

DAY CARE POLICY

I. **Intent:**

It is the intent of San Andreas Regional Center to fund day care assistance when an individual requires specialized day care. The regional center shall implement this policy in compliance with all existing federal and state laws and regulations (e.g. California Welfare & Institutions Code §4512(b) and §4648(a) (6) (D), and 34 Code of Federal Regulations §§303.344 and 303.527).

II. **Definitions:**

Consumers, Individuals served by the regional center, and Persons we serve are terms that are used interchangeably throughout the San Andreas Purchase of Service policies to refer to those individuals who receive services from the regional center. These same terms are used throughout the Lanterman Developmental Disabilities Services Act.

Day care refers to regularly provided care, protection, and supervision of an individual living in the home of his or her parents or guardians for periods of less than 24 hours per day, while the parents are engaged in employment or educational activities leading to employment, or both.

Specialized day care involves a degree of care beyond that which is normally associated with the care of a child without a developmental disability.

Financial Management Services (FMS) are responsible for screening, hiring, book keeping and paying employees.

III. **Policy:**

The need for specialized day care and the amount provided shall be determined through the IPP process.

This service applies only for specialized day care occurring while parents / legal guardian are at work or vocational training. In two-parent families, both parents must be employed or in vocational training during the service. In single-parent families, the parent with whom the child resides must be employed or in vocational training during the service.

When an individual age 3-18 needs specialized day care, San Andreas Regional Center may pay only the cost of the day care service that exceeds the cost of providing day care services to a child without disabilities, up to the minimum wage for that city or county. San Andreas Regional Center may pay in excess of the minimum wage if there are exceptional circumstances like very high behaviors or other self-help needs. The planning team may also consider other exceptional circumstances related to the family needs.

In no event shall the regional center fund day care when it is being provided in lieu of a public school or other non-extended day program.

Time spent in school or generic programs where specialized care is not provided shall be excluded from funding.

Transportation to and from day care is the responsibility of parents and primary care providers.

IV. Purchase of Service (POS) Standard

The regional center shall assist the family in locating and utilizing day care provided by generic agencies (e.g. public schools, Y.M.C.A.) and other day care programs serving the community.

In determining whether the child requires specialized day care, the planning team shall take into consideration the following factors and circumstances:

- Significant behavior challenges, including disruptive hyperactivity, self-abusive behavior, aggressive acting-out behavior, assaultive behavior, and/or emotional difficulties;
- Significant medical or physical needs, which include extensive time and effort.
- Significant self-care needs including lack of toilet training, inability to communicate basic needs, lack of self-help skills such as bathing, toileting, dressing, eating and lack of ability to ambulate.

Parents may choose to use Financial Management Services (FMS) or they may choose to use a vendorized agency.

The Lanterman Developmental Disabilities Services Act requires the parents to participate in the Family Cost Participation Program (FCPP).

V. Exception Process:

The executive director has full discretion to authorize service purchases which are exceptions to the board-adopted purchase of service policies and standards. The executive director has designated certain individuals within the regional center who are authorized to grant an exception in the executive director's stead; these individuals are referred to as director's designees.

The first formal discussion of a request for service takes place at the planning team meeting. If the request falls within the service policy, the request is granted.

If the request for service is not consistent with the policy, the service coordinator starts the exception review process by exploring the basis for the request.

A time line for the director's exception review is set by agreement between the individual/family and the service coordinator but the time line may not exceed fifteen (15) days. Within that time, another planning team meeting will be convened. In the meantime the coordinator presents the information to the manager to determine whether a director's exception may be warranted.

At the scheduled planning team meeting the decision will be made. The director's designee will attend the planning team meeting if necessary.

If the exception is granted, the service coordinator amends the person-centered individual program plan, notifies the individual/family, and gives a copy of the amended plan to the individual/family.

VI. Notice of Action:

If an exception is not granted, or if a decision is made to deny, reduce, or cancel the service without the agreement of the individual or the individual's representative, a Notice of Action and a Fair Hearing form will be sent.

DDS Approved January 24, 2019
Board Adopted January 28, 2019

DAY CARE – WORK HOUR SUMMARY

Please complete the work hour summary for each parent/guardian in the home. Please fill in only the actual work hours on each line. **All sections with (*) must be completed.** San Andreas will only authorize hours when parents are working. San Andreas will not be responsible for funding any hours which are not previously authorized. Thank you.

