, ancestry, color, creed, religion, age, gender, national origin, sexual orientation, ethnic group identification or any other category

that is prohibited by law.

4. Report observed and/or suspected child abuse to local police department and/or Child Protective Services, and refrain from all forms of physical/corporal punishment and/or cruelty.
5. Maintain records and other information on parents and families in confidence, with the exception of authorized disclosures to ICES staff or other authorized State or Federal agency staff in accordance with the law.
6. Allow ICES staff to make site visits.
7. Hold ICES harmless for any damages to person(s) or property which arise out of delivery of services under agreement with ICES.

**License-Exempt and In-Home Providers:**

Parents may select care that is exempt from licensure. They may provide care in the child's home (in-home care) or in the provider's home. License-exempt providers must be registered with TrustLine (blood related aunt, uncle or grandparent are exempt from TrustLine registration). ICES will not contract with anyone listed on Megan's Law or who becomes Trustline denied at any time.

**The license-exempt provider shall provide to ICES:**

1. Documentation that the license-exempt provider is a registered TrustLine child care provider OR documentation of the family relationship
2. The license-exempt caregiver's name, address, social security number and age verification.
3. The address where care is to be provided.
4. The hours care is to be provided and the rate for this care.
5. Health and Safety Self Certification.
6. Statement of exemption

If the child care takes place in the parent's home, the parent is responsible for all applicable taxes, filing and payment of minimum wages as required. ICES cannot reimburse for in-home care unless the care meets the minimum wage requirements.

**Infant Child Enrichment Services:**

ICES shall:

1. Maintain a database with up-to-date information on licensed providers in Tuolumne and Mariposa Counties.
2. Provide ongoing technical assistance to child care providers on billing procedures, record keeping and subsidized child care program policies and procedures.
3. Reimburse the child care provider based on the parent's certified need for care, as authorized on the child care certificate.
4. Reimburse only for child care services. ICES will not cover the cost for: private school tuition, educational fees, transportation, diapers, clothing items, or other expenses that are not part of the basic child care cost.
5. ICES does not reimburse for child care services before enrollment in the program. A parent must supply complete information at the time of enrollment and come in to re-certify at least annually.
6. If a child's usual child care program is closed, the parent may need to seek alternative child care. ICES will authorize the alternative provider for services.

## **PROVIDER REIMBURSEMENT:**

ICES will reimburse providers based on their rates and the parents' certified need for care, up to the maximum allowed by CDE regulations. Providers will supply their rates to ICES indicating their normal, customary rates charged to all families. A Child Care Certificate will be issued detailing the care that is authorized for each child enrolled in ICES subsidized child care program. This certificate contains the parent's name, the child's name, age and date of birth, the authorized days and hours of care, the maximum reimbursement rate (RMR Ceiling), the provider's requested rate, the Family Fee (if applicable) and the period the certificate is valid.

### **Reimbursement Rates:**

1. Each funding source which is part of subsidized child care program has defined a maximum rate allowable for reimbursement. The agency will reimburse providers up to the maximum allowable rate determined by the California Regional Market Rate (RMR) Survey.
2. The provider's rate must not exceed the rate charged to non-subsidized parents. Providers who give non-subsidized families a discount for the second and third child in care must give families served by the subsidized child care program the same discount.
3. Co-payments: If a parent chooses a provider with a rate exceeding the allowable reimbursement of the subsidized program, the parent will be responsible for paying the difference with a co-payment paid by the parent directly to the provider and shall not be accounted for by ICES.
4. Registration fee: The rate of reimbursement for the registration fee is determined by state guidelines, and will be paid no more than once per year as long as the fee does not exceed the RMR ceiling.
5. A request for a rate increase is limited to once per year. ICES requires one month advance written notice for rate increases. Approved rate increases are effective on the first day of the following month.
6. Child care agreements are between the provider and the parent; failure of parent's compliance to the provider's contract and/or policies is to be dealt between those parties.

