



CHILD CARE PROVIDER MANUAL

Child Care Services

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OVERVIEW

The Workforce Solutions of West Central Texas Board (hereafter referred to as “Board”) is a local quasi-governmental organization overseen by a 30 member volunteer Board. The majority of Board members represent the private sector. The balance of the Board membership is comprised of representatives of educational agencies, organized labor, rehabilitation services, community-based organizations, economic development and state agencies. The Board is responsible for the planning, oversight and evaluation of the workforce development system, including child care resources, in the 19 county West Central Texas region (including Brown, Callahan, Coleman, Comanche, Eastland, Fisher, Haskell, Jones, Kent, Knox, Mitchell, Nolan, Runnels, Scurry, Shackelford, Stephens, Stonewall, Taylor and Throckmorton Counties).

The Texas Workforce Commission (TWC) contracts with the Board to provide subsidized child care services to eligible families in order to enable them to work or attend school or job training. The Board also provides services for children determined eligible for care by the Texas Department of Family and Protective Services (TDFPS) and by the Workforce Center contractor for Choices, Workforce Applicant, SNAP E&T, Transitional, and, when funding is available, Workforce Investment Act child care.

TWC also contracts with the Board to improve the quality, availability and affordability of child care in the Board’s service delivery area. Objectives include:

- Offering families an expanded choice of accessible child care arrangements;
- Providing local communities a focal point for the coordination of services to families and children;
- Offering families an identifiable source of child care information and assistance; and
- Offering child care providers information and resources for program improvement, including staff training, and staff mentoring and technical assistance through the Texas Rising Star program.

The Board currently contracts with Child Care Associates (CCA) to administer the Board’s Child Care Services (CCS) subsidized child care program in the West Central Texas Board area. CCS staff are located in the Workforce Solutions’ main office in Abilene, Texas. CCS staff determine eligibility for services for income eligible families, monitor child care attendance, offer technical assistance to child care providers, and authorize payment to providers for CCS-referred children.

Funding for child care subsidies comes from a variety of federal and state government programs, including the Department of Health and Human Services, Department of Agriculture, TANF, SNAP, and the Texas Department of Family and Protective Services.

TWC’s rules governing Texas’ subsidized child care program may be viewed online at <http://www.twc.state.tx.us/twcinfo/rules/ch809.pdf>. When these rules allow for local flexibility, the Board determines local policy in Board meetings that are open to the public. Local policy is incorporated into this Provider Manual, which can be viewed online at www.workforcesystem.org. Hard copies are available upon request. Providers who have questions about this *Child Care Provider Manual* or other program issues should contact the CCS office.

SUSPECTED CHILD ABUSE OR NEGLECT

Everyone in Texas is required by law to report suspected child abuse or neglect. If the suspected abuse or neglect happens while the child is in care with a provider, Child Care Licensing or a local or state law enforcement agency must be notified. If CCS receives a complaint of abuse or neglect against a provider, CCS will encourage the caller to report the abuse or neglect to TDFPS Child Protective Services at (800) 252-5400.

If a provider suspects abuse or neglect of a child is happening away from their facility, the individual who suspects the abuse or neglect must immediately report the suspicion to TDFPS Child Protective Services at (800) 252-5400.

Providers may not take any action against an employee for reporting suspected child abuse or neglect.

CONTRACTING WITH CCS

Provider Agreements

Providers who wish to offer child care services for the children of families receiving subsidized child care assistance may do so by entering into an agreement with CCS to provide these services. This Provider Agreement outlines the CCS program requirements; informs the provider of their responsibilities as a provider of CCS services to families (including reporting requirements and requirements for reimbursement for services rendered); sets forth the terms and conditions under which CCS may refer children to providers for child care services; and specifies the reimbursement rate providers will receive for services rendered. References to “providers” in this manual refer to child care providers who have signed a Provider Agreement.

The Provider Agreement is the basis for payment to providers for CCS-referred children. CCS may not refer children for care or obligate funding for care prior to a Provider Agreement being executed by both parties.

To enter into an agreement with CCS, a child care provider must:

1. Be licensed or registered by the Texas Department of Family and Protective Services; OR be licensed by the Texas Department of State Health Services as a youth day camp; OR be operated and monitored by the United States military services.
2. Provide the care authorized for an eligible child in a location other than the eligible child’s own residence;
3. Not have been debarred from other state or federal programs (such as the Child and Adult Care Food Program), and
4. Provide required documents and abide by the terms of the CCS Provider Agreement and Provider Manual.

Child care providers who are interested in signing an Agreement should contact the CCS office. CCS staff will visit the provider’s business location and collect necessary information, address any questions, and if the interested provider agrees to the terms and conditions of the agreement, both parties shall sign the agreement, with one fully executed copy given to the provider for their records.

Once fully executed, the Provider Agreement remains in effect until terminated by one or both parties, as stated in the Agreement. If CCS is required to terminate the Provider Agreement because of a DFPS corrective or adverse action, the provider will be notified under what circumstances they can request to sign a new Agreement. The length of time before a new Agreement can be executed will depend upon the reason for the termination.

