

# Child Care

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](#).

## Appendix K: Child Care Administration

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>	Day Care Unit
<b>b. Transitioning Families:</b>	Day Care Unit
<b>c. Income Eligible Families:</b>	Day Care Unit
<b>d. Title XX:</b>	Services Unit

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

Item	Amount
<b>a. FFY 2017-2018 Rollover funds:</b> <i>(available from the NYSCCBG ceiling report in the claiming system)</i>	\$0
<b>b. Estimate FFY 2018-2019 Rollover Funds:</b>	\$0
<b>c. Estimate of Flexible Funds for Family Services transferred to the NYSCCBG:</b>	\$0
<b>d. NYSCCBG Allocation 2019:</b>	\$2714609.00
<b>e. Estimate of Local Share:</b>	\$364420.00
<b>Total Estimated NYSCCBG Amount:</b>	\$3079029.00
<b>f. Subsidy:</b>	\$2943329.00
<b>g. Other program costs excluding subsidy:</b>	\$0
<b>h. Administrative costs:</b>	\$135700.00

**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
<input type="checkbox"/> a. Subsidy eligibility screening		
<input checked="" type="checkbox"/> b. Determining if legally-exempt providers meet OCFS-approved additional local standards <i>(must be noted in Appendix Q with the corresponding additional standard)</i>	Niagara Community Action Program, Inc.	174,084.00
<input type="checkbox"/> c. Assistance in locating care		
<input type="checkbox"/> d. Child care information systems		
<input type="checkbox"/> e. Payment processing		
<input type="checkbox"/> f. Other <i>Please specify function:</i>		

## 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	
<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 only for a period not to exceed 12 months for the purpose of enabling a parent to attend recommended treatment when mandated by NCDSS.
<b>b) homeless</b>	<input type="radio"/> Yes <input checked="" type="radio"/> No	

<b>c) a victim of domestic violence and participating in an approved activity</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No	When necessary for the parent to attend counseling -not to exceed court mandates.
<b>d) in an emergency situation of short duration</b>	<input type="radio"/> Yes <input checked="" type="radio"/> No	
<b>3. Families with an open child protective services case when child care is needed to protect the child.</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No	
<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>		
<b>a) is physically or mentally incapacitated</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No	Applies only to families that fall under transitional day care during the 12-month eligibility period.
<b>b) has family duties away from home</b>	<input type="radio"/> Yes <input checked="" type="radio"/> No	
<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>	<input type="radio"/> Yes <input checked="" type="radio"/> No	
<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>	<input checked="" type="radio"/> Yes <input type="radio"/> No	For the duration of the sanction provided the parent agrees to and does comply with sanction at the end of the duration.
<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>		
<b>a) a public or private educational facility providing a standard high school curriculum offered by or approved by the local school district</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No	Only for a teen parent to complete a regular high school program (9-12), GED, or BOCES (as part of the high school program) up to the age of 18 or to the end of the school year.
<b>b) an education program that prepares an individual to obtain a NYS High School equivalency diploma</b>	<input type="radio"/> Yes <input checked="" type="radio"/> No	

<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>	<input type="radio"/> Yes <input checked="" type="radio"/> No	
<p><b>d) a program providing literacy training designed to help individuals improve their ability to read and write</b></p>	<input type="radio"/> Yes <input checked="" type="radio"/> No	
<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>	<input type="radio"/> Yes <input checked="" type="radio"/> No	
<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>	<input type="radio"/> Yes <input checked="" type="radio"/> No	
<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>	<input type="radio"/> Yes <input checked="" type="radio"/> No	
<p><b>h) a prevocational skill training program such as a basic education and literacy training program</b></p>	<input type="radio"/> Yes <input checked="" type="radio"/> No	
<p><b>i) a demonstration project designed for vocational training or other project approved by the Department of Labor</b></p>	<input type="radio"/> Yes <input checked="" type="radio"/> No	
<p><i><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.</i></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>	<input type="radio"/> Yes <input checked="" type="radio"/> No	
<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</b></p>	<input type="radio"/> Yes <input checked="" type="radio"/> No	

<p>caretaker must demonstrate his or her ability to successfully complete the course of study.</p>		
<p>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.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<p>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 caretaker engaging in such a program.</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":

within one hour travel from daycare site to work site or work site to daycare site.

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

## 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

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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:

20%

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 **120%** 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

### 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:

If funds are available but insufficient to serve all families identified in 18 NYCRR 415.2(a)(2) and 18 NYCRR(a)(3) as selected by the district in Appendix L of this document, the district will open cases based on income bands of 10%. Note the district will open its "very low income" (rank one) and special need families (rank two) first, then the district will open cases based using the income bands of 10%, from lowest to highest income.

