

# Child Care

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The Child Care section of the plan is effective on the date that it is approved by OCFS. The approval date for the Child Care section of the plan can be found on [the OCFS website](#).

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## Appendix K: Child Care Administration

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Describe how your district is organized to administer the child care program, including any functions that are subcontracted to an outside agency.

### 1. Identify the unit that has primary responsibility for the administration of child care for:

<b>a. Public Assistance Families:</b>	Temporary Assistance Units
<b>b. Transitioning Families:</b>	Day Care Unit
<b>c. Income Eligible Families:</b>	Day Care Unit
<b>d. Title XX:</b>	Children Services

### 2. Provide the following information on the use of New York State Child Care Block Grant (NYSCCBG) Funds.

<b>Item</b>	<b>Amount</b>
<b>a. FFY 2017-2018 Rollover funds:</b> <i>(available from the NYSCCBG ceiling report in the claiming system)</i>	\$2213884
<b>b. Estimate FFY 2018-2019 Rollover Funds:</b>	\$1542686
<b>c. Estimate of Flexible Funds for Family Services transferred to the NYSCCBG:</b>	\$0
<b>d. NYSCCBG Allocation 2019:</b>	\$24639999
<b>e. Estimate of Local Share:</b>	\$2021883
<b>Total Estimated NYSCCBG Amount:</b>	\$26853883
<b>f. Subsidy:</b>	\$22751371
<b>g. Other program costs excluding subsidy:</b>	\$1748102
<b>h. Administrative costs:</b>	\$811723

### 3. Does your district have a contract or formal agreement with another organization to perform any of the following functions using the NYSCCBG?

**Function**

**Organization**

**Amount of Contract**

- a. Subsidy eligibility screening
- b. Determining if legally-exempt providers meet OCFS-approved additional local standards  
*(must be noted in Appendix Q with the corresponding additional standard)*
- c. Assistance in locating care
- d. Child care information systems
- e. Payment processing
- f. Other  
*Please specify function:*

## Appendix L: Other Eligible Families if Funds are Available

Listed below are the optional categories of eligible families that your district can include as part of its County Plan. Select any categories your district wants to serve using the NYSCCBG funds and describe any limitations associated with the category.

Optional Categories	Option	Limitations
<b>1. Public Assistance (PA) families participating in an approved activity in addition to their required work activity.</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No	Both activities must be approved by the Employment Division
<b>2. PA families or families with incomes up to 200% of the State Income Standard when child care services are needed for the child to be protected because the caretaker is:</b>		
<b>a) participating in an approved substance abuse treatment program</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No	PA families with an approval from MAAT Unit
<b>b) homeless</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No	Families seeking housing and: seeking employment or, engaged in work or, participating in an approved educational or vocational activity approved by the employment division
<b>c) a victim of domestic violence and participating in an approved activity</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No	PA families with an approval from Employment Division

<p><b>d) in an emergency situation of short duration</b></p>	<input type="radio"/> Yes <input checked="" type="radio"/> No	
<p><b>3. Families with an open child protective services case when child care is needed to protect the child.</b></p>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<p>Approval by the child protective service worker required</p>
<p><b>4. Families with incomes up to 200% of the State Income Standard when child care services are needed for the child to be protected because the child's caretaker:</b></p>		
<p><b>a) is physically or mentally incapacitated</b></p>	<input type="radio"/> Yes <input checked="" type="radio"/> No	
<p><b>b) has family duties away from home</b></p>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<p>Active Military Duty only</p>
<p><b>5. Families with incomes up to 200% of the State Income Standard when child care services are needed for the child's caretaker to actively seek employment for a period up to six months. Child care services will be available only for the portion of the day the family can document is directly related to the caretaker engaging in such activities.</b></p>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<p>Family must have an active subsidy child care case and reported loss of employment within 10 days would be eligible for a period not to exceed 3 months to actively job search and for a maximum of 25hrs/week</p>
<p><b>6. PA families where a sanctioned parent or caretaker relative is participating in unsubsidized employment, earning wages at a level equal to or greater than the minimum amount under law.</b></p>	<input checked="" type="radio"/> Yes <input type="radio"/> No	
<p><b>7. Families with incomes up to 200% of the State Income Standard when child care services are needed for the child's caretaker to participate in:</b></p>		
<p><b>a) a public or private educational facility providing a standard high school curriculum offered by or approved by the local school district</b></p>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<p>Limited to Parent/Caretaker under the age of 21  Limitations removed from October 1, 2019, through September 30, 2021 under the Expansion of the Child Care Assistance Program (19-OCFS-LCM-26). Approval is contingent on the availability of expansion program funding. If funds are insufficient to continue Child Care Expansion Program, limitation would be reinstated to caretakers under the age of 21. Active cases with a caretaker 21 years of age and older would be discontinued and intake of new applications stopped.</p>