Signing an agreement with CCS **does not** guarantee that a provider will receive referrals from CCS. All referrals made by CCS are based on the parent’s choice of providers. However, even if a provider does not have any CCS-referred children in care, they must still comply with the terms of the Provider Agreement in order to keep the agreement current.

Changes that Affect the Provider Agreement

There are numerous changes that must be reported to CCS. The chart below will help identify what changes must be reported and the timeframes required for reporting:

Type of change	Timeframe for reporting
ANY change in facility license, permit, or registration by DFPS Child Care Licensing, including loss of license/permit	Within 48 hours of notification from DFPS (<i>prior</i> to the effective date)
ANY change affecting the status of facilities regulated by Texas Department of Health or the U.S. Military	Within 48 hours of notification from DFPS (<i>prior</i> to the effective date)
Change in EIN or Tax ID Number	2 weeks <i>prior</i> to the effective date
New finding of a provider or their employee found to be in serious violation of, seriously deficient by or debarred from another State or Federal program (such as the food program)	Within 24 hours after notification received
Other changes that may cause termination of the CCS Provider Agreement	Within 48 hours of the change
Facility name, ownership, governing body or corporate status	30 business days <i>prior</i> to the effective date
New contact person or director	2 weeks <i>prior</i> to the effective date

New address or temporary location	30 business days prior to the effective date
New hours of operation	2 weeks <i>prior</i> to the effective date
Holiday closings	60 business days prior to the closing
Change in the ages of children served	30 business days <i>prior</i> to the effective date
Updated/new facility rates	30 business days <i>prior</i> to the effective date

Note: Failure to report changes may/will affect payment for services provided and may cause CCS children to be moved to another facility.

Some changes require that the existing contract be terminated and a new contract signed. These changes include:

- Change in Child Care License/Permit/Registration number;
- Change in facility ownership, governing body or corporate status;
- Facility or home moves to a different location.

Some changes require that the existing contract be terminated and renewal is not an option. These changes include:

- Loss of license/permit/registration or certification status;
- Provider found to be in serious violation of, seriously deficient by or debarred from another State or Federal program (including the Child and Adult Care Food Program).

Child Care Arrangements

Parents receiving child care services through the CCS program should be treated the same as private paying parents in regard to policies for picking up, dropping off, participation in activities, discipline, records, etc.

Full- and Part-time Care

CCS authorizes and pays for child care services based on the number of days needed per week and the amount of time needed per day by the parent to complete their work and/or training activities.

- A full-day unit of care is 6 to 12 hours of care provided within a 24-hour period;
- A part-day unit of care is fewer than 6 hours of care provided within a 24-hour period;
- Part week care is less than 5 days per week.

CCS includes a parent’s travel time to and from the child care facility and the parent’s work, school or job training site (up to a maximum of 30 minutes each way) when determining whether to authorize full-day or part-day care.

CCS does not refer parents who need part-week or part-day care to providers who do not offer part week or part day care, unless there are no other options for care. Providers will not be paid less when a child enrolled full time occasionally attends for a part day; nor will providers be paid more when a child enrolled part time occasionally attends for a full day. If needed, children who are authorized for part-day care must be allowed to attend up to the full six hours, and children authorized for full-day care must be allowed to attend up to the full twelve hours.

Care for Children in School

Part-day care is authorized for school-aged children who need care before and/or after school hours. Full-day care is authorized for school-aged children who need care only during school holidays and/or summer break, OR if the total number of hours care is provided before and/or after school exceeds six hours. Should a school-aged child need part-day care during the school year, and full-day care during school holidays and summer, care will be authorized accordingly and the provider will be paid what is known as a “blended” rate – a combination of the provider’s full-day and part-day rates that is automatically calculated in the automated system according to the methodology prescribed by TWC. This blended rate is paid across the board for care provided to this population of school-aged children throughout the calendar year.

Enrollment Procedures

Federal law requires that parents be given a choice of providers, including center care, home care and relative care. When an eligible parent chooses a provider who has an agreement with CCS, CCS staff will:

1. Contact the provider to ensure space is available, and if so,
2. Verbally authorize care to begin, , and
3. Follows up the verbal authorization with a written Authorization for Child Care Enrollment Form (Form 2450). The Form 2450 informs the provider of the following:
 - the date child care services are to start;
 - the parent share of cost;
 - days of care authorized;
 - authorized for full or part time care; and
 - authorized for transportation, if needed.

Reimbursement for care is not authorized until the CCS staff has called to authorize the referral. Even if the child is being referred by DFPS or a Workforce Center caseworker, a provider will not receive reimbursement for child care services provided unless CCS has called to authorize the care.

Providers must accept all children referred to them by CCS as long as:

- Children are within the age range the provider is licensed to serve;
- Child’s age group is covered by the Provider Data Worksheet and the Rate Agreement;
- Provider has published rates for the age and type (full time/part time) of referral, and
- Accepting the children doesn’t put the provider over their licensed/registered capacity.

