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# MARIN CHILD CARE COUNCIL

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Parent Handbook and Provider Written Materials



JULY 2024

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## Introduction

Marin Child Care Council (*hereafter referred to as MC3*) is a private, non-profit 501(c)(3) agency that has provided a variety of services to children and families in Marin County since 1979. The mission of MC3 is to improve the availability, accessibility and affordability of quality early childhood education and care.

MC3 operates in accordance with all applicable state and federal laws regulating non-profit organizations. The agency is governed by a Board of Directors who establishes policy and sets direction for the agency. MC3 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 MC3's program services or activity on the basis of sex, sexual orientation, gender or 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). MC3 understands the requirements of the ADA to make reasonable accommodations for such children and it implements those accommodations.

The Alternative Payment (AP) Program is a child care subsidy program, operated in accordance with the California Code of Regulations, Title 5, the California Welfare and Institutions Code (WIC) and the California Department of Social Services (CDSS) Program Requirements. Funding is provided through the California Department of Social Services and Federal Child Care and Development Block Grant Funds.

MC3 makes reimbursements for child care services directly to the family's selected provider, on the parent's behalf. To participate in the program, a family must meet the eligibility and need requirements determined by the State of California.

## Child Care Programs

### CDSS Program Eligibility Criteria

All programs must meet the following:

- The family's adjusted monthly income, based on family size, is at or below 85% of the State Median Income (SMI). Parents/caregivers are provided a copy of the current year's SMI chart.
- The family includes a child under the age of thirteen (13) years or a child under the age of twenty one (21) with exceptional needs and/or severe disabilities.
- Parents/caregivers must report any changes to the family's ongoing income that causes the monthly income to exceed 85% of SMI within thirty (30) calendar days.

**CalWORKs Stage 2 - 12 Month eligibility period:** The parent/caregiver is a current CalWORKs cash aid recipient or terminated from cash aid within the last twenty-four (24) months.

**CalWORKs Stage 3 - 12 Month eligibility period:** The parent/caregiver is a former CalWORKs cash aid recipient who has yet to receive cash aid within the last twenty-four (24) months and is transferring from CalWORKs Stage 1 or 2.

**Alternative Payment Program (CAPP) 24 Month eligibility period:** The parent/caregiver is on the agency waiting list (CEL), was referred by Child Protective Services (CPS) or At-Risk Services, or the family is experiencing homelessness.

## **Other Child Care Funds:**

### **CalWORKS Stage 1 - 12 month eligibility period**

Stage 1 child care is offered through a contract with the Marin County Department of Health and Human Services. MC3 receives direct referrals on a continual basis from the County Child Care Unit for families (adult in home) who are receiving CalWORKS. Families are deemed eligible by the County and are referred to MC3 for the provision of child care vouchers.

### **Foster Care Bridge\* 12 month eligibility period**

Foster Care Emergency Bridge Program funding is intended to be a temporary resource to maintain a placement until other, longer term options are identified. In Marin, funding is available for 12 months, with a potential extension if needed. The Marin County Children and Family Services (CFS) will directly send a referral to the MC3 Child Care Navigator with approved child care hours needed- Need/Eligibility determined by CFS supervisor/Social worker. The Resource Caregiver (Foster parent) will complete and enrollment with the Child Care Navigator.

### **Locally-funded subsidies\* 6-12 month eligibility periods**

MC3 operates locally funded childcare streams, with their own criteria for need, eligibility and participation.

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 childcare whether licensed or license-exempt. MC3 will make childcare referrals to licensed programs. Every attempt will be made to accommodate the parent's choice.

*\*These funds have separate participation requirements and are not covered by this Handbook*

## **Parent Participation**

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### **Admission and Enrollment for CAPP**

Families are selected from the Centralized Eligibility List (CEL) and are ranked for enrollment in accordance with the guidelines set by the State of California. Admission priorities are as follows:

- Priority 1 – Children receiving child protective services or children at risk of abuse or neglect
- Priority 2 – Income Eligible in relation to family size and income. Within Priority 2, if two or more families are in the same priority in relation to income, then enrollment shall occur as follows:
  - One - A family with a child with exceptional needs,
  - Two - A family whose home language is other than English,
  - Three - A family who has waited on the waiting list the longest.

If MC3 must dis-enroll families, the families will be dis-enrolled in reverse order of the admission priorities.

**Enrollment Process for all CDSS programs:** Before a family is enrolled in MC3's Alternative Payment Program, the parent must meet with an MC3 staff member to submit all information and paperwork required by MC3 and the California Department of Social Services (CDSS). The parent must supply:

- Documentation to prove the family’s eligibility, which may include requests for income documentation or other supporting verification demonstrating eligibility for services.
- Documentation to prove the family’s need for child care.
- Documentation to identify all children in the family. This documentation must show the relationship between the parents and the children and will be used to determine the family size.
- Proof that the child receiving services lives in the state of California.
- Up-to-date immunization records for children who are enrolled with:
  - An in home license-exempt provider (in the child’s home) and there are other unrelated children being cared for in the home.
  - A license-exempt relative providing care in their home and there are other unrelated children being cared for in the home.
  - The name, phone number and address of their selected child care provider.

An application for child care services will be completed for the family based on the above information and documentation; the application must be signed and dated by the parent and an MC3 staff member. The completed application that includes an MC3 approved child care provider and the supporting documentation supplied will be reviewed to determine if the family meets the need and eligibility requirements for child care services.

After the enrollment appointment has been completed, MC3 will notify the family within thirty (30) calendar days whether services have been approved or denied. Child care services should not begin until a Notice of Action (NOA) approving services is received from MC3. Child care services will not be reimbursed for any care that took place before the approval date.

**Recertification:**

Recertification is a formal process to collect information and updated documentation to determine if a family meets the program requirements to continue receiving child care services. Parents must complete a recertification no later than 50 calendar days following the last day of their certification period. MC3 staff will notify the parent in writing in the final 30 days of their certification period with all the information needed to complete the recertification, including when the recertification must be completed by, the recertification appointment date and what information/documentation is required. Parents are required to sign and date an updated application for child care services, certifying that their family’s information is current and accurate. A termination notice will be issued if a family’s recertification is not completed, the family does not have an MC3 approved child care provider, or if a family no longer meets the program requirements

**CalWORKs Stage 1 Enrollment**

CalWORKs Stage 1 families are directly referred by the Marin County CalWORKs Child Care Unit (CCU) and will not be required to submit need/eligibility documents to MC3. They will still complete an enrollment and will be asked to complete other paperwork. A twelve (12) month Immediate and Continuous Child Care (ICCC) approval Notice of Action (NOA) (ST1-12) will be issued if accurate and complete paperwork is received, an approved child care provider is secured, and eligibility is established.