<p><b>b) an education program that prepares an individual to obtain a NYS High School equivalency diploma</b></p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>	<p>Limited to Parent/Caretaker under the age of 21  Limitations removed from October 1, 2019, through September 30, 2021 under the Expansion of the Child Care Assistance Program (19-OCFS-LCM-26). Approval is contingent on the availability of expansion program funding. If funds are insufficient to continue Child Care Expansion Program, limitation would be reinstated to caretakers under the age of 21. Active cases with a caretaker 21 years of age and older would be discontinued and intake of new applications stopped.</p>
<p><b>c) a program providing basic remedial education in the areas of reading, writing, mathematics, and oral communications for individuals functioning below the ninth month of the eighth-grade level</b></p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<p><b>d) a program providing literacy training designed to help individuals improve their ability to read and write</b></p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<p><b>e) an English as a second language (ESL) instructional program designed to develop skills in listening, speaking, reading, and writing the English language for individuals whose primary language is other than English</b></p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>	<p>Effective October 1, 2019, through September 30, 2021 under the Expansion of the Child Care Assistance Program (19-OCFS-LCM-26). Approval is contingent on the availability of expansion program funding. If funds are insufficient to continue Child Care Expansion Program, cases would be closed and intake of new applications ceased. Caretakers working less than 20hrs/week and enrolled in an approved program would be served using Expansion of Child Care Program funds.</p>
<p><b>f) a two-year full-time degree granting program at a community college, a two-year college, or an undergraduate college with a specific vocational goal leading to an associate's degree or certificate of completion</b></p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>	<p>Effective October 1, 2019, through September 30, 2021 under the Expansion of the Child Care Assistance Program (19-OCFS-LCM-26). Approval is contingent on the availability of expansion program funding. If funds are insufficient to continue Child Care Expansion Program, cases would be closed and intake of new applications ceased. Caretakers working less than 20hrs/week and enrolled in an approved program would be served using Expansion of Child Care Program funds.</p>

<p><b>g) a training program, which has a specific occupational goal and is conducted by an institution other than a college or university that is licensed or approved by the State Education Department</b></p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>	<p>Effective October 1, 2019, through September 30, 2021 under the Expansion of the Child Care Assistance Program (19-OCFS-LCM-26). Approval is contingent on the availability of expansion program funding. If funds are insufficient to continue Child Care Expansion Program, cases would be closed and intake of new applications ceased. Caretakers working less than 20hrs/week and enrolled in an approved program would be served using Expansion of Child Care Program funds. The following limitations also apply: Vocational education programs to provide participants with a marketable job skill in local demand occupational sectors. Program must be on the district approved program list.</p>
<p><b>h) a prevocational skill training program such as a basic education and literacy training program</b></p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<p><b>i) a demonstration project designed for vocational training or other project approved by the Department of Labor</b></p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<p><b>Note:</b> The caretaker must complete the selected programs listed within 30 consecutive calendar months. The caretaker cannot enroll in more than one program.</p>		
<p><b>8. PA recipients or low-income families with incomes up to 200% of the State Income Standard who are satisfactorily participating in a two-year program other than one with a specific vocational sequence (leading to an associate's degree or certificate of completion and that is reasonably expected to lead to an improvement in the caretaker's earning capacity) if the caretaker is also working at least 17½ hours per week. The caretaker must demonstrate his or her ability to successfully complete the course of study.</b></p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	

<p><b>9. PA recipients or low-income families with incomes up to 200% of the State Income Standard who are satisfactorily participating in a two-year college or university program (other than one with a specific vocational sequence) leading to an associate's degree or a certificate of completion that is reasonably expected to lead to an improvement in the caretaker's earning capacity if the caretaker is also working at least 17½ hours per week. The caretaker must demonstrate his or her ability to successfully complete the course of study.</b></p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<p><b>10. PA recipients or low-income families with incomes up to 200% of the State Income Standard who are satisfactorily participating in a four-year college or university program leading to a bachelor's degree and that is reasonably expected to lead to an improvement in the caretaker's earning capacity if the caretaker is also working at least 17½ hours per week. The caretaker must demonstrate his or her ability to successfully complete the course of study.</b></p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>	<p>Limitation: For PA recipients only with approval from the employment division a four year college program would be the highest level of post-secondary level education that could be approved. This approval would be determined based on the individual's assessment plan toward self-sufficiency and the district's need to meet Federal and State work participation requirements. Approval for enrollment considers factors such as: the individual's ability to successfully complete the program; whether it is necessary for the achievement of the individual's employment goals outlined in their Employment Plan; and whether such goals relate directly to obtaining employment in an occupation with favorable job prospects. Continued approval of enrollments is based on the participant maintaining satisfactory progress to complete the course of study. Verification of school attendance is the responsibility of the participant</p>
<p><b>11. Families with incomes up to the 200% of the State Income Standard when child care services are needed for the child's caretaker to participate in a program to train workers in an employment field that currently is or is likely to be in demand in the future, if the caretaker documents that he or she is a dislocated worker and is currently registered in such a program, provided that child care services are only used for the portion of the day the caretaker is able to document is directly related to the</b></p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	

# Appendix M #1: Reasonable Distance, Recertification Period, Family Share, Very Low Income, Federal and Local Priorities

## I. Reasonable Distance

Define "reasonable distance" based on community standards for determining accessible child care.