Providers may choose to limit the number of CCS referrals they will accept per age group; however, providers shall not deny a child care referral based on the parent's income status, receipt of public assistance, or the child's protective service status.

When authorizing care, CCS staff notify providers as to the date care is authorized to start. The provider should contact CCS if the child who is referred for care is a "no-show" after the third day they are scheduled to be in attendance. If the child still has not been in attendance by the fifth day after care was authorized to begin, the provider should contact the CCS office and CCS staff will terminate care. The provider will be reimbursed for the five days of care for which the child did not attend.

Provider Policies

Providers must give parents a copy of their policies and answer any questions that they may have. Parents are required to comply with all provider policies, the same as private paying parents, unless the policy is in conflict with CCS policies and guidelines, the Texas Workforce Commission policies or other state or federal policies.

Providers cannot require parents to:

- Pay the difference between CCS reimbursement rates and private pay rates,
- Pay a higher late fee than private paying parents;
- Abide by a different late pick-up policy than private paying parents;
- Pay any mandatory fees charged to private paying parents (ex. Registration fees, supply fees, activity fees, transportation fees, etc.);
- Provide advance notice before removing children from the facility;
- Pay a penalty if CCS ends care without notice; and
- Abide by any policy set by the provider that conflicts with CCS, Workforce Solutions of West Central Texas and/or TWC requirements, rules or policies.

Attendance Tracking

Child Care Attendance Automation (CCAA) System

When parents enroll in the CCS program, they (and those they designate) are issued a swipe card to be used to record their child's attendance. It is the parent's responsibility to use that card to record attendance EACH DAY through the Child Care Attendance Automation (CCAA) System by either using the swipe card on a Point-of-Service (POS) device (at licensed child care centers) or by using the information on the card to call in attendance using an Interactive Voice Response (IVR) system (at licensed/registered homes).

Upon entering into an agreement with CCS to provide services, providers will receive a packet containing information about how to use the CCAA system. If the provider is a licensed center, a POS device for recording attendance will be issued after the first child is enrolled. Providers should contact the CCS office if they have not received a POS device within seven days after the first child is enrolled.

For licensed/registered homes, the telephone that is registered with Child Care Licensing as the provider's official contact number needs to be available to the parent in order for them to call and record attendance.

When the parent records attendance, that information is available to the provider in real time on the CCAA website (also known as the CCAA portal) at <http://www.workforcesolutionschildcare.com/>. Providers are responsible for ensuring accurate and timely attendance and billings; therefore, providers shall review the CCAA portal and its attendance and absence reports every three days at minimum in order to ensure attendance is being recorded; daily reviews are encouraged. To the extent allowable, providers are also encouraged to assist parents with any issues they may have related to recording attendance in order to minimize an interruption in services to the parent and ensure continuity of care for the family.

Additionally, TWC rule requires that providers must:

- Ensure that no employee of the child care provider will ever possess, have on the premises, or otherwise have access to the parent's or secondary cardholder's CCAA attendance card without the parent being present at the provider site;
- Ensure that no employee of the child care provider will ever accept or use a parent's or secondary cardholder's CCAA attendance card or personal identification number (PIN);
- Ensure that no employee of the child care provider will ever perform the attendance/absence reporting function on behalf of a parent;
- Ensure that the owner, director, or assistant director of the child care facility will not be designated as the secondary cardholder by a parent with a child enrolled at the facility;
- Report misuse of CCAA cards and PINs to the CCS office; and
- Maintain the POS machine and have it available for parents and secondary cardholders to use.

Violations of CCAA System Requirements

Should a provider possess, have on the premises, or otherwise have access to the parent's or secondary cardholder's attendance cards without the parent being present at the provider site, but it is determined that the provider is not recording attendance on behalf of the parent or the parent's secondary cardholder, the provider shall be required to enter into a Service Improvement Agreement for three months, which shall include but may not be limited to:

- Closing intake for new clients or those returning from suspension;
- Technical assistance regarding the proper use of the CCAA system; and
- Random, unannounced visits to ensure compliance.

The SIA shall be lifted at the end of the three month period if the provider is found to be in compliance with all requirements of the SIA. A second violation of this policy will result in the termination of the Contract for Services with the provider for six months.

Should a provider accept or use an attendance card or PIN of a parent/cardholder, or perform the attendance reporting function on behalf of a parent/cardholder, the provider shall be required to enter into a Service Improvement Agreement for six months, which shall include but may not be limited to:

- Closing intake for new clients or those returning from suspension;
- Technical assistance regarding the proper use of the CCAA system; and
- Random, unannounced visits to ensure compliance.

The SIA shall be lifted at the end of the six month period if the provider is found to be in compliance with all requirements of the SIA. A second violation of this policy will result in the termination of the Contract for Services with the provider for twelve months.

If, during the course of the review, it is determined that the provider was using the attendance card to record attendance falsely, the incident will be referred to the TWC Office of Investigations for possible fraud. Any outstanding payments owed to the provider for child care services delivered will be temporarily withheld pending the outcome of the investigation. If it is determined that the provider has committed fraud, the following actions will be taken:

- Payment for child care services delivered during the period in question will not be made;
- Recoupment of funds from the provider during the period in question will be collected (if payment has already been disbursed);
- Terminate Contract for Services for a period of twelve months; and

Any other action consistent with the intent of the governing statutes or regulations to investigate, prevent or stop suspected fraud.