MC3 only pays for child care costs for the hours authorized by the County CCU. Parents/caregivers are responsible for the cost of care during non-authorized hours. If a family enrolls in a program that offers private education for school-age children, MC3 will only pay for the part of the day needed for child care

(not tuition). Parents/caregivers may also be responsible for registration fees, co-payments, and any other fees the provider may charge outside of tuition.

**Recertification Process for CalWORKs Stage 1:** During the yearly recertification, all parents/caregivers still receiving CalWORKs cash aid at the end of their certification period are eligible for recertification in CalWORKs Stage 1. The County CCU issues the recertification. Cases that are exempt from Welfare to Work (WTW) participation at the time of recertification will not be recertified automatically. Families need to contact their WTW Case Manager to re-establish eligibility for continued services. MC3 may reauthorize the case for another twelve (12) months after receiving approval from the County CCU. There may be a break in access to child care based on the county's reapproval process.

Transfer to CalWORKs Stage 2 When a parent/caregiver's cash aid is terminated, as identified by the County CCU, they are contacted by the MC3 in preparation for the transfer to CalWORKs Stage 2. To transfer the case, the following may be requested:

- Current gross monthly income
- Need for child care services (Employment, School, Seeking Employment, etc.)

Once this information is collected, child care services will continue in CalWORKs Stage 2 for an additional twelve (12) months.

#### **Discontinuance and Appeal Procedure for CalWORKs Stage 1**

- Discontinuance If a parent/caregiver does not comply with Marin County HHS or MC3 regulations, MC3 may terminate the subsidized child care approval and/or take other action.
- Appeal Procedure If a parent/caregiver disagrees with any action taken by MC3/Marin Co. HHS, they will have ninety (90) days to ask for an appeal hearing. The ninety (90) days will start the day after MC3/Marin Co. HHS gives or mails the notice. Please see the back of the NOA and complete it as directed.

### **General Requirements**

Eligibility and need for child care services is determined by guidelines established by the funding source (State Department of Social Services; Marin County Health and Human Services Department; etc.) Each program has different eligibility and need criteria.

**CalWORKs Stage 1:** MC3 must have a child care referral from the Child Care Unit in order to approve child care services. They determine need/eligibility/hours for care.

#### **CDSS Program Documentation Requirements: Eligibility & Need**

##### **Eligibility:**

Parents must supply documentation of the family's eligibility for child care services. Families may qualify with one or more of the following eligibility types:

- Current CalWORKs cash aid recipient
- Income eligible
- Child Protective Services or the child is identified as at-risk of abuse, neglect or exploitation
- Family is experiencing homelessness.
- A member included in the family size is certified to receive benefits from a means-tested government program

- The family must provide documentation of current enrollment in any one of the means-tested government programs listed below  
Medi-cal • CalFresh • CalWORKs • Child only cash aid • California Food Assistance Program • WIC • The Federal Food Distribution Program on Indian Reservations • Head Start/Early Head Start
- Families must also provide income documentation by:
  - Submitting the application for the means-tested government program indicating the income declared at the time of enrollment; or
  - If the parent does not have access to the means-tested government program application, the parent may submit a self-declaration indicating that they do not have access to the application and to the best of their recollection, the income that was declared on the application for the means-tested government program.

**Need:**

Parents must supply documentation of their need (reason for needing child care) to justify the days and hours of child care services that are being requested. Families may qualify with one or more of the following need types:

- Employment/Self-employment
- Vocational training or educational programs: to earn a high school diploma or high school equivalency certificate or a program for English language learners
- Seeking employment
- Parental incapacity
- The child(ren) are recipients(s) of Child Protective Services or identified as being at risk of abuse, neglect or exploitation
- Family is experiencing homelessness.
- Family is seeking permanent housing for family stability

**Employment**

Parent is certified for actual days and hours of work. The following forms of documentation must be provided by all employed parents:

- 1) Employment Verification, completed by employer\*
  - 2) Pay stubs covering one consecutive month of earnings within the last 60 days.
  - 3) Paystubs that indicate the days and hours of employment
  - 4) Paystubs that indicate the total hours of employment per pay period
- \* Or other means of contact and/or documentation between MC3 staff and the employer that will substantiate employment status.

**Self-employment**

The following forms of documentation must be provided by all self-employed parents in order to document need and eligibility for childcare services.

**Eligibility:** One or more of the following sources of income documentation:

- a) Receipts for all income and expenses
- b) Most recent year's tax returns
- c) Bank statements

**Need:** One or more of the following, depending on type of employment:

- d) Documentation from clients regarding days, hours and rate of pay
- e) Business and/or Professional License
- f) Lease agreement (if renting space)



- g) Monthly appointment log
- h) Other means of contact, documentation and/or business records that will substantiate employment status including days and hours of need and rate of pay.

### **Employment or Self-Employment in the Home**

When a parent's employment, including self-employment, is in the family's home or on property that includes the family's home, the parent will need to provide justification for requesting child care services for the employment. Justification must describe the type of work being done and its requirements, the age of the family's children for whom services are requested, and if any child is more than five (5) years old, the child's specific child care needs. Based on the documentation supplied, MC3 will determine whether the employment and identified child care needs prevent the supervision of the family's children. Examples of employment which do not prevent a parent from caring for the family's children during the parent's business hours includes (but is not limited to): A family home child care provider; or a license-exempt child care provider

**Employment as an Assistant in a Large\* Family Child Care Home** When a parent is employed as an assistant in a licensed, large family child care home and is requesting child care services for the family's child in that same family child care home, the parent will need to provide all of the following:

- A copy of the family child care home license indicating it is licensed as a large family child care home.
- A signed statement from the licensee stating that the parent is the assistant employed to meet the State-required child-to-staff ratio.
- Proof that the parent's fingerprints are associated with the licensed family child care home as an assistant.
- Proof of payroll deductions withheld for the parent by the licensee, which may be a pay stub.

\*When a parent is employed as an assistant in the same small family child care home that the family's child is enrolled in, the family is not eligible for child care services for this employment as it does not prevent the parent from caring for the family's child.

