

DAY CARE POLICY

I. **Intent:**

It is the intent of San Andreas Regional Center to fund day care assistance when an individual under the age of eighteen 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 a minor 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, bookkeeping, 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 parent(s) / legal guardian(s) are at work or vocational training. In two-parent families, both parents must be employed or in vocational training and must be unavailable to be with the child during at the same time 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 -17 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 such as intensive behaviors or other self-help needs. The planning team may also consider other exceptional circumstances related to the family's needs.

In no event shall the regional center fund day care when it is being provided in lieu of school or other generic support.

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).

The parent(s) will complete the Annual Day Care Worksheet (appended) and submit the completed form to the Regional Center in order to calculate the number of service hours needed.

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 that the Director and Associate Directors of Consumer Services 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 timeline for the director's exception review is set by agreement between the individual/family and the service coordinator but the timeline 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: May 3, 2022
Board Adopted: May 16, 2022