Rank 1--Families with "very low income", up to and including 120% SIS, will be reopened first.

Rank 2--Families having a child with special needs who needs child care will be opened second.

Rank 3--Families with income from 121% SIS up to and including 130% SIS

Rank 4--Families with income from 131% SIS up to and including 140% SIS

Rank 5--Families with income from 141% SIS up to and including 150% SIS

Rank 6--Families with income from 151% SIS up to and including 160% SIS

Rank 7--Families with income from 161% SIS up to and including 170% SIS

Rank 8--Families with income from 171% SIS up to and including 180% SIS

Rank 9--Families with income from 181% SIS up to and including 190% SIS

Rank 10--Families with income from 191% SIS up to and including 200% SIS

The families in the lowest income band will be opened first. The district will open cases for families in the higher income bands to the extent that funding allows.

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:

The district will close cases using increment bands of 10%, closing cases in the highest income bands first: 200% SIS-191% SIS; 190% SIS-181% SIS; 180% SIS-171% SIS; 170% SIS-161% SIS; 160% SIS-151% SIS; 150% SIS-141% SIS; 140% SIS-131% SIS; 130% SIS-121% SIS.

Families having a child with special needs who needs child care will be closed next.

Families with "very low income", up to and including 120% SIS, will be closed last.

- 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

## 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.

Our district has established a FEDS Referral form that lists 10 different criteria for use by TA, MA, FS and Child Care. The Child Care unit will use 8 of these in determining which households are at a greater risk for fraudulent payments for Child Care Subsidy. They are:

- Prior history of denial, case closing, overpayment resulting from an investigation
- Application inconsistent with prior case information
- No absent parent information or information is inconsistent with application
- Self-employed but without adequate business records to support financial assertions
- Legally responsible relative or spouse recently left household
- Denial in the past 6 months due to excess income/resources and household member with excess income or resources is not currently in household
- Incomplete absent parent information on application
- Working off the books (currently or previously)

Each new applicant will use the FEDS form and check off any indicators that need to be investigated. The Fraud Unit will refer to the Investigator; a report will be sent back to the Child Care Worker with suggested recommendation. CC worker will identify the necessary action to be taken and will notify Fraud. If there are no indicators that apply to an application, the form will be filed in the case identifying no action required.

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.*

A FEDS In-House appointment with an agency representative to review an application for child care subsidy for complete and accurate information and/or to determine employment related or household composition. Failure to complete the In-House interview will result in case closing or denial of application.

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.

The enrollment agency, Child Care Clearinghouse of Niagara, will provide the district with copies of the Child Adult Care Food Program (CACFP) inspection forms three times a year. Three times a year the district will randomly select 1/3 of the CACFP inspection forms, which receive child care subsidy and compare these forms with the child care providers' attendance forms to verify that child care was actually provided on the attendance forms.

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

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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

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## Appendix N: District Options

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.

CACFP Additional Standard Tracking -form 8352

- 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:

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

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# Appendix P: Title XX Child Care

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>	%
<b>Four 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

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## Appendix Q: Additional Local Standards for Child Care Providers

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:*
- Contracted agency (must correspond to Appendix K, Question 3b)  
*Provide the name of the agency and contact person:*  
Niagara Community Action Program, Inc., Angela Burns

*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.**

A family child care provider caring for a subsidized child an average of 30 or more hours a week is required to participate in the Child and Adult Food Care Program (CACFP) as a condition of enrollment to provide child care subsidized by Niagara County DSS. All legally-exempt family and in-home child care providers are required to sign the Niagara County Legally Exempt Family Child Care Additional Standard Acknowledgement Agreement form, #8351, to initiate the enrollment process. The enrollment packet for any provider of legally-exempt-in-home or family child care will be considered "incomplete" if the Niagara County Legally Exempt Family Child Care Additional Standard Acknowledgement form, # 8351 is not signed and submitted with the enrollment packet.

To initiate the additional standard check, per 12-OCFS-LCM-01, the Child Care Facility System (CCFS) will automatically generate the E-Notice, LE-CCFS LD-003 Legally Exempt Additional Standard Referral Notification, to inform Niagara County DSS (NCDSS) that the additional standard check must be conducted. Niagara County DSS will run the CCFS report and LE Additional Local Standard Referral List to obtain the list of persons subject to the additional local standard as specified in question #2 above, to obtain specific information regarding the persons for whom Legally Exempt Additional Standard(s) Review(s) must be conducted.