**Travel Time and Sleep Time for Employment:** Travel time may be requested to and from the parents/caregiver's child care provider and the place of employment. Travel time can be at most half of the daily hours of employment or a maximum of four (4) hours per day. Sleep time may be requested if the employee's work hours are between 10:00 pm and 6:00 am. Sleep time can be, at most, the number of hours authorized for employment and travel time.

### **Seeking Employment**

For eligible parents\*, the period of Job Search eligibility is limited to less than 30 hours per week, no more than five days per week. Documentation of seeking employment shall include a signed statement that the parent is seeking employment. The statement shall include the parent's plan to secure, change, or increase employment.

**Education and Training:** MC3 may provide child care if a parent/caregiver is enrolled in an educational program (classes or courses for English language learners (ELL), English as a second language (ESL) or obtaining a high school diploma, General Education Development (GED) or a High School Equivalency (HSE) certificate) or in a vocational training leading directly to a recognized trade, paraprofessional or professional career. A parent/caregiver with a need of training will submit the following: Documentation

from the education program or training institution that includes the name of the educational or training institution and the days and hours of the current class schedule.

**Online or Televised Classes:** must be from an accredited training institution recognized by the United States Department of Education. Unit-bearing classes shall be counted as class time for each unit at one (1) hour a week.

**Time Limits** for Education and Training: child care services for education and/or training will expire once either of the following conditions is met:

- A maximum of six (6) years from the initiation of services for training or educational services and begins with the first approved NOA.
- Twenty-four (24) semester units, or its equivalent, after receiving a bachelor's degree.

**Travel Time for Education or Training:** Travel time may be requested and authorized for travel to and from the child care provider and the educational or training institution. Travel time will be determined based on actual travel time needed, based on location and transit method.

**Study Time** may be requested and authorized as follows:

- Two (2) hours per week per academic unit in which the parent is enrolled.
- On a case-by-case basis, a parent/caregiver may request additional study time for lab courses, upon completing the Request for Additional Study Time form and signing under penalty of perjury the reason why extra time is needed for the specified course(s). Additional time may be at most one (1) hour per week per academic unit in which the parent/caregiver is enrolled.

**Adequate Progress** of Educational or Training Goal Ongoing eligibility for training is contingent on making adequate progress. At recertification, the parent/caregiver must:

- provide a progress report, grades, unofficial transcript, or documentation of adequate progress from the most recently completed quarter, semester, or training period.
- Earn a 2.0-grade point average or above in a graded program.
- In a non-graded program, pass the program's requirements in at least fifty (50) percent of the classes or meet the training institution's standards for making adequate progress.

**Failure to Make Adequate Progress** The first time a parent/caregiver fails to make adequate progress, they will be placed on Academic Probation. The parent/caregiver may be recertified and continue receiving child care services for the eligibility period. If, after this period, the parent/caregiver fails to make adequate progress, the family will be suspended from receiving child care services for educational or vocational training for six (6) months.

### **Incapacitated**

In order to be considered incapacitated, parent must submit a Medical Incapacitation form, completed by the treating physician, which includes:

- 1) The days and number of hours that childcare is needed.
- 2) The name, address, phone number, license or credential number and the signature of the legally qualified professional who is rendering the opinion of incapacitation.

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

**Children Over Age 13**

Children who have reached their 13<sup>th</sup> birthday are no longer eligible for subsidized services and will no longer receive child care at the next recertification date. Children who are 12 years at the time of the enrollment or certification will be approved for 12 months, regardless of family eligibility period. Children with exceptional needs may be served up to their 21<sup>st</sup> birthday under state funded programs. Documentation required to meet the education code must be submitted. Please contact your case manager for specific requirements.

**12 and 24 Month Eligibility**

Once enrolled, CalWORKS Stages 1, 2 and 3 families receive child care services for no less than 12 months. CAPP families are certified for no less than 24 months. During this period, you are eligible to use the same level of care approved at initial enrollment. If you need to increase care, we will require documentation of the increased need. If you need to decrease care, you will need to submit a form requesting the decrease. The information below is a guide to when you need to communicate changes to your case manager:

Change	Action
Your schedule has changed	<ul style="list-style-type: none"> <li>• Reporting change is encouraged, but not required</li> <li>• Child care hours will continue at the same level approved at your most recent certification</li> <li>• MC3 will only change your child care hours if requested</li> <li>• Verification that supports the requested change must be submitted before child care hours are updated</li> </ul>
Your income has changed	<ul style="list-style-type: none"> <li>• Reporting change is required <i>if</i> your new income exceeds 85% of State Median Income</li> <li>• Income is calculated only at enrollment, recertification, or <b>at your request to assess a possible lower parent fee</b></li> <li>• Income submitted is only used to determine eligibility (whether or not it exceeds 85% of State Median Income) or lower your parent fee</li> <li>• Your parent fee will not be increased during your 12 or 24 -month period</li> </ul>
You lost your job	<ul style="list-style-type: none"> <li>• Reporting change is encouraged, but not required</li> <li>• Child care hours will continue at the same level approved at your most recent certification</li> <li>• MC3 will only change your child care hours if requested</li> <li>• Verification that supports the requested change must be submitted before child care hours are updated</li> </ul>
<b>You have a break between school semesters, quarters, or modules.</b>	<ul style="list-style-type: none"> <li>• Reporting change is encouraged, but not required</li> <li>• Child care hours will continue at the same level approved at your most recent certification</li> <li>• You may use child care during all school breaks</li> <li>• MC3 will only change your child care hours if requested</li> </ul>

## Reporting Changes

- Child care services are approved based on the initial documentation supplied by the family and verified by MC3 staff. Once a family establishes eligibility and need at enrollment or recertification, they will remain eligible for no less than 12 or 24 months\*\*. This means that even if there are changes in the family's eligibility or need, the family is eligible to:
  - Use the same level of child care services for 12 or 24 months
  - Continue services with no change to their family fee for 12 or 24 months

\*\*Based on other regulations and program rules, a family's or child's services may be still terminated within the 12 or 24 month eligibility period. Examples: not paying family fees, abandonment of Care, family income exceeds 85% of the state medium income, the family reports a move outside of California or substantiated fraudulent activity, etc.

