

# Marin Child Care Council, Subsidy Program Parent Handbook & Provider Written Materials

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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 set the 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.

Eligibility for the AP varies from program to program (Stage 1, Stage 2, Stage 3, CAPP) 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 Centralized Eligibility List (CEL) based on CDSS program priorities.

## Child Care Programs

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

The *CalWORKs* program serves families who are currently receiving *TANF* cash aid or who have received it within 24 months **before** completing the application process for child care services. Certified families receive no less than 12 months of child care services. There are three (3) stages to the *CalWORKs* program. 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 *Ca/WORKs* Child Care System is designed to continue services to eligible families without interruption.

**CalWORKS Funding Sources:**

- Marin County Department of Health & Human Services (Stage 1)
- California Department of Social Services, Early Learning and Care Division (Stages 2 and 3)

**Funding Codes:**

- CDSS (Stage 1) , C2AP (Stage 2), C3AP (Stage 3)

**Child’s Age Limit:** Under age 13 (under age 22 if the child has exceptional needs or is severely disabled)

**Service Delivery Area:** Receiving *TANF* in Marin County; or a former *TANF* recipient now living or participating in an approved activity in Marin County or using a child care provider located in Marin County.

**California Alternative Payment Program (CAPP)**

In addition to the *Ca/WORKs* Child Care Programs, MC3 also operates California Alternative Payment Programs (CAPP), funded by CDSS. 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. MC3 also operates the CAPP contract for the County of Marin, Child and Family Services Department, which primarily serves families directly referred by their Social Worker.

**Other Child Care Funds:**

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

**Foster Care Bridge\***

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 Subsidy Funds\***

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.

**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.

## **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).

## **Parent Participation**

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### **Enrollment & Recertification**

Enrollment in the program requires an appointment between the parent and a MC3 staff person to record the information necessary to create a Parent File. In-person certification appointments will take place in the MC3 office at 555 Northgate Dr. Ste#105, San Rafael, CA 94903. MC3 staff will provide an overview about our agency and the program rules and regulations. We will also explain program forms and participation expectations.

### **Enrollment Priorities or AP (non-CalWORKS)**

Child Care Eligibility List (CEL) is a list of families who are waiting for subsidized child care. It is identified as an “eligibility list” rather than a “waiting list” because families are ranked in terms of their eligibility for services, rather than by time on the list.

- First priority shall be given to children identified to be at-risk or receiving Child Protective Services with written referrals from a legal, medical, or social services agency.
- Second priority shall be given to eligible families who are income eligible. In order to participate in the voucher program, parents are required to document their “countable” income. At the time of enrollment & recertification, a family’s gross monthly income must be at or below the monthly income ceiling identified by the state for their family size.

### **Initial Enrollment:**

When first entering the 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 certification appointment is scheduled. Parents will be given or mailed all the required forms in advance of their appointment. Childcare services will not be authorized until all required documentation has been submitted and verified by MC3 staff member. The application must be signed by the parent before the enrollment process will be considered complete. It is during the enrollment process that parents will identify their child care provider. MC3 can also assist parents in selecting a provider (see section entitled **Selection of Care**).

**\*Stage 1** parents will be directly referred by their EDC through the County’s Child Care Unit and will not be required to submit need/eligibility documents to MC3. They will still come in for an enrollment appointment and will be asked to complete other forms.

### **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 MC3. The recertification process applies to all parents enrolled in our voucher subsidized programs. Recertification occurs each 12-months. 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.

## **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. In the parenthesis ( ) after each criterion, we have listed the funding code of the program(s) these criteria apply to.

- **Note to CalWORKs Stage 1 (CDSS) Families: While you are receiving cash assistance, MC3 must have a child care referral from the Child Care Unit in order to approve your child care services. They determine your need/eligibility for care.**

### **Eligibility Criteria:**

- 1) Family is a public assistance recipient (All programs)
- 2) Family is income eligible as established by the family fee schedule. (All)
- 3) Family is homeless. (CAPP)
- 4) Family is a recipient of Child Protective Services (CPS) or has been referred by a legally qualified professional. (CAPP)
- 5) Family currently receiving or received CalWORKS within the previous 24 months (CDSS, C2AP)
- 6) Family has fully exhausted twenty-four months of eligibility for subsidized child care in Stages 1 and/or 2 after the parent left cash aid and is transitioning from stage 1 or 2 (C3AP).