Attendance Codes

Each day, parents/cardholders are required to report attendance both upon arrival at/departure from the provider facility according to the instructions they receive with their CCAA swipe card. When attendance is properly entered, the POS/IVR system will confirm the entry. If the parent does not receive a confirmation and needs assistance, the parent should notify the CCS office. The POS machine and the IVR system allow parents/cardholders to record the following attendance codes:

A – The child is absent from care for a reason other than illness or court ordered visit;

I – The child is not in attendance due to illness;

P – The child is present;

C – The child is not in care due to a court ordered visitation (CCS must have the visitation section of the divorce decree on file prior to the parent using this code. If the decree is not on file, CCS will pay this non-attendance as an “A” absence.).

Other attendance codes that will appear in the CCAA system:

H – This code signifies that the CCAA system recognizes this day as a paid holiday for the provider. If the provider is closed for a holiday and this symbol is not automatically populated in the CCAA system for that date, contact the CCS office.

Z – This code signifies that care was authorized for that date, but no swipe occurred to record attendance/absence. In order for the provider to receive reimbursement for that day, the parent or a cardholder must report attendance in arrears (or “back swipe”) according to the reason for the child’s absence (illness, court ordered visit, or absent). The CCAA system allows attendance to be recorded by back swiping no later than six days after the absence occurs. **Therefore, it is CRITICAL that providers review the CCAA portal no less than every three days (preferably daily) in order to identify such instances in sufficient time for them to be corrected.** If not corrected, the provider may collect from the parent their private pay rate for care provided on that day.

Parents with No Card

There will be times that a parent/cardholder does not have a card with which to record attendance – when the parent is first placed on the CCS program or when a card is lost or stolen. Child Care Services (CCS) will pay providers for care during periods that the primary cardholder is waiting on a new or replacement card. Parents must report lost cards within three (3) days of losing the card.

Absences

Parents of CCS-referred children are required to notify the Provider of any days their children will not be in care.

CCS referred children are allowed a total of 30 absences per anniversary year (for any reason) effective the day the child is authorized to begin care. CCS notifies parents of the number of absences accrued for each child after the 10th and 20th days of absence. Providers will be paid for up to 30 absences per child in an authorized anniversary year. When the number of absences reaches and/or exceeds 30, CCS will terminate eligibility for the child and notify the provider of the termination of care. CCS may be able to grant a waiver of the termination policy related to absences if a child’s absences are due to extended illness or other extreme circumstances that cause the child to be absent over 30 days. These waivers are considered on a case by case basis and parents must request this waiver prior to the 30th absence day.

When parents report absences using the CCAA system, the absences can be reported up to three days in advance or up to six days after the absence. When CCS referred children are absent 3 consecutive days without notice from the parent, providers must notify CCS. If the child has not attended by the end of the 5th consecutive day and still no notice has been received from the parent, providers must again notify CCS, and CCS staff will terminate care at the end of the 5th day, as this is considered a voluntary withdrawal from the CCS program. Should the parent return with the child at a point in time after care has been terminated, the provider should direct the parent to contact the CCS office to inquire about the possibility of continuing care.

When parents have a short break in their work and/or education activity, care may continue if appropriate. A short break is defined as 14 calendar days or less, but **may be longer** for those working

in educational environments or enrolled in educational activities during school holidays and breaks or between semesters.

In certain circumstances (including, but not limited to, a temporary cessation of work/training activities or medical incapacitation), a child's care may be suspended, meaning their child care services are terminated, but they remain eligible to return to care. During this suspension period, the provider is not required to hold a space open for the child. When the suspension period is over, the child is eligible for re-enrollment and may be placed with the original provider if space is available, or with another provider if space is not available, or if the parent requests another provider.

Termination

At the time of recertification or when a change in circumstances is reported, CCS may terminate enrollment for the following reasons (including, but not limited to):

- The parent(s) is no longer in a work or training activity the required number of hours;
- The family income exceeds the maximum amount for their family size;
- The child no longer lives with the parent;
- The parent no longer needs child care;
- The child is too old for care;
- The parent did not pay the parent fee;
- The child has excessive absences;
- The parent did not comply with the terms of the parent agreement; or
- The parent did not return all required paperwork within the stated timeframes.

To the extent possible, CCS will notify the provider in advance that a child's enrollment is to be terminated. However, there may be occasions when a child's enrollment must be terminated immediately and CCS is unable to notify the provider in advance. These occasions most often occur when CCS is directed to terminate care immediately by the agency that is authorizing CCS to provide care, such as Child Protective Services or the Choices program.