* Consumer Name _____

* Consumer Birth Date / Age _____

* Name of Parent # 1 _____

* Name of Parent # 2 _____

* Occupation of Parent # 1 / Employer Name _____

* Occupation of Parent # 2 / Employer Name _____

* Employer Address / City / Zip _____

* Employer Address / City / Zip _____

* Employer's Phone # _____

* Employer's Phone # _____

* Day care provider's name / address / phone number _____

* **School Schedule** (with travel time)

Mon- _____

Tues- _____

Wed- _____

Thurs- _____

Fri - _____

*Parents, please indicate day care rate you're paying your provider.

\$ _____ /hr.

*Parents, please list work hours and travel time below –		
	Work	Travel
*Monday:		
Parent 1 work hours = _____		
Parent 2 work hours = _____		
*Tuesday:		
Parent 1 work hours = _____		
Parent 2 work hours = _____		
*Wednesday:		
Parent 1 work hours = _____		
Parent 2 work hours = _____		
*Thursday:		
Parent 1 work hours = _____		
Parent 2 work hours = _____		
*Friday:		
Parent 1 work hours = _____		
Parent 2 work hours = _____		
*Saturday:		
Parent 1 work hours = _____		
Parent 2 work hours = _____		
*Sunday:		
Parent 1 work hours = _____		
Parent 2 work hours = _____		
<p>I certify that the above listed hours are correct. Records of date /time/name of day care worker, and payment history, must be kept by parent/vendor. Parent/Vendor must inform San Andreas Service Coordinator of any changes to work/school schedules. Audits may occur at any time.</p> <p>* Parent's Signature / Date: _____</p>		

This section to be completed by Service Coordinator only. S.C. – Please calculate # of hours needed for each day. If applicable, include travel time.

Monday: _____

Tuesday: _____

Wednesday: _____

Thursday: _____

Friday: _____

Saturday: _____

Sunday: _____

_____ Total weekly hours

X 4.33

= _____ Total monthly hours

_____ Holiday hours

of hours authorized* = _____

S.C.'s initials _____

* Hours in excess of 100 hours per month requires a Director's Exception

Procedure: Specialized Day Care	Date of Issue: March 28, 2019
Department: Case Management	Supersedes: June 1, 2011
Distribution: Policy/Procedure Manual	Primary Author: Day Care Committee
Approved: Mike Keeley Director, Consumer Services	Approved: Javier Zaldivar Executive Director

STATUTORY REFERENCE

Welfare and Institutions Code (Lanterman Act), Sections 4648 and 4685(6)

1. GUIDELINES

- 1.1 The Regional Center's day care policy defines the conditions for families to receive this service. Parents are encouraged to consider an inclusive day care setting for their children. Many children with developmental disabilities can receive day care in such settings. The Service Coordinator should make these resources available to parents seeking day care or refer them to public agencies that may have a referral list. The American with Disabilities Act (ADA) places responsibility on public programs to accommodate a person with disabilities in programs that receive public or private funds. The Service Coordinator may have to advocate for inclusion of children with disabilities in a public day care setting by understanding and explaining ADA mandates.
- 1.2 When a consumer aged 3-18 needs specialized day care, San Andreas may pay only the cost of the day care service that exceeds the cost of providing day care services to a child without disabilities, up to the minimum wage for that city or county. San Andreas Regional Center may pay in excess of this amount when a family can demonstrate a financial need and when doing so will enable the child to remain in the family home.
- 1.3 When the child's needs require LVN/RN care, please refer to the In Home Nursing Services Policy.
- 1.4 An assessment of need and calculation of hours to be supplemented will be conducted during the planning team meeting. It is not San Andreas Regional Center's intention and responsibility to supplement all day care hours provided, but instead to serve as an additional support to be considered.
- 1.5 If the parent chooses to use a day care center, the Regional Center will support parent in ensuring that the center applies the provision of the American with Disabilities Act in terms of accommodation.
- 1.6 To determine the cost for providing non-specialized day care for typically developing children, day care services in the family's geographic area should be explored and used as a cost comparison. San Andreas funds day care on an hourly basis, so day cares providing an hourly rate would provide the most useful cost basis for non-specialized day care.

