

# CAPPA Tech Assistance, March 9, 2017

## **Discrimination Statement (5 CCR 18107 (d))**

The determination of eligibility shall be without regard to the immigration status of the child or the child's parent(s) unless the child or the child's parent(s) is under a final order of deportation from the United States Department Homeland Security.

## **Provisional Care Policy, 30 day limitation (MB 13-01)**

1. Family may select a provisional provider if there is an immediate need for child care.
2. Family may use provisional provider during a single **30 day period**.
3. On the 30<sup>th</sup> day, the provisional provide must be Trust-Line registered (i.e., cleared), otherwise a reimbursement cannot be authorized.
4. Agencies may limit the number of provisional care occurrences in the fiscal year.

### Title 5, Section 18078. Definitions

- (k) "Immediate need" means a situation in which both subdivisions (1) and (2) apply:
- (1) An eligible parent has a need for child care and is employed, participating in a California Work Opportunities and Responsibility to Kids (CalWORKs) work activity, is in training as described in section 18087, or is incapacitated as defined in section 18400(g); and
  - (2) The contractor determines that no child care is reasonably available from a licensed, TrustLine registered or TrustLine-exempt provider that meets the parent's need for care.

## **Single provider requirement to cover the full certified need (Title 5 Section 18076.3)**

Four exceptions:

1. Contractors may only reimburse more than one provider per child when the hours of operation of the first provider cannot accommodate all of the certified need for care. (Subsection (a))
2. When the parent' first provider is not a licensed center, and the parent also wishes to provide a large group school readiness (i.e., preschool) experience for the child. A license center provider may be reimbursed. (Subsection (b))

### Title 5 Section 18076.3. Reimbursement to Multiple Providers

- (a)** Except for reimbursement pursuant to Section 18076.2(c), contractors shall reimburse only one provider of child care services per child when the hours of operation of the child care provider selected by the parent can accommodate the certified need for child care. Contractors may reimburse more than one provider per child when the hours of operation of the first provider cannot accommodate the certified need for child care.
- (b)** Notwithstanding subsection (a), when a family's first provider is not a licensed center and the parent also chooses a licensed center for the specific purpose of providing the child with large group school readiness experiences, the contractor may also reimburse the services provided by the licensed center provider.
- (c) Contractors who pay multiple providers pursuant to this section shall not pay more than one provider for the same portion of a child's certified need for child care.

Exceptions continued.

3. When regular provider has a paid day of non-operation and an alternative provider is required to meet the certified need for care. (Subsection (c)(1))
4. When the child is ill and alternative provider is required. (Subsection (c)(2))

Title 5 Section 18076.2. Reimbursable Hours of Care

(a) This section does not apply to reimbursement for services provided pursuant to Sections 18075(a)(2), (a)(3), and (b)(2) of this subchapter.

(b) Reimbursable hours for the child's regular provider shall include:

(1) Time that a child's absence is deemed excused pursuant to Section 18066 and the time the child is absent when the contractual terms used by the provider for services to unsubsidized families require payment for such absences. Reimbursement for an excused absence based on the child's illness shall not occur in lieu of providing accommodations for the child pursuant to the applicable provisions of the Americans with Disabilities Act.

(2) Time that the provider has a paid day of non-operation and can provide documentation that the contractual terms used by the provider for services to unsubsidized families require payment for such day(s) of non-operation. The number of reimbursable paid day(s) of non-operation shall be limited to a maximum of ten days per fiscal year per provider.

(c) Reimbursable hours for an eligible alternate provider shall include:

(1) Time that services are provided when the regular provider has a paid day of non-operation, and the parent has to obtain an alternate provider to meet the certified need for child care. Payment to an alternate provider when the regular provider has a paid day of non-operation shall be limited to ten days per child per fiscal year.

(2) Time that child care services are provided by an eligible alternate provider when the child is ill and the parent has to obtain care from an eligible alternate provider. Payment to an alternate provider when the child is ill shall be limited to a maximum of ten days per child per fiscal year. Contractors may reimburse an alternate provider in excess of ten days per year based on the illness of the child if the parent provides a physician verification.

(d) Reimbursable hours do not include:

(1) The scheduled instructional minutes of a public educational program available to a school-age child, or a private school in which the child is enrolled and attending.

(2) Time when the child is receiving any other child care and development services.

(3) Days on which the provider is not open to provide services, except as specified in subsection (b) (2). A contractor shall reimburse an alternate provider when the regular provider is not open to provide services and the subsidized family must obtain an alternate provider during the certified need for child care

**Reimbursement is not provided for instructional minutes for school age children.**

The restriction applies to private or public instruction for school-age children. Includes Kindergarten.

Only one funding source may be charged for the services provided on the same day for the same hours of the day.

Contractors who pay multiple providers pursuant to Sections 18076.2 and 18076.3 shall not pay more than one provider for the same portion of a child's certified need for child care.