1. The following defines "reasonable distance":

90 minutes or less each way

The amount of travel time indicated by the applicant will be accepted as indicated if the travel time is one hour or less each way. If the amount indicated is more than one hour each way, additional information or documentation must be provided to determine reasonable distance.

2. Describe any steps/consultations made to arrive at your definition:

Consultations with Day Care Unit, Employment Program, Temporary Assistance staff and Child Care providers.

## II. Recertification Period

**The district's recertification period for low income child care cases is every:**

- Six months
- Twelve months

## III. Family Share

"Family Share" is the weekly amount paid towards the costs of the child care services by the child's parent or caretaker. Your district must select a family share percentage from 10% to 35% to use in calculating the amount of family share. The weekly family share of child care costs is calculated by applying the family share percentage against the amount of the family's annual gross income that is in excess of the State Income Standard divided by 52.

Family Share Percentage selected by the district:

35%

Additional Description of this Family Share Percentage:

**Note:** The family share percentage selected here must match the percentage entered in the Program Matrix in the Welfare Management System (WMS).

## IV. Very Low Income

Define "very low income" as it is used in determining priorities for child care benefits.

"Very Low Income" is defined as **100%** of the State Income Standard.

## V. Federal and Local Priorities

1. The district must rank the federally mandated priorities. Cases that are ranked 1 have the highest priority for receiving child care assistance. These rankings apply to case closings and case openings.

### a. Very low income as defined in Section IV:

- Rank 1
- Rank 2
- Rank 3

### b. Families with incomes up to 200% of the State Income Standard that have a child with special needs and a need for child care:

- Rank 1
- Rank 2
- Rank 3

### c. Families with incomes up to 200% of the State Income Standard that are experiencing homelessness:

- Rank 1
- Rank 2
- Rank 3

## 2. Does the district have local priorities?

- Yes
- No

If yes, list them below and rank beginning with Rank 4.

# Appendix M #2: Case Openings, Case Closings, and Waiting List

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## I. Case Openings When Funds Are Limited



If a social services district does not have sufficient funds to provide child care services to all families who are applying, the district may decide to open certain categories of families as funds become available. The district must open federal priorities first. If the district identified local priorities, they must be opened next. **After the federal and local priorities**, identify the basis upon which the district will open cases if funds become available. Select one of the options listed below and describe the process for opening.

1. Open cases based on **FIRST COME, FIRST SERVED**.

2. Open cases based on **INCOME**.

**If opening based on income...**

The district will open cases starting from the lowest income to the highest income.

The district will open cases based on income bands, starting from the lowest income band to the highest income band.

If using income bands, list the bands, starting from the one that will be opened first:

0-99% SIS

100%-125% SIS

126%-149% SIS

150%-174% SIS

175%-200% SIS

3. Open cases based on **CATEGORY OF FAMILY**.

4. Open cases based on **INCOME AND CATEGORY OF FAMILY**.

5. Open cases based on **OTHER CRITERIA**.

## II. Case Closings When Sufficient Funds Are Not Available

If a social services district does not have sufficient funds to continue to provide child care assistance to all families in its current caseload, the district may decide to discontinue child care assistance to certain categories of families. The district must close federal priorities last. If the district identified local priorities, they must be closed next to last. **After the federal and local priorities**, describe the basis upon which the district will close cases if sufficient funds are not available.

**If no priorities are established beyond the federally mandated priorities** and all funds are committed, case closings for families that are not eligible under a child care guarantee and are not under a federally mandated priority must be based on the length of time they have received services (must choose #1 below).

Select one of the options listed below and describe the process for closing.

1. Close cases based on **AMOUNT OF TIME** receiving child care services.

2. Close cases based on **INCOME**.

**If closing based on income...**

The district will close cases starting from the highest income to the lowest income.

- The district will close cases based on income bands, starting from the highest income band to the lowest income band.

If using income bands, list the bands, starting from the one that will be closed first:

175%-200% SIS

150%-174% SIS

126%-149% SIS

100%-125% SIS

0-99% SIS

- 3. Close cases based on **CATEGORY OF FAMILY**.
- 4. Close cases based on **INCOME AND CATEGORY OF FAMILY**.
- 5. Close cases based on **OTHER CRITERIA**.

### III. Waiting List

The district will establish a waiting list when there are not sufficient funds to open all eligible cases.

- No
- Yes

## Appendix M #3: Fraud and Abuse Control Activities and Inspections

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### I. Fraud and Abuse Control Activities

1. Describe below the criteria the district will use to determine which child care subsidy applications suggest a higher than acceptable risk for fraudulent or erroneous child care subsidy payments in addition to procedures for referring such applications to the district's front-end detection system.

The District conducts FEDS investigations on child care subsidy applications if an application contains 1 or more indicator(s) as listed below and the eligibility worker is not confident that the indicator in question has been explained or supported adequately. Once identified, the application is referred to the Special Investigations Division (SID) via the completion of form B-5390 with documentation of the identified indicator for a FEDS investigation. Upon receipt of a child care FEDS referral, an SID Special Investigator is assigned to the case. The Special Investigator schedules an office or home visit with the applicant. The Special Investigator will conduct an investigation and respond to the Day Care Unit within 21 days of the receipt referral as to the findings of the investigation. The eligibility worker will respond to SID within 45 days of the receipt of the findings, by completing the B-5389 SID FEDS/Child CARE Unit Survey Response form and indicating the action taken on the case.

