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| LOCAL COMMISSIONERS MEMORANDUM |
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DSS-4037EL (Rev. 9/89)

Transmittal No: 92 LCM-1

Date: January 2, 1992

Division: Family and Children
Services

TO: Local District Commissioners

SUBJECT: Child Care and Development Block Grant (CCDBG) Subsidy
Program

ATTACHMENTS: A-District Allocation and Maintenance of Effort Level
for Child Care Services (not available on-line)
B-Statement of Intention to Participate (available
on-line)
C-CCDBG Subsidy Program Plan (available on-line)

The purpose of this LCM is to transmit each social services district's allocation of funding for child care subsidies under the federal Child Care and Development Block Grant (CCDBG) Act of 1990 for the federal fiscal year (October 1, 1991 to September 30, 1992). Also provided is each social services district's CCDBG maintenance of effort level which must be maintained in order for the district to access CCDBG funding. This LCM supplies the information necessary to implement the program effective October 1, 1991.

Social services district participation in the program is optional. No matching funds are required by social services districts. Each social services district must submit an annual application and plan in order to participate.

Social services districts which anticipate that their expenditures under the Low Income Day Care Program for state fiscal year 91-92 (April 1, 1991 to March 31, 1992) will exceed their allocation will need to participate in the new IV-A At Risk Low Income Child Care (ARLICC) Program or the new federal Child Care and Development Block Grant (CCDBG) Program in order to receive reimbursement from the Department for some or all of such excess expenditures. Social services districts which anticipate expanding child day care programs must do so through the ARLICC and/or CCDBG programs. No additional funds will be available to enable social services districts to expand child care services.

OVERVIEW

The CCDBG Act of 1990 will fund child day care subsidies, quality improvement activities such as monitoring of compliance with regulatory requirements, training of child day care providers, and consumer education media campaigns. New York State has received approval of its plan and application. The final approved plan was distributed to all social services districts.

The CCDBG subsidy program will be administered by the social services districts. The other CCDBG activities will be administered by the Department. Please refer to 91 INF-33 for more information on the federal CCDBG Act.

ALLOCATIONS

CCDBG program funds are granted to New York State on a federal fiscal year basis. The first year of the program is October 1, 1991 to September 30, 1992. CCDBG program funds are subject to an annual federal allocation. While it is anticipated that funding will remain at the current levels, it is possible that allocations to social services districts may vary in subsequent years.

CCDBG subsidy funds are allocated on the following basis: fifty percent for New York City, and fifty percent for social services districts outside of New York City. Eligible social services districts outside of New York City are allocated CCDBG funds based upon the social services district's expenditures for the Low Income Day Care Program (LIDC) in SFY 90-91, and the proportionate share of such expenditures to the total expenditures for the LIDC Program in social services districts outside of New York City.

New York State has available \$33,179,918 for CCDBG program activities and intends to utilize \$21,152,198 of that grant for funding of child care subsidies. An additional amount of \$5,197,802 to fund CCDBG subsidies may become available. Listed in Attachment A are the CCDBG subsidy program allocation for each social services district based upon receipt of \$21,152,198 and the maximum allocation each social services district would receive if the additional funds become available.

CCDBG subsidy allocations that will not be obligated by a social services district may be subject to reallocation. Further instructions regarding the reallocation of CCDBG subsidy program funds will be provided in a subsequent Department release.

MAINTENANCE OF EFFORT LEVELS

In accordance with federal requirements for participation in the CCDBG subsidy program, a social services district must meet a maintenance of effort (MOE) level as established by the Department. For the federal fiscal year

October 1, 1991 to September 30, 1992, social services districts must maintain no less than the same level of spending for child care services and related programs as expended during the calendar year of 1990. The MOE is calculated by totaling expenditures for child care services claimed under the following categories: Title XX, Low Income Day Care and administrative costs (local share met with donated funds/in-kind contributions and recipient fees are not included in the calculation of the MOE), Transitional Child Care, At Risk Low Income Child Care, Emergency Assistance to Families, Job Opportunity and Basic Skills Training (JOBS)/Cash Grant for child care, Mandated and Optional Preventive child day care, and Pre-and Post-Indicated Protective child day care. CCDBG funds cannot be used to meet the MOE dollar amount.