Parent Share of Cost

Parents on the CCS program are required to pay a portion of the cost of the child care services they receive. This is known as the Parent Share of Cost (PSOC, or sometimes referred to as a "parent fee"). CCS determines the parent share of cost according to the family's gross monthly income, family size and the number of children in care. CCS informs providers of the amount of the parent share of cost, if any, at the time of enrollment. Not all parents are required to pay a parent share of cost. Parent share of cost may be lowered temporarily when parents have extenuating circumstances arise. If providers become aware of a parent who has extenuating circumstances arise, they may recommend that a parent ask CCS for a share of cost reduction. CCS will notify the provider if a parent share of cost has been reduced and, if so, will adjust the reimbursement to the provider accordingly.

Some parents receive other subsidies to help pay for child care. CCS will tell providers which parents receive an additional subsidy and the amount of the additional help, if known; however, this circumstance is rare.

Providers must collect the parent share of cost and other subsidies prior to services being rendered. Providers keep the share of cost they collect, and the amount of the assessed parent share of cost is deducted from the CCS reimbursement to the provider.

CCS requires parents to pay their PSOC in full by the 3rd day of each month. Providers must notify CCS on the 3rd day of the month if the PSOC remains unpaid or is not paid in full by that date. When providers notify CCS about nonpayment of parent share of cost/subsidies, CCS will terminate the enrollment of the CCS-referred child. CCS will require parents to pay the provider their unpaid parent share of cost before allowing the parent to re-enroll in the CCS program if the provider informs CCS of the unpaid fees within the required time frame. If notification is not made in a timely manner, the provider is solely responsible for collecting the unpaid parent share of cost.

Parents are required to pay their parent share of cost and subsidies even when the children are scheduled to attend but do not, and when the parent takes vacation days.

Payment

Provider Published Rate

The provider's published rate is the rate charged to the general public plus any enrollment/registration and supply fees not charged to the parent prior to enrollment, pro-rated to a daily rate. Provider's published rates must be provided to CCS when the contract between the parties is negotiated. If, after the agreement is signed, a provider changes their published rates they must send written documentation of the new rates to CCS. An amendment to the Provider Agreement will be prepared that reflects the new rates. The new rates will be effective the first full month after an amended Provider Agreement has been signed.

Providers determine a single rate for full-time care and a single rate for part-time care for each of four age categories, for a total of eight rates. The age categories are: infant (birth through 17 months), toddler (18 through 35 months), preschool (36 months through 5 years), and school age (6 years to 12 years). CCS will assist providers who have multiple rates within an age category in determining their rate for that category.

CCS Rates

Actual payment rates for individual providers are calculated as indicated in the Provider Agreement. Provider payment rates are based on the following:

- The ages of the children served;
- The type of facility;
- Whether additional adult help is needed for children with disabilities;

- Certification as a Texas Rising Star provider, Texas School Ready! provider, or a provider's status as a nationally accredited program as recognized by TWC;
- Whether or not the provider charges a separate fee for transportation.

The reimbursement paid to the provider will be the CCS maximum rate or the provider's published rate, whichever is lower, less the parent share of cost; and any child care funds received by the parent from other public or private entities.

The Workforce Solutions of West Central Texas Board establishes maximum reimbursement rates for child care subsidies based on local factors, including a market rate survey provided by TWC to ensure that the rates provide equal access to child care in the local market and in a manner consistent with state and federal statutes and regulations governing child care. The Board's maximum reimbursement rates are 5% greater than the established maximum reimbursement rates for providers for those providers participating in the Texas School Ready!™ project, the Texas Rising Star program, or are nationally accredited by programs recognized by TWC. In no case shall a provider's reimbursement exceed the provider's published rate.

An inclusion rate, a special rate paid for the care of a child diagnosed with special needs (if warranted), takes into consideration the estimated cost of additional staff needed to care for a child with disabilities and can be up to 190% of the provider reimbursement rate for a child of the same age.

If CCS determines the payment of an inclusion rate is warranted, CCS staff will ensure that the provider complies with requirements for payment of the inclusion assistance rate within thirty (30) days, and will visit a provider receiving the inclusion rate quarterly to ensure that the additional staff is used as required.

CCS may reimburse providers that offer transportation as long as the combined total of the provider's published rate, plus the transportation rate, is equal to or less than the determined maximum reimbursement rate.

Payment

Attendance records generated from the CCAA system will be used as the basis for payment; adjustments will be made as appropriate for non-swipes as provided for in this *Child Care Provider Manual*. The Provider may choose to be reimbursed either once or twice monthly. All reimbursement is made via direct deposit.

The provider will be paid:

- For up to 9 holidays as negotiated in the provider's contract. If a holiday is to be paid, information must be submitted before the beginning of the year and any changes must be done before the holiday occurs.
- For days when providers must close due to extraordinary circumstances beyond the provider's control (such as closing for extreme weather, emergency situations, or when essential services are not available), the provider must inform CCS by phone or email within 24 hours of the closure in order to be paid under these circumstances.

- For any authorized days the child is scheduled to attend as stated on the Authorization for Child Care Enrollment Form (Form 2450).
- When enrolled children are absent, as long as the provider follows the requirements for absences as outlined in this *Child Care Provider Manual*.