## Correspondence with Parents

- MC3 corresponds with parents through email and text messaging (through NOHO database).
- Secure email is used when any sensitive or confidential information is being sent to a parent.
- If a parent chooses to receive correspondence by postal mail, all mail is considered delivered if the parent's correct address is on file with MC3 and no mail has been returned to MC3 as undeliverable. It is the parent's responsibility to report any change in address to ensure MC3 has the most **current information**.
- MC3 conducts a program self-evaluation annually, which includes a parent survey. All parents are encouraged to reply to this survey in order to help MC3 identify any program needs or opportunities for improvement.

## MC3's Role in Verifying Need and Eligibility

As much as possible, MC3 will help parents to obtain the required documentation of the family's eligibility and need, but ultimately it is the parent's responsibility to supply. All documentation submitted or information reported to MC3 to document eligibility and/or need may be verified by MC3 staff.

Information may be verified with an employer, employment verification agency, educational or vocational training institution, physician or other legally qualified health professional, client, business contact, bank or financial institution, or any other person, agency, or facility from which eligibility and need information is needed as it applies to the family's child care case.

While MC3 will attempt to verify this information as discreetly as possible, this requirement is part of program participation and cannot be waived. If parents have concerns that their employment status may be affected by MC3 contacting their employer, parents are asked to please contact their Child Care Case Manager to discuss the concerns.

## Types of Care

MC3 can help parents find childcare by providing referrals to licensed family childcare homes and centers in Marin, as well as information on choosing quality childcare. While MC3 encourages the selection of licensed child care, there are provisions for the selection of non-licensed care. Parents are responsible for selecting and monitoring their own childcare providers.

- **Childcare center staff, family childcare providers, and license-exempt providers are self-employed and are not employees of MC3.**

- **MC3 assumes no responsibility for injury or damages arising from the provision of or reimbursement for child care services.**

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); the CCLD office responsible for Marin County can be contacted at: (650) 266-8843. Licensure focuses on the health and safety of the facility and criminal history background clearances of the provider/s. The local licensing offices accept 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.

- a) **Childcare Centers:** These are licensed facilities that operate in a non-home setting and 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 Childcare Homes:** 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 childcare centers. Most family childcare providers care for a mixed-age group of children from infants to school-age children. There are fewer training requirements for family childcare providers.

## 2) **License Exempt Care**

- a) **In-home Exempt Care:** These are people 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 payment**- unless they are the aunt, uncle or grandparent (by blood, marriage or court decree) of the child receiving care. MC3 requires verification of relationship for relative providers. Documents establishing relationship could include birth certificates, marriage licenses or court orders. Unless a relative can produce such documentation, they are required to be TrustLine cleared to be eligible for child care payments. Additionally, parents who select this type of care will be required to complete a waiver acknowledging their own employer responsibilities regarding taxes.
- b) **Out of Home Exempt Care** Provider takes care of the children from *one* family (as well as their own) in his or her own home. These caregivers are exempt from licensure but must be registered with **TrustLine in order to be eligible to receive a child care subsidy payment**- unless they are the aunt, uncle or grandparent of the child receiving care.

\* **TrustLine** is a database of nannies and baby-sitters that have cleared criminal background checks in California. It's 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.

**All exempt providers** caring for children in the MC3's Program must have the following on file with MC3: 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 and the address where the care is to be provided.

### **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. MC3 provides a free referral service plus information regarding how to choose the best program for each family.
- 2) If parent does not have care at the certification appointment, the parents will have thirty (30) working days to find childcare after completing the application. If care is not found within that time period, the enrollment process will not continue. After a parent has selected a provider she/he must immediately contact MC3 staff. Child care subsidy will not begin until the provider has contacted MC3 staff and a completed Provider has been approved by MC3 staff (by completing all necessary paperwork).
- 3) MC3 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 MC3 staff, and allow MC3 staff to visit the childcare 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 childcare program is closed, the parent may need to seek alternative childcare. MC3 will contract with the authorized 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 should refer to Marin Child Care Council's "Choosing High Quality Child Care Booklet" and/or our "Child Care Choices" handout.

### **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 their assigned Case Manager at MC3 and CCLD at (650) 266-8843. In emergency situations, the local police department should be notified.

**License-exempt programs/providers:** Parents with children in license-exempt care may file a complaint with MC3 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, MC3 will inform the license exempt provider of the parent's complaint and inform the provider of his/her right to submit a written rebuttal. MC3 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 MC3 stating that the health and safety deficiency has been corrected. MC3 will also notify the Child Protective Services/ Children and Family Services unit of the county welfare department;
- MC3 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, MC3 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.

**Parents' Responsibilities to Provider:**

- 1) Complete attendance records daily
- 2) Pay a Family Fee, if required, to the provider by the 5<sup>th</sup> of each month
- 3) Pay a co-payment if a parent chooses a provider with a rate exceeding the allowable payment limit of the subsidy program. This includes provider closure days beyond ten (10). The co-payment shall be paid by the parent directly to the provider and shall not be accounted for by MC3.
- 4) Contact the provider and report reason for absence to the provider on the day it occurs.
- 5) Respect any contract signed with the provider.

**Notification of Parental Rights** (CCLD – Notification of Parental Rights)

As a Parent/Authorized Representative, you have the right to:

- 1) Enter and inspect the child care facility/home without advance notice whenever children are in care.
- 2) File a complaint against the facility/home with the licensing office and review the facility's public file kept by the licensing office.
- 3) Review, at the facility/home, reports of licensing visits and substantiated complaints against the facility/home made during the last three years.
- 2) Complain to the licensing office and inspect the facility/home without discrimination or retaliation against yourself or your child.
- 3) Be notified by the licensee when someone is not allowed in the family child care home.
- 4) Receive, from the licensee, a copy of any addenda to this notice that lists the name of any person not allowed in the home while children are present. (NOTE: This addendum is only given when the Department has, in writing, excluded someone from the home on or after January 1, 2001).
- 5) Request in writing that the non-custodial parent not be allowed to visit your child or take the child from the facility, provided you have shown the appropriate documentation from the court.
- 6) Receive from the licensee the name, address and telephone number of the licensing office.

**NOTE: California State Law provides that the licensee may deny access to a parent/authorized representative if the behavior of the parent/authorized representative poses a risk to children in care.**

**Parent Termination**

When MC3 must end child care services because a family or child no longer qualifies or the parent chooses to end services, the parent will receive a Notice of Action with the reason for termination and the last day of authorized child care. The child care provider will be notified at the time the parent is notified of the termination of child care services. The parent must pay the provider if any child care services are used after the last day of authorized care.