- Information on Child Care Assistance Application is inconsistent with case information
- Applicant indicates he/she is working off the books
- Applicant is self-employed, but cannot provide adequate business records
- Applicant has a prior history of case denial, case closing or overpayment
- Child Care provider lives in the same residence as the child being provided care
- Applicant is employed by the Child Care Facility/provider that the child attends

2. Describe the sampling methodology used to determine which cases will require verification of an applicant's or recipient's continued need for child care, including, as applicable, verification of participation in employment, education, or other required activities.

*The district cannot use criteria such as the age of provider, the gender of provider, a post office box address, or evidence that the child lives in the same residence as the provider as indicators in drawing the sample.*

Applicant's/Recipients are subject to a 90 day review of income verification to determine continued need for child care assistance

3. Describe the sampling methodology used to determine which providers of subsidized child care services will be reviewed for the purpose of comparing the child care provider's attendance forms for children receiving subsidized child care services with any Child and Adult Care Food Program inspection forms to verify that child care was actually provided on the days listed on the attendance forms.

A random sample of 25 child care providers will be selected on a quarterly basis for the purpose of comparing the child care providers attendance forms for children receiving subsidized child care services with any Child and Adult Care Food program inspection forms to verify that child care was actually provided on the days list on the attendance forms. Any provider selected in the calendar year will not be included in subsequent samples unless a discrepancy is found.

## II. Inspections of Child Care Provider Records and Premises

The district may choose to make announced or unannounced inspections of the records and premises of any provider/program that provides child care for subsidized children to determine if the child care provider is in compliance with applicable laws and regulations and any additional requirements imposed on such a provider by the social services district per 18 NYCRR §415.4(h)(3).

The district has the right to make inspections *prior to subsidized children receiving care* of any child care provider, including care in a home, to determine whether the child care provider is in compliance with applicable laws and regulations and any additional requirements imposed on such a provider by the district.

The district must report violations of regulations as follows:

1. Violations by a licensed or registered child care provider must be reported to the applicable Office of Children and Families (OCFS) Regional Office.
2. Violations by an enrolled or enrolling legally-exempt child care provider must be reported to the applicable Enrollment Agency.

**Does the district choose to make inspections of such child care providers/programs?**

- No.
- Yes. Provide the details of your inspections plan below.

**The following types of subsidized child care providers/programs are subject to this requirement:**

**Legally-Exempt Child Care**

- In-Home
- Family Child Care
- Group programs not operating under the auspices of another government agency
- Group programs operating under the auspices of another government agency

**Licensed or Registered Child Care**

- Family Day Care
- Registered School-Age Child Care
- Group Family Day Care
- Day Care Centers
- Small Day Care Centers

## Appendix N: District Options

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Districts have some flexibility to administer their child care subsidy programs to meet local needs. Districts must complete Question I below. Note that all districts must complete the differential payment rate table in Appendix T.

**I. The district selects:**

- None of the options below
- One or more of the options below

**II. Districts must check the options that will be included in the district's county plan and complete the appropriate appendix for any option checked below.**

- 1. The district has chosen to establish funding set-asides for NYSCCBG (complete Appendix O).
- 2. The district has chosen to use Title XX funds for the provision of child care services (complete Appendix P).
- 3. The district has chosen to establish additional local standards for child care providers (complete Appendix Q).
- 4. The district has chosen to make payments to child care providers for absences (complete Appendix R).
- 5. The district has chosen to make payments to child care providers for program closures (complete Appendix S).

- 6. The district has chosen to pay for transportation to and from a child care provider (complete Appendix T).
- 7. The district has chosen to pay a differential rate for licensed or registered child care providers that have been accredited by a nationally recognized child care organization (complete Appendix T).
- 8. The district has chosen to pay a differential rate above the required 5% minimum differential rate for child care services during non-traditional hours (complete Appendix T).
- 9. The district has chosen to pay a differential rate for child care providers caring for children experiencing homelessness above the required minimum differential rate (complete Appendix T).
- 10. The district has chosen to pay a differential rate in excess of the 25% maximum differential rate for child care providers that qualify for multiple differential rates to allow sufficient access to child care providers or services within the district (complete Appendix T).
- 11. The district has chosen to pay up to 75% of the enhanced market rate for legally-exempt family and in-home child care providers who have completed 10 hours of training, which has been verified by the Legally-Exempt Caregiver Enrollment Agency (complete Appendix T).
- 12. The district has chosen to pay an enhanced market rate for eligible legally-exempt group child care programs that meet required health and/or training requirements (complete Appendix T).
- 13. The district has chosen to pay for child care services while a caretaker who works the second or third shift sleeps (complete Appendix T).
- 14. The district has chosen to make payments to child care providers who provide child care services exceeding 24 consecutive hours (complete Appendix U).
- 15. The district has chosen to include 18-, 19- or 20-year-olds in the Child Care Services Unit (complete Appendix U).
- 16. The district requests a waiver from one or more regulatory provisions. Waivers are limited to those regulatory standards that are not specifically included in law (complete Appendix U).
- 17. The district has chosen to pay for breaks in activity for low income families (non-public assistance families) (complete Appendix U).
- 18. The district has chosen to use local equivalent(s) of OCFS required form(s). Prior to using a local equivalent form the district must obtain OCFS, Division of Child Care Services (DCCS) written approval. **Any previous approvals for local equivalent forms will not be carried forward into this county plan. Therefore, any local equivalent forms a district wishes to establish or renew must be included in this plan and will be subject to review and approval by OCFS.**

List below the names and upload copies of the local equivalent form(s) that the district would like to use.