2. PROCEDURE/ELIGIBILITY

- 2.1 The need and amount of this service shall be determined through the IPP team process. In determining the need, the team shall take into account the family's responsibility for

providing similar care to a child without a disability. During the planning team meeting, the Service Coordinator will conduct a needs assessment to review the following to assess for specialized needs (beyond typical day care):

- 2.1.1 Significant behavioral challenges including, disruptive hyperactivity, self-abusive behavior, aggressive acting out behavior, assaultive behavior, and/or severe emotional difficulties.
- 2.1.2 Significant medical or physical needs, including equipment requiring a specially trained care person, feeding needs that require extensive time and effort by care person, or any other medical/physical need that requires extensive time and effort or special training. Note that nursing needs should be covered in a different category (in home nursing) rather than day care.
- 2.1.3 The consumer, if over age 5, has significant self-care needs including lack of toileting training, inability to communicate basic needs, lack of self-help skills such as bathing, toileting, dressing, and eating.
- 2.1.4 Ambulatory status for children over age 3.
- 2.1.5 Other informal and formal assessments secured by the Service Coordinator or family.
- 2.1.6 Annually, the Service Coordinator, with the family will complete the Day Care Work Hour Summary Sheet (attached). This form results in the following information:

2.2 The number of hours that the child needs day care because the parent(s) are at work, (include commute time) or are in vocational training are based on the Day Care Work Hour Summary Sheet and verification of employment. The following circumstances should also be considered:

- 2.2.1 The availability of natural supports, e.g., other family members living in the home, grandparents, etc.
- 2.2.2 The number of hours that the child is in school, after school programs, YMCA, EPSDT, etc. available during the hours the parents work or under the care of other family members.
- 2.2.3 Services are not available through a generic resource (i.e. IHSS, Parks and Recreation, YMCA, Boys and Girls Club, etc.)
- 2.2.4 How day care is provided to other children in the family.
- 2.2.5 How day care is provided if there is more than one consumer in the home (1:1 or 1:2 staff to client ratio).

2.3 Once eligibility is met, the Service Coordinator must verify whether the parent (s) is employed and/or attends vocational training or school and is working towards a certificate or degree.

- 2.3.1 If the parent(s) is in vocational training or school, written verification must be given to the Service Coordinator every semester/quarter. Parents must verify employment annually.
- 2.3.2 If the parent(s) loses their job or stops attending school, the Service Coordinator must be notified immediately.
- 2.3.3 In a two parent family, both parents must be employed and/or in school.

- 2.3.4 In situations where the parents live apart but share physical custody, the number of hours must be based on how much time the child actually resides with each parent and how much time the child is in daycare so that the parents can go to work or school.
- 2.4 The parent will select the type of day care service (i.e., vendored agency or Financial Management System (FMS)). The FMS can be used for either a person the parent hires to come into the home or day care out of the home.
- 2.5 If the parent chooses to use FMS and does not have a vendor number, he or she will need to submit the Parent as a Vendor for Day Care Application and become a vendor.
- 2.6 Once the vendor number is issued, the Service Coordinator will contact the FMS agency to submit the day care referral.
- 2.7 If the vendor number is in place, additional information will need to be submitted to the rate specialist to add a sub code for day care.
- 2.8 If the parent chooses a vendored child care agency, the Service Coordinator will send information and a consumer profile to the day care center with a signed consent.
- 2.9 Director's Exceptions to the day care rate hours may be considered in the following circumstances (rate exceptions require hard copy DE):
- 2.9.1 If the family expresses financial hardship, the Service Coordinator may request a Director's Exception. The Service Coordinator shall request documentation of said hardship.
 - 2.9.2 The Service Coordinator may request a Director's Exception to supplement over the minimum wage for special circumstances.
 - 2.9.3 If the monthly hours exceed the usual and customary rate of 100 hours/month, the Service Coordinator shall request that the parent obtain documentation of required work hours from their employer.

3. TERMINATION

- 3.1 The planning team may terminate services when the planning team has mutually agreed that the service is no longer needed or appropriate, or the child turns 18.
- 3.2 In the event the Regional Center moves to terminate or reduce the service without the agreement of the consumer and his or her parent, conservator, or authorized representative, the Service Coordinator must give the consumer/family a Notice of Proposed Action and a Fair Hearing request form 30 days prior to the proposed date of change or termination. If the consumer, parent, conservator, or authorized representative requests a Fair Hearing within 10 days of receipt of the Notice of Action, the consumer may be eligible to continue receiving services at the current level until resolution of the dispute (Aid Paid Pending).