Providers will not be paid:

- If the provider offers care prior to receiving either a verbal enrollment authorization or the Authorization for Child Care Enrollment Form (Form 2450);
- For holding spaces open;
- For child care provided prior to the effective date of a Provider Agreement;
- For late pick-up fees or insufficient funds fees;
- For authorized days that the client fails to record child's attendance unless it is due to a new/lost card;
- More than 10 consecutive recorded absences of any type (A, I, C).

CCS will not pay providers less when a child enrolled full time occasionally attends for a part day; or more when a child enrolled part time occasionally attends for a full day. Children enrolled for part-day care may occasionally attend full day for no additional payment. Occasional attendance is defined as no more frequently than once a month and is always pre-arranged between the parents and the provider.

Providers will be required to refund any payments that they are not entitled to, including over payments, duplicate payments, or payments made in error.

Providers shall report to CCS any discrepancies between the authorization and the referral in the CCAA system within five days of receiving the written authorization. Failure to report the discrepancy may result in withholding payment to the provider.

Provider Fees

Because the provider will be reimbursed over time for enrollment/registration and supply fees, the provider cannot charge a CCS-referred parent a separate enrollment/registration or supply fee. If the provider offers extra activities such as swimming lessons, dance lessons, class pictures, etc. that are voluntary, the provider may charge CCS-referred parents for those particular activities if the parent chooses to allow their child to participate in the event.

Providers may not charge an additional fee to a part day child unless the child is in attendance for more than six hours or full day child unless the child is in attendance more than 12 hours, unless either is still in attendance past the closing time for the facility and it is the providers policy to charge a late fee under these circumstances.

The provider may charge the parent late pick-up fees or insufficient funds fees.

CCS does not assist with the collection of these fees.

Policy Conflicts

CCS-referred parents must comply with all provider policies unless the provider's policy and CCS policy conflict. In case of conflicting policies, the CCS policy will take precedent over the provider's policy.

When a provider is not able to comply with a rule or procedure, the provider may ask CCS for a waiver of the rule or policy. A waiver could allow the provider to meet the requirement in a different way, or have the rule or procedure set aside because of extraordinary circumstances. Providers should send written requests for waivers to CCS for consideration.

Provider Responsibilities, Reporting, and Record Keeping Requirements

Provider Responsibilities

Providers are responsible for:

- Complying with the terms of their Provider Agreement and the policies and procedures within this *Child Care Provider Manual*;
- Complying with CCAA requirements and responsibilities;
- Reporting any changes that could affect the agreement between the provider and CCS, including changes in rates, policies, holidays, location, ownership/directorship, etc.;
- Collecting the assessed parent share of cost and other child care funds received by the parent before child care services are delivered.

Provider Reporting Requirements

Providers shall report the following:

- Any misuse of CCAA cards or PIN numbers;
- Instances in which the parent fails to pay the parent share of cost;
- Any corrective or adverse action taken by the provider's licensing agency (be it Child Care Licensing, the Texas Department of State Health Services or the United States Military) within one work day of said action. CCS may be prohibited from executing or renewing a Provider Agreement under such circumstances and will be evaluated on a case by case basis;
- When an enrolled child is absent 3 days without notice;
- Immediately report any action taken by the provider to terminate or suspend care for a CCS child;
- When a child is absent for 10 consecutive days (whether or not the parent has given notification).

Provider Record Keeping Requirements

When a CCS-referred child's enrollment ends, the provider must keep receipts for parent share of cost payments and other subsidies collected, and any other records related to financial claims for a minimum of 3 years. Records must be kept of the amount collected from each parent and the parent must be given a receipt. Parent receipts must include names of the parent and child, time period covered by the payment, the amount paid, and the date collected.

Provider Monitoring

CCS is required to monitor providers who had or who currently have CCS-referred children enrolled at least annually. The focus of the monitoring will include the following:

- Compliance with the terms of the Provider Agreement and the *Child Care Provider Manual*;
- Compliance with CCAA requirements and responsibilities;
- Compliance with Texas Rising Star Provider Criteria, if applicable;
- Compliance with inclusion plans and use of inclusion assistance, if applicable;
- A review of the provider's records to determine that the rates reported to CCS are consistent with rates paid by non-CCS-referred parents.

Monitoring visits may be unannounced. Providers must allow reasonable access during regular business hours for program and fiscal monitoring relating to CCS-referred children. Records must be made accessible and the provider must supply copies on request to people who are authorized to see records and documents. People authorized to see provider records are:

- CCS and Workforce Solutions of West Central Texas Board staff;
- Contractors performing Texas Rising Star reviews and other quality initiatives on behalf of the Board;
- Texas Workforce Commission staff;
- Representatives of the State Attorney General's Office; and
- Representatives of federal government offices with responsibility for managing and auditing federal and state child care programs.

While CCS staff do not monitor for compliance with Child Care Licensing or any other licensing entity's standards, CCS staff is required to report any suspected noncompliance with licensing or registration criteria to TDFPS licensing staff.