Social services districts that elect to participate in the CCDBG program and do not meet their MOE may not be eligible for future CCDBG funds and may jeopardize New York State's current and future allocation of CCDBG funds. The MOE for your social services district is listed in Attachment A.

As noted in 91 LCM-194, "Registration of Family Day Care Homes: Transfer of Providers" issued October 25, 1991, the maintenance of effort level for CCDBG is also the maintenance of effort level required under the new registration regulatory system.

HOW TO APPLY

Social services districts must indicate whether they intend to participate in the CCDBG Program by completing Attachment B, "Statement of Intention to Participate in the Child Care and Development Block Grant Subsidy Program." This statement must be returned immediately.

Prior to submitting any claims for the CCDBG program, the social services district must submit Attachment C, "Child Care and Development Block Grant Subsidy Program Plan," for Department review and approval. Attachment C requires information regarding implementation of the CCDBG subsidy program by the social services district, anticipated participation levels, and program assurances.

Please return the completed Attachment B, and Attachment C if participating, to:

Ms. Susan Duchnycz
New York State Department of Social Services
Bureau of Early Childhood Services
40 North Pearl Street 11-B
Albany, New York 12243-0001

ELIGIBILITY

An eligible child means an individual who is less than 13 years of age or is under age 19 and physically or mentally incapable of caring for herself or himself, or under court supervision; and whose family income does not exceed

200 percent of the state income standard; and who:

- (i) resides with a parent or a caretaker relative, or other person standing in loco parentis who is working or attending a job training or educational program; or,
- (ii) is receiving or needs to receive protective services and resides with a parent, caretaker relative, or other person standing in loco parentis.

A parent will be considered working if such parent is employed; has a verified commitment of employment which is scheduled to begin within two weeks; is actively seeking employment; or is on a temporary leave of absence of no more than one month and has maintained employment status. Child day care may be authorized for those actively seeking employment for a maximum of six months and only to those persons who can document that they are currently registered with the New York State Employment Service.

The applicant for CCDBG services must complete and sign the "Application for Public Assistance, Medical Assistance, Food Stamps, Services" (DSS-2921) (NYC-DSS 2921) in order to receive CCDBG child care services and must provide appropriate information and documentation necessary to determine financial and programmatic eligibility.

PRIORITY POPULATIONS

The federal statute and the state plan establish several populations which are to receive priority for CCDBG child care subsidies. All priority populations must meet the eligibility criteria as set forth in the above section. The federal mandated priority populations are families with very low income and children with special needs.

While the eligibility level for this program is 200 percent of the state income standard, social services districts must give priority consideration to children of families with "very low income." Social services districts must identify the income standard at which families will be considered "very low income." Such standards must be established at or below 200 percent of the state income standard. The social services district must include its rationale to support the level selected in the CCDBG plan.

A child with special needs is a child with one or more of the following conditions: visual impairment, deafness, hard of hearing, orthopedic impairment, emotional disturbance, mental retardation, learning disability, speech impairment, health impairment, autism, or multiple handicaps. Please refer to 91 ADM-34, issued August 23, 1991, "Child Care: Reimbursement of Payments for Children with Special Needs" for additional information.

The state mandated priority population for CCDBG subsidies is children of custodial parent(s) who are less than 21 years of age and who are completing requirements for a high school diploma or high school equivalency degree, working, or attending a job training or educational program.

Social services districts must assure that these mandated priorities are served and must describe how these populations will be targeted and prioritized.

Additionally, social services districts may elect to designate as a priority for child care services one or more of the following populations: working parents who are ineligible for Transitional Child Care due to the expiration of the twelve month eligibility period; parents who are homeless; and parents enrolled in substance abuse treatment programs. Social services districts may identify and propose additional priority populations subject to Department review and approval.

ELIGIBLE PROVIDERS

Effective immediately, eligible child day care providers under the CCDBG Program include all regulated providers: licensed day care centers; licensed or registered school-age child care programs; registered day care centers serving 3 to 6 children; licensed group family day care homes; licensed, certified or registered family day care homes; and public schools providing care to children in accordance with a contract between a public school district and a social services district.

By October, 1992 informal child care providers as defined in 18 NYCRR 415.1 will also be eligible for reimbursement under the CCDBG Program. The Department will notify social services districts regarding the effective date for informal child care providers to be considered eligible providers under the CCDBG Program.