- 19. The district elects to use the OCFS-6025, Application for Child Care Assistance. The local district may add the district name and contact information to the form.

## Appendix O: Funding Set-Asides

## I. Total NYSCCBG Block Grant Amount, Including Local Funds

Category	Amount
	\$
	\$
	\$
	\$
	\$
<b>Total Set-Asides (NYSCCBG):</b>	\$

**Describe the rationale behind specific set-aside amounts from the NYSCCBG (e.g., estimated number of children) for each category.**

Category:

Description:

Category:

Description:

Category:

Description:

Category:

Description:

**II. The following amounts are set aside for specific priorities from the Title XX block grant:**

Category	Amount
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	\$
	\$
	\$
<b>Total Set-Asides (Title XX):</b>	<b>\$</b>

**Describe the rationale behind specific amounts set aside from the Title XX block grant (e.g., estimated number of children) for each category.**

Category:

Description:

Category:

Description:

Category:

Description:

## Appendix P: Title XX Child Care

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1. Enter the projected total of Title XX expenditures for the plan's duration: \$

Indicate the financial eligibility limits (percentage of State Income Standard) your district will apply based on family size. Maximum reimbursable limits are 275% for a family of one or two, 255% for a family of three, and 225% for a family of four or more. Districts that are utilizing Title XX funds only for child protective and/or preventive child care services must not enter financial eligibility limits as these services are offered without regard to income.

<b>Family Size</b>	<b>Eligibility Limit</b>
<b>Two People</b>	%
<b>Three People</b>	%

**2. Programmatic Eligibility for Income Eligible Families (check all that apply)**

- Employment
- Seeking employment
- Homelessness
- Education / training
- Illness / incapacity
- Domestic violence
- Emergency situation of short duration
- Participating in an approved substance abuse treatment program

**3. Does the district apply any limitations to the programmatic eligibility criteria?**

- Yes
- No

If yes, describe eligibility criteria:

**4. Does the district prioritize certain eligible families for Title XX funding?**

- Yes
- No

If yes, describe which families will receive priority:

**5. Does the district use Title XX funds for child care for open child protective services cases?**

- Yes
- No

**6. Does the district use Title XX funds for child care for open child preventive services cases?**

- Yes
- No



# Appendix Q: Additional Local Standards for Child Care Providers

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The district may propose local standards in addition to the State standards for legally-exempt providers who will receive child care subsidies issued by the district. This appendix must be completed for **each** additional local standard that the district wants to implement.

The district must coordinate with the local Enrollment Agency, including, but not limited to:

- Informing the Enrollment Agency of the intent to request an additional standard.
- Developing the stepwise process referenced in Question 5.
- Ensuring that no significant burden of work shall be incurred by the Enrollment Agency as a result of the additional local standard, unless such work is addressed in a separate contract or a formal agreement is in place, which are referenced in Question 3.
- Sharing any consent/release form that may be required.
- Keeping the Enrollment Agency informed of the approval status.

## 1. Select the additional local standard that will be required of child care providers/programs.

Verification, using the district's local records, that the provider has given the caretaker complete and accurate information regarding any report of child abuse or maltreatment in which he or she is named as an indicated subject

Local criminal background check

Require providers caring for subsidized children for 30 or more hours a week participate in the Child and Adult Care Food Program (CACFP).

*Note that districts are required to notify the Enrollment Agency, using the OCFS-2114, District Notification to Legally-Exempt Caregiver Enrollment Agency, of all providers on the referral list for whom the requirement is "not applicable."*

Site visits by the district

Other  
*Please describe:*

## 2. Check below the type of child care program to which the additional local standard will apply and indicate the roles of the persons to whom it will apply in cases where the standard is person-specific.