Reasons that child care services may be terminated include, but are not limited to, the following:

1. An income eligible family's adjusted monthly income exceeds 85% of the State Median Income (SMI) (the family is no longer income eligible).
2. At the end of the certification period in which the vocational training service limit (6 years or 24 semester units, whichever expires first) has been reached and the parent has no other need type
3. Failing to make adequate vocational or educational progress after allowable time frames and the parent has no other need.

4. Failure to complete all the required steps of the recertification process and provide a completed application for services along with verifiable documentation to determine that the family/child meets the eligibility and need criteria for ongoing subsidized child development services.
5. Not paying family fees
6. Consistent inability to abide by the program regulations and/or MC3 policies.
7. When a child has turned thirteen (13) years old (unless documented exceptional needs).
8. Altering or misrepresenting information on attendance records (example: child care days/hours used or family fees paid).
9. Child care services have been abandoned.
10. Not paying provider for overdue family fees.
11. Knowingly providing fraudulent, false or misleading information to MC3 regarding employment, self-employment, seeking employment, enrollment in an educational or vocational training program, parental incapacitation, income, family size or any other information related to need and/or eligibility.
12. Conspiring to, attempting to, or committing a fraudulent act.
13. Knowingly using child care hours for which the family is not eligible and/or approved for.
14. Activity or behavior that presents a risk to any child, parent, child care provider, visitor or MC3 staff member, representative or facility (example: using profanity, making threats, harassing the individual, endangering the safety or life of the individual, destroying property).
15. Contract funding is reduced, ends or any other reason as directed or required by the State of California.
16. Family reports a change in residency outside of California.

### **Parent Appeal Rights**

If the parent does not agree with an action taken by MC3, as indicated on a NOA, the parent has the right to appeal the agency's decision and request a fair hearing. MC3 (*or the County of Marin, DSS for Stage 1 parents*) 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.

If the appeal is received by the due date, MC3 will issue payment to the provider for child care services rendered during the appeal process. **In child care fraud cases**, the parent will be billed for payments made to the provider during this period, if our decision to terminate services is upheld.

### **Parent & Provider Participation**

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#### **Attendance Reporting**

There are specific requirements for the recording of attendance for subsidy reimbursement. MC3 requires parents to maintain a daily Attendance Record (AR) for each child on the program.

- ARs should be kept with providers and used daily.
- Only adults (18+) may sign children in or out of care. You should share your "authorized pick up people" with your provider so that s/he will know is able to sign your children in and out of care.
- ARs must be noted with the actual time of drop-off and pick-up.
- **It is a violation of state regulations (and considered fraud) to pre- or post-sign ARs.**
- If you make a mistake on the AR (for example, sign 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.



- MC3 will pay only for authorized care
- 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, **the family fee billing side (if applicable) and the bottom of the calendar side of the attendance record must be signed by the provider and the enrolled parent** (not the authorized pick-up person).

The AR must be complete, accurate and received by MC3 no later than 4:00 p.m. on or before the 7th of the month following service. If the 7th falls on a weekend or holiday, forms must be returned by the **prior** business day in order to be processed by the fifteenth (15<sup>th</sup>). MC3 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 between the 8<sup>th</sup> and 25<sup>th</sup> will be paid the 29th. Logs received after that will be processed the following month on the 15<sup>th</sup>.

Attendance in childcare 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 MC3 that private pay families are responsible for payment of absences, MC3 can reimburse for absences also.\*

**\*Note: Providers are required to notify MC3 after 7 consecutive unexcused absences and the parent will be contacted by their Case Manager.**

The following attendance policies aim to encourage maximum usage of childcare funding. MC3 encourages both parents and providers to communicate with each other and with MC3 regarding any problems in attendance in order to avoid termination. When MC3 determines the AR was not completed in a manner that is **broadly consistent\*** with the family's certified need, we will contact the parent to determine the reason(s) for this.

**\*Broadly consistent** is defined as: care used is consistent with the benefit level (ie: part-time/full-time), based on the parent's certified need.

When reviewing ARs that are determined to be **broadly inconsistent** with the certified need for care, the Case Manager (CM) will follow-up with the family to discuss a potential schedule change that is more reflective of the family's child care needs. **This will not affect the family's 12 or 24 month eligibility.**

**For licensed providers:**

If center-based or Family Child Care Provider has notified MC3 after 7 unexcused absences, MC3 will pay for the (termination) notification period given to the parent. If family does not notify MC3 of their intent to resume care after two consecutive weeks of absence, the subsidy will be considered abandoned and a Notice of Action will be issued to disenroll the family from the program. If the provider has not notified MC3 of unexcused absences, reimbursement will be based on the actual days and hours for which services were provided up to the maximum certified scheduled care.

**For exempt and relative providers:**

Reimbursement will be based on the actual days and hours for which services were provided up to the **maximum certified scheduled care**. Certified need for reimbursement purposes is:

- As listed on the NOA (& Certificate for all but Stage 1 families) for Set Schedules; or
- Based on actual usage for flexible/variable schedules, up to the maximum listed on the NOA (& Certificate).

ARs will not be returned to the parent or provider for corrections.

**Provider reimbursements may be held, reduced, &/or denied when:**

- The AR is not signed by both parent and provider (exceptions for abandoned care)
- The family fee receipt is not signed by parent &/or provider
- Times in/out are altered without explanation
- Over-lapping in/out times on multiple provider ARs
- Missing child's departure to, and return from school times (five or more in any month)
- Provider records and accepts reimbursement for hours of care NOT provided.
- The provider has exceeded the 10 non-operational days for the fiscal year (ie: holidays/cleaning)
- 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** – *Not applicable to Stage 1 families*

Family fee amounts are determined by family size, income and child care schedule. The full-time monthly or part-time monthly family fee will be applied based on the monthly hours of the family's certified need.

- Full-time ("FT") monthly fee = A certified need of 108 hours or more per month. (25 or more hrs/week)
- Part-time ("PT") monthly fee = A certified need of less than 108 hours per month. (Less than 25 hours per week)

*NOTE:* Family fees cannot be recalculated based on actual attendance.

Family fees will not be assessed for families receiving CalWORKs cash aid or families of Children & Family Services (CFS) or At-Risk children, if their child care referral waives the family fee. CFS fee waivers must be updated at 12 months. Family fees may change due to changes in family size, income and/or hours of certified care. Family fees will only be re-assessed at a family's recertification or when voluntarily requested by the parent. Family fees are per "family." If there is more than one child receiving subsidized child care services:

- Family fees are applied to the child who is enrolled in child care for the most hours.
- If the children are enrolled for the same number of child care hours, the fees are applied to the youngest child.