Service Improvement Agreements

CCS may negotiate a Service Improvement Agreement when providers do not meet the terms of the Provider Agreement or do not follow the procedures in the *Child Care Provider Manual*, unless the non-compliance is severe enough to warrant termination of the Provider Agreement.

Service Improvement Agreements will:

- State the issue,
- Explain what improvements must be made,
- Offer options for improvements,
- Identify the assistance CCS can offer,
- Set time limits for improvements,
- List the consequences for not making the improvements, including the following:
 - Temporarily or permanently withholding payment,
 - Discontinuing referral of children to the provider,
 - Terminating CCS-referred children's enrollment with the provider, or
 - Recouping funds paid to the provider.

- Be signed by the provider and CCS.

Suspected Fraud

A provider may be suspected of fraud if one or more of the following is presented:

- A request for reimbursement:
 - In excess of the amount charged by the provider for the child care provided; or
 - Is made when the provider's license or registration is no longer valid.
- A claim for child care services if evidence indicates that the person may have:
 - known, or should have known, that child care services were not provided;
 - known, or should have known, that information provided is false or fraudulent;
 - received child care services during a period in which the parent or child was not eligible for services;
 - known, or should have known, that child care services were provided by a provider not eligible to be a CCS provider;
 - otherwise indicated that the person knew or should have known that the actions were in violation of state or federal statute or regulations relating to child care services;
 - otherwise indicated that the person knew or should have known that the actions were in violation of state or federal statute or regulations relating to child care services;
 - provider violates CCAA rules regarding possession or use of a parent's or secondary cardholder's CCAA card.

CCS may initiate an investigation and if appropriate the investigation may be referred to the Texas Workforce Commission or law enforcement for criminal prosecution, if the provider is suspected of conduct as described above.

If you suspect program abuse by either a parent or other providers you can contact TWC's Fraud and Program Abuse Hotline at 800-252-3642.

Children with Disabilities

The Americans with Disabilities Act (ADA) requires public accommodations to ensure access for all individuals regardless of disabilities. All child care providers, including child care centers, licensed child care homes, and registered child care homes, must comply with this law by accepting children with disabilities in their facility and by making it possible for parents with disabilities to access child care facilities, unless reasonable accommodation is not readily achievable.

Parents of children with disabilities have the same right to parent choice as other parents. Parents may choose to place children according to location or convenience, even if the provider chosen does not have experience caring for children with disabilities.

While child care providers are legally responsible for making reasonable modifications for any child with disabilities, an inclusion assistance rate is made available to providers serving CCS children to assist them in making such reasonable accommodations. The inclusion assistance rate also is available to assist providers and families if a child's disability requires more than just reasonable modifications for the child to be fully included in the child care provider's daily activities.

If a provider believes they have a child with disabilities whose care could be enhanced by the receipt of an inclusion assistance rate, the following steps should be taken:

- The provider should discuss with the parent the provider's concerns regarding the child's special needs.
- The provider can recommend that the parent contact the CCS office to discuss inclusion assistance rate benefits and the process for determining if the inclusion rate assistance is warranted. The inclusion assistance rate can be requested **ONLY** by the parent, not by the child care provider.
- The provider can also refer the parent to the programs listed in the paragraph below to inquire about services, as the receipt of these services is a requirement for receiving the inclusion assistance rate.

Upon receiving a request by a parent for payment of inclusion assistance rates for the care of their child, CCS staff must verify a child's eligibility for the inclusion assistance rate by confirming the child's enrollment in or receipt of benefits from one or more of the following programs:

- Supplemental Security Income (SSI) benefits
- Social Security Disability Insurance (SSDI) benefits
- Texas Department of Assistive and Rehabilitative Services Early Childhood Intervention (ECI) program
- A Head Start program that identified the child as having a disability
- Public school special education services, including preschool programs for children with disabilities (PPCD)

Once verification of a child's participation in one of the programs listed above is made, CCS staff will ensure that a qualified professional familiar with assessing the needs of children with disabilities certifies the need for the inclusion assistance rate. This professional will request that both the parent and the provider complete questionnaires and will conduct observations at the provider site to confirm a need for the inclusion assistance rate. Additional factors that this professional will take into account when certifying the need for the inclusion assistance rate include:

- Additional staff and necessary training;
- Necessary equipment;
- Necessary minor renovations;
- Expected duration of the inclusion assistance rate; and
- The percentage of the increased rate, which is not to exceed 190 percent of the provider's reimbursement rate.

If it is determined that the inclusion assistance rate is warranted, the additional funds may be used to help pay for extra staff, or for additional wages to a current staff member who has special skills necessary to help the child with a disability. Inclusion assistance may not be used to pay for counseling, therapy, or medical services. These services may be provided through cooperating agencies and are not considered additional adult assistance needed to include the child in the facility's program. If the additional reimbursement is approved, an Inclusion Plan will be developed with the parents, provider, CCS, and any other professionals familiar with the child. Verification of the provider's compliance with the Inclusion Plan will be made within 30 calendar days of receiving approval for the inclusion assistance rate.