Legally-exempt family child care program

Provider

Provider's employee

Provider's volunteer

Provider's household member age 18 or older

Legally-exempt in-home child care program

- Provider
- Provider's employee
- Provider's volunteer

Legally-exempt group provider / program not operating under the auspices of another government agency

- Provider / director
- Provider's employee
- Provider's volunteer

Legally-exempt group provider / program operating under the auspices of another government or tribal agency

- Provider / director
- Provider's employee
- Provider's volunteer

**2a. Exceptions: There may be instances when the district may be unable to enact the additional standard, such as, the applicable person may reside outside of the district's jurisdiction, or the site of care may not be located within the district. In such cases, the district may create an exception to the applicability stated above.**

*Note: The Child Care Facility System cannot track such exceptions and, therefore, the district remains responsible for notifying the applicable Enrollment Agency, using the OCFS-2114, District Notification to Legally-Exempt Caregiver Enrollment Agency, that an additional standard is "not applicable" to the specific provider/person named on the referral list.*

**Place a check mark below to show any exception to the applicability of this Local Additional Standard to programs or roles previously identified.**

- a. The district will not apply this additional local standard when the applicable person **resides** outside of the subsidy-paying district.
- b. The district will not apply this additional local standard when the **program's site of care is located outside** of the subsidy-paying district.
- c. The district will not apply this additional local standard when **the informal provider is younger than 18 years** of age.

**3. Districts are responsible for implementation of the additional local standard unless they have a formal agreement or contract with another organization. Check the organization that will be responsible for the implementation of the additional local standard.**

Local social services staff  
*Provide the name of the unit and contact person:*  
 Day Care Unit, Patricia Musial

Contracted agency (must correspond to Appendix K, Question 3b)

Provide the name of the agency and contact person:

Note: Costs associated with the additional local standard cannot be passed on to the provider.

#### 4. Are there any fees or other costs associated with the additional local standard?

Yes

No

Note: Costs associated with the additional local standard cannot be passed on to the provider.

#### 5. Describe, in chronological order, the steps for conducting the additional local standard. Include how the district will retrieve referrals from CCFS, communicate with providers and other applicable persons, determine compliance with the additional local standard, inform the Enrollment Agency whether the additional local standard has been "met," "not met" or is "not applicable" and monitor its timeliness. Include all agencies involved and their roles. Note that the district's procedures must be in accordance with 12-OCFS-LCM-01.

*Erie County Department of Social Services (ECDSS) will arrange for a background check of criminal convictions to be conducted for the purpose of verifying that the individuals checked in question #2 above have accurately reported their criminal convictions history to the Enrollment Agency (EA). The checks will be conducted by the local district utilizing the Office of Court Administration.*

*The district will provide an OCFS Approved District Created Criminal Background Check Authorization and Release Form in the enrollment package, which will authorize the local criminal history database check. The individuals checked in question #2, will be required to complete and sign the Criminal Background Check Authorization and Release Form, allowing ECDSS, its agents or employees, to conduct a criminal background check to retrieve criminal convictions information. The individual checked in question #2 will be instructed to return to the EA, the completed and signed Criminal Background Check Authorization and Release Form. If the individual checked in question #2 refuses to complete, sign, and/or submit the Criminal Background Check Authorization and Release Form, the enrollment package will be considered incomplete. As a result, the enrollment process cannot move forward and the enrollment package will be withdrawn by the EA in accordance with OCFS policy.*

*To initiate the additional standards check, per 12-OCFS-LCM-01, the Child Care Facility System will automatically generate the referral for the applicable child care program types and individual roles. Designated district staff will run the LE Additional Local Standard Referral List report in CCFS to obtain the list of persons subject to the additional local standard.*

*The district will conduct the check utilizing the Office of Court Administration. If the search results in the findings of a misdemeanor and/or felony conviction/s, the child care unit staff will provide the conviction information to the EA. In accordance with the Guide to Enrollment, the EA will evaluate any discrepancies of the conviction/s and the sworn statement of the applicable individual(s).*

*The district provides detailed information with the EA to that of crimes where there was a subsequent conviction using the OCFS 2114 for consideration in making full enrollment decisions. The EA compares the results with the sworn statement submitted by the provider to the EA and will take action in accordance with OCFS policy.*

*In accordance with the Guide to Enrollment, the EA will evaluate any discrepancies of the conviction/s and the sworn statement of the applicable individual(s). In accordance with 12-OCFS-LCM-01, For each person referred, Erie County Department of Social Services will complete the OCFS-2114, District Notification to Legally-Exempt Caregiver Enrollment Agency, and send it to the applicable Enrollment Agency to notify the Enrollment Agency of the determination of: "Met", "Not Met" or "Not Applicable"*

*The standard is "met" when:*

- The Criminal Background Check Authorization and Release Form is completed, signed by those that are required to do so and submitted to the EA*

AND

- *The criminal background check is conducted for all the applicable parties.*

*The standard is considered to be "not met" when:*

- *The Criminal Background Check Authorization and Release Form is not completed, signed or submitted to the Enrollment Agency*

AND/OR

- *The criminal background checks cannot be completed due to the lack of cooperation of the provider or those who are required to participate according to their roles as indicated in question #2*

*The standard is considered to be "not applicable" when:*

- *the applicable person resides outside of the subsidy-paying district.*
- *the program's site of care is located outside of the subsidy-paying district.*
- *the informal provider is younger than 18 years of age.*

**6. Indicate how frequently the additional local standard will be applied. Answer both questions.**

**1. The Standard will be applied:**

- At initial enrollment and re-opening
- At each re-enrollment

**2. The district will assess compliance with the additional local standard:**

- During the enrollment **review** period, and the district will notify the Enrollment Agency of the results within 25 days from the E-Notice referral date.*
- During the 12-month enrollment period, and the district will notify the Enrollment Agency of the results promptly. Note that this option is always applicable to an additional local standard requiring participation in CACFP.*

**7. Describe the justification for the additional local standard in the space below.**

The additional information gained through the local criminal history check will be shared with the Enrollment Agency to provide them with an informed background on the potential provider when making their final full enrollment decision.