When the child who is assigned the family fee is enrolled with more than one child care provider:

- The child's certified hours with each provider will be added together to determine the total hours of certified care for the month.
- The monthly family fee will be payable to the provider who is authorized for the most hours.

MC3 will communicate who the fees should be paid to with a Notice of Action to the parent.

**Paying Fees**

- 1) Fees are assessed monthly according to the CDSS Issued Family Fee Schedule.
- 2) Families pay the fee to their provider. That portion is deducted from the total reimbursement from MC3.

**Delinquent Fees**

- 1) When it has been determined that Family Fees are delinquent (**received by the provider later than the 5th of the month**), 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. MC3 will retain documentation of the mailing date.

- 2) 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.
- 3) Unpaid family fees may be pursued through legal channels.

**Marin Child Care Council Shall:**

- 1) Only reimburse providers for childcare services. MC3 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.
- 2) Only reimburse for authorized hours
- 3) Not reimburse for services before enrollment in the program, after a family has been discontinued, or for service days and hours not included in the certificate (this includes overtime and late fees).

**Overpayments:**

If MC3 overpays you for services, MC3 expects you to return the full amount overpaid to you. If you notice an overpayment, contact the AP Department immediately to make arrangements for repayment.

- If you are currently serving children in an MC3 payment program, the agency will deduct the amount of the overpayment from your next payment(s) until the full amount owed is paid.
- If you are not currently serving any children from the payment program and you do not repay MC3 immediately, you must sign an agreement to return the overpayment.
- If you do not return the overpayment, you will not be able to enroll any children subsidized by MC3 until the overpayment is paid.

**Underpayments:**

If MC3 underpays you for a service due to a calculation error, the payment will be adjusted in the next payment run.

**Provider Participation**

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MC3'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, 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 MC3. MC3 will provide a tax statement (Form 1099, statement of non-employee earnings) to each licensed or exempt provider at the

end of each calendar year indicating the total amount paid to them from the APP. Copies of the 1099 form are also sent to the Internal Revenue Service (IRS) and California Franchise Tax Board (CAFTB). Earnings of over \$600 must be reported as income on tax records to both the state and federal government. MC3 does not withhold taxes from provider reimbursements (unless instructed to do so by the IRS or the CAFTB). Each licensed or exempt provider is responsible for paying her/his own social security and other taxes. Any caregiver who works in a parent's home is considered employed by the parent who is then responsible to all applicable employer requirements. Additionally, MC3 is required to report all independent contractors to the state Employment Development Department (EDD) for the purposes of child support enforcement. Providers in the APP are independent contractors.

Each provider working with MC3 must fill out a provider packet (including an agreement with the agency) and sign a Child Care Certificate for each enrolled child (*with the exception of Stage 1 children*). This certificate documents the programs' Taxpayer ID number or social security number. It also includes the authorized hours of cares and rates. Any difference between the rates MC3 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 MC3. Consistent with CCLD 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 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 MC3
- 3) Provide services to all children referred by MC3 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 MC3 staff or other authorized State or Federal agency staff in accordance with the law.
- 6) Allow MC3 staff to make site visits
- 7) Provide care for children *only* during the period authorized on the most current NOA. Any changes in the hours of care must be reported to Case Manager.
- 8) Hold MC3 harmless for any damages to person(s) or property which arise out of delivery of services under agreement with MC3.

### **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. Exempt providers must be registered with TrustLine – prior to the start of care- (blood related aunt, uncle or grandparent are exempt from TrustLine registration). MC3 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 MC3:

- 1) Documentation that the exempt provider is a registered TrustLine childcare provider.

- 2) The 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.
- 5) Health and Safety Self Certification.
- 6) Statement of exemption for all exempt providers.

If the care takes place in the parent's home, the parent is responsible for all applicable taxes, filing and payment of minimum wages as required.

**Marin Child Care Council Shall:**

- 1) Maintain a database with up-to-date information on licensed providers in Marin County.
- 2) Provide ongoing technical assistance to child care providers on billing procedures, record keeping and APP policies and procedures.
- 3) Reimburse the childcare provider based on the parent's certified need for care, according to the NOA.
- 4) Reimburse only for childcare services. MC3 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) MC3 does not contract for childcare 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 childcare program is closed, the parent may need to seek alternative child care. MC3 will contract with the alternative provider for services.

**Subsidized Provider Report (SPR)**

The California Department of Social Services is required to collect specific business and personal information from licensed family child care providers and license-exempt individual providers who participate in any state-funded early care and education program to support collective bargaining and emergency response preparedness. As required by Senate Bill (SB) 75, MC3 submits the following information monthly on each licensed family child care home and license exempt individual (family, friend or neighbor) through the Child Development Management Information System (CDMIS):

- Provider's Name;
- Provider's Home address;
- Provider's Mailing address;
- County where the provider is providing child care service;
- Work and cellular telephone numbers;
- Email address, if known;
- Whether provider is licensed or license-exempt;
- If licensed, state facility license number;
- Primary language used, if known;
- Agency, contractor, subcontractor, or political subdivision administering the program in which the provider participates;
- Contract type;
- The date the provider began subsidy care;
- The date the provider ended subsidy care, if applicable; and
- The unique provider identification number, when available.
- Effective July 1, 2024, the amounts of all subsidies paid to each

## **Provider Reimbursement**

MC3 will reimburse providers based on their rates up to the allowable maximum, see below) and the parents' certified need for care, reflected on the NOA. The agency also must follow payment regulations set forth by CDSS. Providers will supply their rates to the Council indicating their normal, customary rates charged to all families. Providers will sign a Child Care Certificate for each child enrolled in funds CAPP, C2AP and C3AP (*Stage 1 clients are not issued certificates*). This Certificate serves as the contract and contains the parent's name, the child's name, age and date of birth, the contracted days and hours, the rate to be paid by MC3 and the period the certificate is valid.

### **Reimbursement Rates**

- 1) Each funding source which is part of APP 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. This rate must not exceed that 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 APP the same discount.
- 2) 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 MC3.
- 3) 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.
- 4) Providers may request rate changes at any time, however, MC3 requires one month advance written notice for rate increases. Approved rate increases are effective on the first day of the following month.