The Niagara County Department of Social Services (NCDSS) will determine the legally-exempt family child care provider is "compliant" and meeting the Niagara County additional standard local standard for "participation in CACFP" when:

1. The legally-exempt family child care provider has completed, signed, dated and submitted the Niagara County Legally Exempt Family Child Care Additional Standard Acknowledgement Agreement form, (8351), as a part of the "Enrollment Form for Provider of Legally -Exempt Family Child Care and Legally-Exempt In-Home Child Care" (OCFS-LDSS-4699) to the enrollment agency.

AND

2. The legally exempt family child care provider caring for a subsidized child an average of 30 or more hours per week, has enrolled with the CACFP program including signing the CACFP Pre-Approval Checklist (CACFP-106) and the Continuous Application and Agreement for Day Care Homes Participation (DOH-3705) and has completed the follow-up visit with CACFP all within the CACFP required time frames,

AND

3. The legally-exempt family child care provider caring for a subsidized child an average of 30 or more hours per week must fully cooperate with all requirements of CACFP, including inspections and/or follow-up visits.

AND

4. The legally-exempt family child care provider caring for a subsidized child an average of 30 or more hours per week, must begin claiming no later than the month following the sign-up date and continue to submit monthly claims to CACFP on a timely basis.

The Niagara County DSS will determine the legally-exempt child care provider is "non-compliant" and NOT meeting the Niagara County additional local enrollment standard for "participation in CACFP" when:

1. The family child care provider does not submit a completed "Niagara County Legally-Exempt Family Child Care Additional Standard Acknowledgement Agreement" form, (8351).

AND/OR

2. The family child care provider caring for a subsidized child and average of 30 or more hours per week, refuses to sign up for CACFP.

AND/OR

3. The family child care provider caring for a subsidized child an average of 30 or more hours per week, does not cooperate with any part of the CACFP enrollment process.

AND/OR

4. The family child care provider caring for a subsidized child an average of 30 or more hours per week, does not remain in compliance with the CACFP regulations.

AND/OR

5. The family child care provider caring for a subsidized child an average of 30 or more hours per week, fails to cooperate with any CACFP inspection or home visit.

AND/OR

6. The family child care provider caring for a subsidized child an average of 30 or more hours per week fails to submit monthly claims to CACFP on a timely basis.

AND/OR

7. The family child care provider, who was not initially required to participate in CACFP, fails to notify NCDSS or the enrollment agency, Community Child Care Clearinghouse of Niagara, of the increase in hours of care which would make the family child care provider mandated to comply with the NCDSS CACFP additional standard.

8. The Legally-Exempt child care provider who changes from providing care in the child's home (in-home care) to providing care at a site other than the child's home (family child care) and provides an average of 30 hours or more of child care per week and fails to notify the NCDSS and the Enrollment agency of the change.

Any legally-exempt family child care provider caring for a subsidized child an average of 30 or more hours per week, who does not participate with the Niagara County additional local standard for enrollment described above is non-compliant and considered to be ineligible to provide subsidized

child care paid by Niagara County DSS. No subsidy payments will be issued for care provided by such providers who are non-compliant with the requirement to participate in CACFP.

The provider is non-compliant with the additional standard for participation with CACFP when the provider has signed the legally-exempt family child care additional standard agreement and the provider fails to participate fully with CACFP. When the provider is non-compliant the additional standard is not met. The provider will not be eligible for payment for child care provided going back to the first date child care services were provided.

When the EA fully enrolls the provider who is required to participate in CACFP because the provider is caring for a subsidized child an average of 30 or more hours per week, the EA notifies CACFP by supplying -the CACFP Additional Standard Tracking Form (8352); CACFP will notify the District within approximately 5 business days that the provider is or is not "actively participating" per the additional standard requirement via the CACFP Additional Standard Tracking Form (8352); If the provider is "actively participating" the District will notify the EA within approximately 5 business days that the additional standard is met via the Additional Standard Tracking Form (8352); If the provider is not "actively participating" the District will notify the EA that the additional standard is not being met via the Additional Standard Tracking Form (8352). The decision on whether the additional standard is being met is made by the NCDSS.

In accordance with 12-OCFS-LCM-01, Niagara County Department of Social Services will complete the local equivalent of form 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".

"Not Applicable" includes:

- Programs whose site of care is located outside of the subsidy-paying district.
- LE FCC providers who are NOT caring for subsidized children for 30 or more hours a week on average.

**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.**

This will aid in improving the health and nutrition of children cared for by Legally Exempt Providers receiving subsidy payments within our district. The changes to the implementation of the additional standard will occur at reenrollment of existing enrolled providers, and with all new enrollments.

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

**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			
Base Period			

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

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

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

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## Appendix S: Payment to Child Care Providers for Program Closures

**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.*

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

**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</i> enter at least 5%)
<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</i> enter at least 5%)
<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).**

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

### 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.**

### **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

**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