REMEMBER: All information about children with disabilities is confidential. Information about children with disabilities cannot be given to anyone, either in writing or verbally, without permission from the parent. Provider caregivers working directly with children with disabilities must learn all they can about the children, including confidential information, but must not share that information with other caregiver staff who do not work with the child with disabilities, other providers, other parents, or visitors.

REMEMBER: If a provider refuses to provide care to children with disabilities, they must be prepared to justify their decisions if challenged. Providers must document in writing any efforts to provide for a reasonable accommodation of the child's needs and show why it was not successful or readily achievable. Refusal to accept children with disabilities without justification may result in termination of the Provider Agreement.

Inclusion rate assistance is not always warranted in order for the provider to offer the proper care needed by children with disabilities. CCS staff can provide support to providers who serve children with disabilities to create supportive environments for the children and their families by providing technical assistance upon the request of the provider. Most communities have resources available to parents of children with disabilities, and most of the resources will be available to providers. If needed, CCS will assist providers in locating local resources, which may include local, state, and national associations for persons with disabilities, parent support groups and organizations; and educational services.

Texas Rising Star Provider Certification Program

The Texas Rising Star (TRS) program is a voluntary, quality-based child care rating system for child care providers serving CCS-subsidized children. TRS providers are eligible to receive compensation above the standard Board maximum rate (up to the provider's published rate) depending upon the certification level achieved. Effective September 1, 2015, those providers certified at the Two Star level receive compensation 5% above the Board's maximum rate, Three Star level = 7%, and Four Star level = 9%. Again, compensation cannot exceed the provider's published rate.

A child care provider is eligible to apply for TRS certification if the provider has a current agreement with CCS and the provider:

- has a permanent (non-expiring) license or registration from DFPS;
- has at least 12 months of licensing history with DFPS; and is not on:

- corrective action with CCS;
- a “Notice of Freeze” with the Texas Workforce Commission pursuant to Chapter 213 of the Texas Labor Code (Enforcement of Texas Unemployment Compensation Act) or Chapter 61 of the Texas Labor Code (Payment of Wages); or
- corrective or adverse action with DFPS; or
- is regulated by and in good standing with the US Military.

Providers that voluntarily achieve TRS provider certification offer quality care that exceeds the State’s Minimum Child Care Licensing Standards in the five categories listed below:

- Director and Staff Qualifications and Training
- Caregiver-Child Interactions
- Curriculum
- Nutrition and Indoor/Outdoor Activities
- Parent Education and Involvement.

Providers who are interested in becoming certified as a TRS provider should contact the CCS office. The CCS Child Development Specialist (CDS) will guide providers through the application process and assist in preparing the provider for the TRS assessment. Services may include technical assistance, mentoring and the provision of equipment and supplies. Once the provider and CDS staff feel the provider is prepared for their formal TRS assessment, a team of independent assessors will be notified and the assessment will be scheduled. The assessment team will make an on-site visit to assess the required measures for certification. The assessment team will enter their scores into the state’s data system where the scores will be calculated and a star level assigned. The assessment team will then share the results of their assessment with the provider. If the provider would like to then strive to achieve a higher level of certification, or maintain the level of certification already achieved, the assessment team will develop a Service Improvement Agreement for the provider and offer assistance to the provider in order to achieve their improvement goals. Reassessments will be conducted no less than every three years, with random monitoring visits conducted no less than annually to ensure TRS standards are being maintained. More frequent visits may be required should circumstances warrant.

Asking Questions and Solving Problems

As a provider you need to have all the information you need to provide care for the children whose care we subsidize.

Questions about Policies

If you have questions about the Provider Agreement or about any of the rules or policies outlined in the Provider Manual, please contact the CCS office.

Complaints by Parents against Providers

Providers may receive complaints from parents about your care or policies. Most complaints can be handled directly between you and the parent. If you are unable to resolve the issue, you should refer

the parent to CCS. Sometimes the parent will request to move their children to another facility. If this happens, we will try to resolve the problem rather than move the child. If we determine the problems between the parent and provider cannot be resolved, the parent will be allowed to transfer the child to another facility. You cannot require these parents to provide notice that they will be choosing other care options.

Complaints by Parents or Providers against CCS

If parents have concerns or complaints regarding the CCS program or staff, please refer them to the CCS Director at (325) 795-4200.

Adverse Action against Providers

If a provider wishes to appeal an adverse action taken against them by the CCS Contractor, they may do so. Providers are first encouraged to attempt an informal resolution of the issue by contacting the CCS Director at (325) 795-4200. If this informal attempt at resolution fails, you may file a written complaint. A written complaint must include your name, current address, telephone number and/or email address and a brief statement of the alleged violation identifying the facts on which the complaint is based. Address your complaint to:

**Child Care Contract Manager
Workforce Solutions of West Central Texas
500 Chestnut St., Ste. 1200
Abilene, TX 79602**

After receiving the complaint, and once jurisdiction is determined, you will be contacted to set a date for a hearing. Once the written complaint is received, you will have a hearing and a determination within 60 days. At the time of the decision you will be provided with additional options to appeal the Board's decision if you are not satisfied with the outcome.