### **Reimbursement Procedures**

Parents are responsible for the accurate and timely submission of each child's Attendance Record. The Attendance Record is the form of documentation that will be accepted for reimbursing provider claims. Attendance Records will be provided to the parent and are also available by request through the mail, downloadable from [www.mc3.org](http://www.mc3.org) or available in the office.

The attendance record must be complete, accurate and received by MC3 on or before the 7th of the month following service. If the 7<sup>th</sup> falls on a weekend or holiday, forms must be returned by the **prior** business day in order to be processed by the fifteenth (15<sup>th</sup>). MC3 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.

Attendance records received after the 7th of the month following service will be processed during the end of the month payment run. Attendance logs received more than 3 months late may be denied payment. MC3 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.

Reimbursements will not be made if the information within a provider's data file is incomplete (i.e., missing license or update, TrustLine Registry, photo I.D., or certificates signed by both the parent and provider).

### **Payment Limitations**

- 1) MC3 will only reimburse for the certified need authorized on the NOA

- 2) MC3 will reimburse providers a maximum of 10 non-operational days per fiscal year. These days must also be charged to the public and are to be determined by each provider.
- 3) MC3 will not reimburse for child care on days when service is not available or the program is closed (including work days, staff development or breaks/vacations beyond the 10 allowed per fiscal year).

**Providers must notify MC3 staff when the following circumstances exist:**

- 1) A child is absent for more than seven days, without contact from the parent
- 2) A parent withdraws from care without advance notice required by the provider per their contract or prior to the end date authorized on the Child Care Certificate (CAPP, C2AP, C3AP).

**Prorating:**

If a day/s of child care cannot be reimbursed, the MC3 rate applied to a child's schedule may be prorated based on the number of days the child was authorized to use that week/month. Prorating will be calculated as a percentage.

When prorating will be applied:

- When child care begins or ends in the middle of a week/month
- Provider closure days in excess of ten (10)
- When a child is suspended from child care by the provider
- When child care schedules are reauthorized due to change in authorized care
- A midweek/mid-month birth date that changes the MC3 age category being applied to a child

**Child care paid based on certified need:** through June 30 2025, child care for all schedule types will be paid based on a child's maximum certified need of care, regardless of attendance. (Allows for variable schedules to be paid a "set" amount and not reduced due to absences.)

**Cost of Care Plus Rate:** Per an agreement with CCPU, each child care provider will receive an additional per-child payment each month to supplement the provider's subsidy payment through June 30, 2025.

- Marin County Centers and Family Child Care Homes \$211.00 per child
- Marin County License-exempt (Family, Friend or Neighbor) \$148.00 per child

## **Termination of Services**

**Parents:** A parent may change providers in adherence to the provider's termination policies. Exceptions are allowed in the case of emergencies or licensing violations.

### **Providers**

- 1) A provider may terminate participation in the APP by providing two weeks written notice to both the parent being subsidized by MC3 and MC3 itself.
- 2) A provider may terminate a family, with cause, in adherence to his or her established policies and procedures with two weeks advance notification to MC3.

### **Marin Child Care Council**

- 1) MC3 reserves the right to suspend or terminate a **family's** participation in the APP if the family no longer meets the eligibility requirements and/or fails to comply with the regulations, procedures or deadlines.
- 2) MC3 will issue a NOA to the parent and a copy to provider terminating the family's child care services and stating the last day for which services will be reimbursed.

- 3) The reason a family ceases to be eligible to receive child care services is confidential.
- 4) MC3 reserves the right to immediately suspend or terminate a provider's participation in the APP 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.
- 5) MC3 reserves the right to suspend or terminate a **provider's** participation in the APP 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 MC3.
  - 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.
- 6) MC3 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).
- 7) MC3 will give written notice to any provider who is terminated from the APP. The notice will outline the reasons for termination and explain the Grievance Process.
- 8) MC3 reserves the right to terminate a family's participation in the APP with fourteen (14) calendar days notice if there is an interruption in, or loss of, the funding streams used to subsidize the family.

## **General Policies:**

### **Local Complaint Procedure**

Any parent who disagrees with either MC3 policies/actions, or a staff member, which are NOT related to a negative NOA (see below for NOA related disagreements), 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 Director within 2 days of the occurrence. The APP Director 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 Director, 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.

**Expressing Appreciation/Gift Giving** In accordance with MC3 policy, parents/caregivers, providers, or vendors may not give gifts to staff. If you wish to show appreciation to staff, a "thank you" note may be sent to the person's immediate supervisor.

### **Confidentiality**

Information provided to MC3 will be treated in a confidential manner. Parents on the 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, MC3 cannot provide information unless it is court ordered or requested by the District Attorney. Attendance Records are property of



MC3, and are not part of the parent file. Copies of attendance records will not be released (to anyone other than parent) unless required by court order.

### **Fraudulent Information**

The CDSS requires MC3 to inform all families receiving funds from the agency that if child care funds are obtained by providing fraudulent or incomplete information, MC3 shall actively pursue recovering the funds paid out for the child care services. Any fraudulent, false, or misleading information provided to MC3 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:

- 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. At initial certification and subsequent certifications
- Inaccurate reporting of actual attendance on the attendance record.
- Failure to report all provider information changes. This includes provider no longer providing care, care hours not agreeing to child care certificate, etc..

\*Marin Child Care Council will attempt to recover funds by developing a repayment plan with the parent and/or provider. If the parent and/or provider do not respond to the repayment or miss the payments as outlined in the repayment plan, their case will be sent to a collection agency. Cases of suspected fraud may also be referred to the District Attorney's office.

### **Grievance Procedure for Providers**

Any child care provider who is in disagreement with either the actions or policies of MC3 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 expeditiously. 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 MC3.

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 Director within 10 days of the occurrence. The APP Director 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 Director 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.

### **Universal Complaint Procedures**

It is the intent of MC3 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 MC3'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 State Department of Education at:

*Child Development Division  
Complaint Coordinator  
1430 N Street, Suite 3410  
Sacramento, CA 95814*

If the complainant is not satisfied with the final written decision of the California Department of Education, 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.

### **Resource and Referral Program**

Resource and Referral programs (R&R) began in the 1970's, to serve as a resource for families looking for assistance in finding childcare. Resource and Referral offices aim to provide free services in a manner that is responsive to the diverse cultural, linguistic and economic needs of a defined geographic area of service.