## Appendix R: Payment to Child Care Providers for Absences

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**1. The following providers are eligible for payment for absences (check all that are eligible):**

- Day care center
- Group family day care
- Family day care
- Legally-exempt group
- School-age child care

**2. Our district will only pay for absences to providers with which the district has a contract or letter of intent.**

- Yes
- No

**3. Base Period:**

- 3 months
- 6 months

**4. Number of absences allowed per child during base period:**

Period	Routine Limits (# of days)	Extenuating Circumstances (# of days)	Total Number of Absences Allowed (# of days)
In a Month	12	3	15
Base Period	12	8	20

**5. List reasons for absences for which the district will allow payment:**

Court appointments related to provision of preventive, foster care, adoption, child protective services, or other needs set forth in the child's Service's Plan; child has an illness, handicap or other condition that requires medical care or treatment; child's family is homeless and that homelessness necessitates the child's absence from day care.

**6. List any limitations on the above providers' eligibility for payment for absences:**

Provider must be contracted with Erie County Department of Social Services

*Note: Legally-exempt family child care and in-home child care providers are **not** eligible to receive payment for absences.*

## Appendix S: Payment to Child Care Providers for

# Program Closures

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**1. The following providers are eligible for payment for program closures:**

- Day care center
- Group family day care
- Family day care
- Legally-exempt group
- School-age child care

**2. The district will only pay for program closures to providers with which the district has a contract or letter of intent.**

- Yes
- No

**3. Enter the number of days allowed for program closures (maximum allowable time for program closures is five days):**

**4. List the allowable program closures for which the district will provide payment.**

*Note: Legally-exempt family child care and in-home child care providers are not allowed to be reimbursed for program closures.*

## Appendix T: Transportation, Differential Payment Rates, Enhanced Market Rate for Legally-Exempt Providers, Legally-Exempt Programs, and Sleep

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**1. Are there circumstances where the district will reimburse for transportation?**

- No
- Yes

**2. If the district will reimburse for transportation, describe any circumstances and limitations the district will use to reimburse. Include what type of transportation will be reimbursed (public and/or private) and how much your district will pay (per mile or trip). Note that if the district is paying for transportation, the Program Matrix in the Welfare Management System (WMS) should reflect this choice.**

### II. Differential Payment Rates

1. Districts must complete the Differential Payment Rate Percent (%) column in the table below for each of the four (4) differential payment rate categories. For the two (2) categories that require a state minimum five percent (5%) differential payment rate, the district must enter "5%" or, if it chooses, a higher rate up to 15%.

The other two (2) differential payment rate categories in the table below are optional. If the district chooses not to set differential payment rates, the district must enter zero. If the district chooses to set a differential payment rate, enter the appropriate percentage up to 15 percent (15%). Note that if the district selects a differential payment rate for nationally accredited programs, then that rate must be in the range of five percent (5%) to 15 percent (15%).

Differential Payment Rate Category	Differential Payment Rate Percent	Instructions
<b>Homelessness: Licensed and Registered Providers</b> State required minimum of 5%	5%	Enter a percentage (%): 5% to 15%. <i>(Must enter at least 5%)</i>
<b>Homelessness: Legally-Exempt Providers</b>	0%	Enter 0% or a percentage (%) up to 15%.
<b>Non-traditional Hours: All Providers</b> State required minimum of 5%	5%	Enter a percentage (%): 5% to 15%. <i>(Must enter at least 5%)</i>
<b>Nationally Accredited Programs: Licensed and Registered Providers</b> <i>Legally-exempt child care providers are not eligible for a differential payment rate for accreditation.</i>	0%	Enter 0% or a percentage (%) from 5% to 15%.

2. Generally, differential payment rates may not exceed 25% above the applicable market rate or actual cost of care. However, a district may request a waiver from the Office to establish a payment rate that is in excess of 25% above the applicable market rate upon showing that the 25% maximum is insufficient to provide access within the district to child care providers or services that offer care addressing more than one of the differential payment rate categories. However, if your district wants to establish a payment rate that is more than 25% above the applicable market rate, describe below why the 25% maximum is insufficient to provide access to such child care providers or services.

### III. Increased Enhanced Market Rate for Legally-Exempt Family and In-Home Child Care Providers

1. The enhanced market rate for legally-exempt family and legally-exempt in-home child care providers who have completed 10 or more hours of training annually is a 70% differential applied to the market rates established for registered family day care. Indicate if the district is electing to establish a payment rate that is in excess of the enhanced market rate for legally-exempt family and in-home child care providers who have completed 10 or more hours of training annually and the training has been verified by the legally-exempt caregiver enrollment agency.

- No
- Yes

2. If yes, indicate the percent (71%–75%), not to exceed 75% of the child care market rate established for registered family day care.