### **Need Criteria:**

- 1) Employed or seeking employment (All)
- 2) Vocational training
- 3) Educational program:
  - To earn a high school diploma or General Education Degree/High School Equivalency (GED/HSE) certificate
  - English Language Learner/English as A Second Language (ELL/ESL) Program
- 4) Homeless & seeking permanent housing. (All)
- 5) Incapacitated (CAPP, C2AP, C3AP)
- 6) Referred by Children and Family Services (CFS) Children 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. (All)

## **Program Documentation Requirements**

### **Employed\_ (CCR sect. 18086)**

Parent is certified for actual days and hours of work plus adequate travel time. 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.
  - \* Or other means of contact and/or documentation between MC3 staff and the employer that will substantiate employment status.

### **Self-employed**

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

- 1) **Eligibility:** One or more of the following sources of income documentation, depending on type of employment:
  - a) Receipts for all income and expenses
  - b) Most recent year's tax returns
  - c) Bank statements
- 2) **Need:** One or more of the following, depending on type of employment:
  - a) Documentation from clients regarding days, hours and rate of pay
  - b) Business and/or Professional License
  - c) Lease agreement (if renting space)
  - d) Monthly appointment log
  - e) Other means of contact, documentation and/or business records that will substantiate employment status including days and hours of need and rate of pay.

**Seeking Employment** (*CCR sect. 18086.5*)

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.

**Students** (*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. Students are certified for the days and hours they attend classes and adequate travel time. MC3 will cover child care during study time for up to two hours per academic unit. Additional time limits for training are as follows: six (6) years from the initiation of child care services based on this need; or twenty four (24) semester units, or its equivalent, after the attainment of a Bachelor's Degree.

*\*Stage 1 parents will submit documentation requested verification to the County, not MC3*

**The following documentation must be provided by all students:**

- 1) school schedule
- 2) *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. 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 additional 12 month certification period to fulfill the GPA.*

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

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 with Exceptional Needs 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 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-Month Eligibility

Once enrolled, families receive child care services for no less than 12 months. During this 12 month period, you are eligible to use the scheduled 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-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</b> semesters, quarters, or modules.	<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 certification or recertification, they will remain eligible for no less than 12 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 months
  - Continue services with no change to their family fee for 12 months

\*\*Based on other regulations and program rules, a family's or child's services may be still terminated within the 12-month eligibility period. Examples: Not paying family fees, not completing Attendance Records properly, 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.

### **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 ten (10) working days to find childcare after completing the application. If care is not found within that time period, the application for services will be denied. 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 Agreement has been signed.
- 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. 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.

**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. Repeatedly failing to complete MC3's attendance record properly (example: not signing in and out of child care on a daily basis, not signing the penalty of perjury statement).
9. Altering or misrepresenting information on attendance records (example: child care days/hours used or family fees paid).
10. Child care services have been abandoned.
11. Not paying provider for overdue family fees.
12. 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.
13. Conspiring to, attempting to, or committing a fraudulent act.
14. Knowingly using child care hours for which the family is not eligible and/or approved for.
15. 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).
16. Contract funding is reduced, ends or any other reason as directed or required by the State of California.
17. Family reports a change in residency outside of California.

## **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.

## **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 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 by the last business day of the month. 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 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 on the bottom by both parent and provider
- 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)
- AR submitted to us more than 90 days after the close of the month of service
- 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 130 hours or more per month.
- Part-time ("PT") monthly fee = A certified need of less than 130 hours per month.

*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. 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.

**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.

## **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.

## **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;
- Agency, contractor, subcontractor, or political subdivision administering the program;
- State facility license number, if applicable;
- The date the provider began subsidy care;
- The date the provider ended subsidy care, if applicable; and
- The unique provider identification number, if applicable.

[\*Providers approved to participate in the Secretary of State's address confidentiality program may provide the designated address in lieu of a home address]

### **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) 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 no later than 4:00 p.m. 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 be 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 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 days or breaks/vacations beyond the 10 allowed per 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).

## **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.

## **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 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 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

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