The referral process supports all persons requesting services with referrals to licensed child care providers (and license-exempt center-based providers), regardless of income level or other eligibility criteria. The R&R team is available Monday through Friday, 9-3, and makes every effort to provide information in the parent's preferred language. These referrals are intended to provide parents with a range of choices and should in no instance be thought of as a recommendation to a particular provider, facility, or service. In addition, services may also include referrals to a wide variety of parent support and educational services.

**Referral Policies and Practice:** When a parent reaches out to the Marin Child Care Council (MC3) for child care referrals, an R&R specialist will gather essential information to ensure appropriate referrals are made. Any information received from a parent is gathered with full recognition of the confidentiality rights of parents. The information obtained includes but may not be limited to:

- Parent's name
- Location of work and home
- Number of children and their ages
- Type of care parent is considering (e.g., in-home, center-based, family child care, etc.)
- Location preference
- Days and hours care is needed.
- An assessment of preferences.
- The reason that child care is needed

For CalWORKs families, the R&R team shall work with Alternative Payment Program (AP) team to assist families to establish stable child care as soon as possible. These arrangements can be licensed and license-exempt care.

The R&R Specialist shall also assist parents in choosing child care services by providing parents/guardians with the following information:

- Community Care Licensing Choosing Child Care Guide- Information regarding how to select child care services that will meet the needs of the parent(s) and the child(ren).
- The Resource and Referral guide which explains the process. The guide also addresses Oliver's Law AB458 and Health and Safety Code (HSC), Section 1596.859, where R&R Specialists provide information to any person who requests a child care referral of his or her right to view the licensing information of a licensed child day care facility and where to access it. Megan's Law information is included as well.
- For families looking for help paying for child care, the R&R Specialist can assist the family with completing the Centralized Eligibility List (CEL) Application and the "Do You Need Help paying for Childcare?" guide.
- Other resources as requested.

**Enhanced referrals** are given on an as-needed basis. Special circumstances such as Foster Care Bridge, Stage 1 CalWORKs, and children with special needs are some of the instances that can be accommodated. Either the Alternative Payment Case Manager or R&R team will assist the family in calling providers and learning more about their support services and current vacancies.

### **R&R Database**

In order to provide referrals, MC3 maintains a database with information on over 350 providers, including licensed family child care homes, and licensed or license-exempt child care centers. Community Care Licensing works in partnership with MC3 notifying us of all child care provider openings, closures or pending situations. MC3 tracks providers' licensing status for all providers in Marin, along with the languages they speak, the age groups they serve, the schedules they offer, and the number of spaces available in centers or family child care home. This database is linked to My Child Care Plan, a statewide online search engine for parents seeking child care.

To ensure the accuracy of referrals, child care providers are requested to participate in an extensive database update quarterly, update their vacancies monthly, and provide ongoing updates as needed.

### **Relationship with Community Care Licensing**

All providers in Marin are required to be listed in the database, unless otherwise notified by Community Care Licensing [WIC§10219a(1)(B)]. When notified by licensing that a provider/facility has been issued a temporary suspension, had its license revoked, or been placed on probation, the Resource & Referral Manager will proceed with the following steps:

1. Change the provider/facility to "Active/No Referrals" in the database for as long as it takes Community Care Licensing to conclude their investigation and issue a resolution to the complaint.
2. Inform other MC3 program managers working with the child care provider of the new status.

3. The MC3 team will also be available to assist in finding temporary childcare services (“Short-term respite care”), during the transition, especially for families in difficult situations (CPS involvement, homeless or for a child with exceptional needs).

4. Community Care Licensing will inform Marin Child Care Council of its findings, either:

- a. The provider/facility is no longer on suspension, then provider/facility status will immediately be returned to “Active” for referrals.
- b. Or if Community Care Licensing revokes the license, the child care provider’s status will be changed in the referral database to “Inactive.” Marin Child Care Council will notify the provider/facility, via letter, of the “Inactive” status. The provider/facility will no longer receive referrals.

Marin Child Care Council will explain to the provider/facility the process to appeal decisions regarding their status in the database.

### **Complaints regarding child care providers**

As a Childcare Resource and Referral agency, MC3 does not license childcare facilities nor does MC3 investigate alleged violations.

The role of MC3 is to:

- Receive complaints or grievances.
- Act as a resource to parents, providers and the community in assisting them in contacting the appropriate authorities.
- Provide technical assistance to providers for compliance with licensing regulations.

The following complaint procedures apply when a complaint is received by the MC3 Resource and Referral team, regarding any childcare provider within its referral database:

- Ask the complainant if they have spoken with their provider. The provider may be unaware that the complainant is unhappy and may be able to resolve the issue immediately.
  - Inform the complainant that MC3 does not investigate complaints.
  - Offer applicable resources such as licensing facility information, contact information, and referrals to other agencies, as appropriate. Parents may also view licensing history at the R&R office.
  - Direct the complainant to file a formal complaint with Community Care Licensing (CCL). Parents may telephone 1-844-LET-US-NO.

## **Definitions**

Some of the more commonly used words/phrases and definitions below as we use them.

- **CalWORKs:** California Work Opportunities and Responsibility to Kids – cash aid for eligible adults and their children, operated by the Marin County Department of Social Services
- **Case Manager:** The staff person at MC3 responsible for handling all aspects of the parent’s case.
- **Child Care Fraud:** Is the crime of obtaining money or child care services by deliberate deception.
- **Co-payments:** The difference between what the provider charges and the amount MC3 can pay. 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) if they are not paid before the Attendance record is submitted. Parents will receive a Delinquent Fee Notice if this is the case.
- **Employment Development Counselor (EDC):** The staff person at the County of Marin, responsible for establishing the welfare-to-work plan with the parent on Stage 1.
- **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.
- **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 and the size of the family and the child care schedule. These fees are paid by the parent, directly to his/her provider.
- **Fiscal Year:** MC3 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 MC3 that informs parents of MC3’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 our program’s “need” or “eligibility” requirements, or that the level of services will change. NOAs with negative actions to the parent have an appeal period (10-14 days, depending on fund), while NOAs that have no negative impact to the parent will go into effect immediately.
- **Provider Notice:** A written notification issued by MC3 that informs providers and parents of an action being taken by MC3 which may affect payments to the provider.
- **Parent:** means 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.
- **RMR (Regional Market Rates):** 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 we are allowed to pay providers for child care services based on the county they provide care in.
- **Welfare to Work Plan (WTW Plan):** a plan of qualifying employment and training activities, or barrier removal services that meets the individual’s participation requirements in the CalWORKs program. The WTW Plan is established between the Stage 1 EDC and the parent(s)

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