### **Reimbursement Procedures:**

Parents are responsible for the accurate and timely submission of each child's Attendance Record. ICES' Attendance Record also contains the provider invoice, and is the only form of documentation that will be accepted for reimbursing provider claims. Attendance Records will be provided to provider and are usually returned to ICES by the provider.

The attendance record must be complete, accurate and received by ICES no later than 5:00 p.m. on or before the fifth (5th) of the month following service. If the fifth of the month falls on a weekend or holiday, forms must be returned no later than the next working day in order to be processed by the fifteenth (15th). Attendance records received after the fifth may be processed for payment the following month. ICES makes every attempt to issue payment before the end of the month during which attendance records are received. However, all incoming attendance records must be checked for accuracy and completeness prior to issuing payment. ICES reserves the right to alter this payment schedule in the event of late payment from its funding source. Providers of care will be notified when or if program funding is delayed.

**Reimbursement Limitations:**

1. ICES will only reimburse for the hours authorized on the Child Care Certificate.
2. ICES will reimburse licensed providers a maximum of 10 non-operational days per year. These days must also be charged to the public and are to be determined by each provider.
3. ICES will not reimburse for child care on days when service is not available or the program is closed beyond the 10 days allowed per year.
4. ICES will only reimburse license exempt providers for absences when the families' child care authorization is a full time set schedule and documented on the provider's rate sheet.
5. ICES may not reimburse AR's submitted to us more than 60 days after the close of the month of service. See Attendance Policies for more information

**Providers should notify ICES staff when the following circumstances exist:**

1. A child is absent for two weeks and the parent has not contacted the provider with the reason for the absence.
2. A parent withdraws from care.
3. The provider has knowledge of address and/or telephone number of which ICES is unaware.

**Non-use of Care Policy**

When the Case Manager ascertains that subsidized care has not been utilized for two consecutive months, the Case Manager may assume that subsidized child care services for the child with the provider has been abandoned. Although the client may remain eligible for the authorized hours of care until recertification, the Case Manager may take the following steps, as appropriate:

1. Discontinue reimbursing any future invoices submitted by the provider in conjunction with an Attendance Record documenting complete nonuse of care.
2. Contact the client to determine if the client chooses to voluntarily discontinue child care subsidy services, request a decrease of days and hours of child care, or change child care providers.
3. Contact the provider to determine if the provider chooses to voluntarily end the current Certificate for Child Care Services for the child. If the Certificate for Child Care Services remains effective, regardless of the attendance or reimbursement status, the child is considered enrolled in the program during authorized hours of care, and counted in the provider's capacity.

## **GRIEVANCE PROCEDURE FOR PROVIDERS:**

Any child care provider who is in disagreement with either the actions or policies of ICES or a staff member may use the grievance procedure. The purpose of this process is to provide a method for discussing and settling differences. It is the intent of this grievance procedure to settle grievances fairly and expediently. The person(s) filing a grievance will be free from restraint, coercion, discrimination or reprisal. When grievances arise, they are not to be considered as reflecting unfavorably on either the filing party or ICES.

At every step of the grievance procedure, another person to represent and/or translate may accompany the filing party. However, the aggrieved party must be present at each step. Any grievance not formally presented within 10 working days after the occurrence of the matter from which the grievance arose, shall not be presented or considered at a later date. Time extensions to the steps in this procedure may be mutually agreed upon in writing to provide for unusual cases. All grievances shall begin with Step 1.

### **Step I:**

The filing party shall state the problem in writing to the Program Manager within 10 days of the occurrence. The Program Manager shall meet with the filing party within 10 working days of receiving the grievance. They shall attempt to resolve the grievance through discussion. After the discussion the Program Manager shall provide the filing party a written response within 10 working days.

### **Step II:**

If the conflict is not resolved at the first level, the filing party shall state the problem in writing and present it to the Executive Director within 10 working days of the completion of Step 1. A copy of the request to discuss the grievance shall also be sent to the Program Director. The Executive Director shall meet within 10 working days with the filing party after receiving the written grievance. After discussing the grievance with filing party, the Executive Director shall provide the filing party a written response within 10 working days. A copy of the response shall be sent to the Program Manager. The Executive Director's decision shall be final.