%

#### IV. Enhanced Market Rates for Legally-Exempt Group Child Care Programs

Answer both questions:

**1. Indicate if the district is electing to establish an enhanced market rate for child care services provided by legally-exempt group child care programs that have prepared an approved health care plan and have at least one caregiver in each classroom with age appropriate cardiopulmonary resuscitation (CPR) certification and the enhanced requirements have been verified by the enrollment agency.**

- No  
 Yes

If yes, indicate the percent (76%–81%), not to exceed 81% of the applicable market rate for day care centers.

%

**2. Indicate if the district is electing to establish an enhanced market rate for child care services provided by legally-exempt group child care programs when, in addition to the training required in 18 NYCRR §415.4(f), the caregiver has completed an approved course and a minimum of 15 hours of approved training annually and each employee with a caregiving role completes a minimum of 5 hours of approved training annually and the enhanced requirements have been verified by the enrollment agency.**

- No  
 Yes

If yes, indicate the percent (76%–81%), not to exceed 81% of the applicable market rate for day care centers.

%

If a district chooses to establish both legally-exempt group child care enhanced rates and a program is eligible for both enhanced rates, then the enhanced market rate must be based on the percentages selected for each individual market rate, up to a maximum of 87%.

#### V. Sleep

**1. Does the district choose to pay for child care services while a caretaker that works a second or third shift sleeps?**

- No  
 Yes

**2. The following describes the standards the district will use to evaluate whether to pay for child care services while a caretaker that works a second or third shift sleeps, as well as any limitations pertaining to payment:**

**3. Indicate the number of hours allowed by your district per day (maximum number of hours allowed is eight).**



# Appendix U: Child Care Exceeding 24 Hours, Child Care Services Unit, Waivers, and Breaks in Activities

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## I. Child Care Exceeding 24 Hours

**1. Child care services may exceed 24 consecutive hours when such services are provided on a short-term emergency basis or in other situations where the caretaker's approved activity necessitates care for 24 hours on a limited basis. Check below under what circumstances the district will pay for child care exceeding 24 hours.**

- On a short-term or emergency basis
- The caretaker's approved activity necessitates care for 24 hours on a limited basis

**2. Describe any limitations on the payment of child care services that exceed 24 consecutive hours.**

## II. Child Care Services Unit (CCSU)

**1. Indicate below if your district will include 18-, 19-, or 20-year-olds in the CCSU for determining family size and countable family income.**

**a. The district will include the following in the CCSU (check all that apply)**

- 18-year-olds
- 19-year-olds
- 20-year-olds

**OR**

**b. The district will only include the following in the CCSU when it will benefit the family (check all that apply)**

- 18-year-olds
- 19-year-olds
- 20-year-olds

**2. Describe the criteria your district will use to determine whether or not 18-, 19-, or 20-year olds are included in the CCSU.**

## III. Waivers

**1. Districts have the authority to request a waiver of any regulatory provision that is non-statutory. The waiver must be approved by OCFS before it can be implemented. Describe and justify why your district is requesting a waiver.**

Waivers of regulatory provisions that are non-statutory for the Early Head Start-Child Care Partnership program. To create strong partnerships with the child care provider community to expand the number of high quality slots for infants and toddlers. The focus for the partnership is to promote school readiness by providing family-centered services for low income children by enhancing their cognitive, social and emotional development and by providing a high quality early childhood experiences and continuity of services.

**Family co-pay:** Waive 18 NYCRR § 415.3(e) which requires that each family receiving child care services, with the exception of a family on temporary assistance, pay a family share based on income. This waiver pertains only to families in receipt of child care in lieu of Temporary Assistance and only for the child(ren) participating in an Early Head Start-Child Care Partnership program.

**Flexibility in eligibility periods:** Waive 18 NYCRR § 404.1(d) which requires that redetermination be made not less than every 12 months. This waiver will allow the district to match child care eligibility periods to the Early Head Start-Child Care Partnership program period regardless of disruption in the parent's eligibility. This waiver only applies to the child(ren) participating in an Early Head Start-Child Care Partnership program.

**Flexibility in reporting changes in family circumstances:** Waive 18 NYCRR § 415.3(b) which requires applicants and recipients to report immediately any change in financial circumstances, living arrangements, employment, household composition, or other circumstances that affect the family's need or eligibility for child care services. Erie County will continue to require clients to report income documentation/verification requirements and will determine on a case by case situation if this waiver would pertain only if the parent only has a child participating in an Early Head Start-Child Care Partnership program.

**IV. Breaks in Activities**

**1. Districts may pay for child care services for low-income families during breaks in activities either for a period not to exceed two weeks or for a period not to exceed four weeks when child care arrangements would otherwise be lost and the subsequent activity is expected to begin within that period. If your district will pay for breaks in activities, indicate below for how long of a break that the district will pay for (check one):**

- Two weeks
- Four weeks
- The district will not pay for breaks in activities

**2. Districts may provide child care services while the caretaker is waiting to enter an approved activity or employment or on a break between approved activities. The following low-income families are eligible for child care services during a break in activities (check all that are eligible):**

- Entering an activity
- Waiting for employment
- On a break between activities