Unless otherwise limited by law, child day care providers must allow parents unlimited and on demand access to their children, to written records regarding their children, and to the providers caring for their children during the normal hours of operation and whenever their children are in the provider's care. Unless otherwise limited by law, parents shall have the right to inspect on demand during its hours of operation any area of the child day care center, group family day care home, school-age child care program or family day care home to which the child has access or which could present a hazard to the health and safety of the child.

METHOD OF PAYMENT

Effective immediately, social services districts may provide child care services under the CCDBG program directly or may make payment for regulated child day care by using any of the following methods:

- o Purchase of services contract or grant;
- o Letter of Intent;
- o Advance cash payments to the child care provider or the parent;
- o Cash reimbursement to the child care provider or the parent; and
- o Voucher.

The social services district must establish at least one method of payment by which a parent can pay for child day care that they have arranged.

By October, 1992 a statewide certificate program must be made available to parents determined to be eligible for child care services under the CCDBG Program. Certificates will be issued directly to the parent to purchase child care services from any legal child care provider. A system must be in place to allow eligible providers to submit certificates and necessary attendance and payment information for reimbursement. Social services districts will receive additional information on the certificate program as it becomes available.

PARENTAL CHOICE

Parents eligible for CCDBG child care services must be allowed to select any eligible child care provider. Recipients of CCDBG child care services must be provided with information about the types of child care available, child care regulatory standards, and how to choose a child care provider. The Department's publication "A Parent's Guide to Day Care" (Publication #1115), is available for distribution to parents. A supply may be obtained by contacting the Bureau of Early Childhood Services at (518) 432-2544. In addition, each social services district previously received the Welfare Reform video, "Child Care: Making the Right Choice."

FEES

Families eligible for CCDBG child care services must contribute toward the payment of such services by paying a fee based upon family size and upon the amount of income in excess of the state income standard. The state income standard is set forth in 91 INF-2, "Consolidated Services Plan, 1991 Income Eligibility Standards," and is updated annually. The sliding fee scale established by the Department is to be applied. See 91 LCM-112, "New Federally Funded At Risk Low Income Child Care Program Under Title IV-A of the Social Security Act," Attachment D, Sliding Fee Scale. Only one fee per family is charged for all child care services provided by the social services district. Families receiving CCDBG child care subsidy must be assessed a minimum fee of \$1.00 per week per family.

PAYMENT RATES

The payment rates for reimbursement for child care services under the CCDBG program will be the actual cost of care (the rate charged by the provider) up to the applicable local market rate as established in 18 NYCRR 415.9.

CLAIMING INSTRUCTIONS

CCDBG program expenditures for child care subsidies made on or after October 1, 1991 should be claimed on the newly designed Schedule H-Non-Title XX - Services For Recipients. The payments should be claimed on line 2 (Day Care Services For Children), Column 8 (Block Grant Day Care). These claiming instructions will be issued in an update to the New York State Fiscal Reference Manual.

CCDBG administrative expenditures for administering the CCDBG subsidies made on or after October 1, 1991, should be claimed on the newly revised Schedule D-2-Allocation for Claiming of General Services Expenditures (effective

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October, 1991), in Sections I and II under column 5 "Day Care Block Grant." These claiming instructions will be promulgated through a manual bulletin update of Bulletin 143-b.

All CCDBG expenditures for the period ending September 30, 1992 must be claimed by November 8, 1992.

SYSTEMS INSTRUCTIONS

The CCDBG program will be supported partially in the reporting and authorization of services in the WMS Services system. Service Type Suffix L will be used to identify the Child Care and Development Block Grant child care subsidy program. A WMS service case must include the Direct Service Type 03L and the corresponding POS Service Type of 32L through 37L. WMS does not support payments issued directly to the recipient at this time. The ability to issue direct payments, along with the use of POS Service Type 3A (School Age Child Care Program) with Suffix L, will be future system enhancements.

CONTACT PERSON

If you have any questions regarding information contained in this LCM, please contact Susan Duchnycz at the Bureau of Early Childhood Services at 1-800-342-3715, extension 4-9324, or dial direct (518) 474-9324.

If you have any claiming questions, please contact Roland Levie (Upstate) at 1-800-342-3715 extension 4-7549 or dial direct (518) 474-7549 or Marvin Gold (Metro) at (212) 804-1108.

If you have any WMS system questions, please contact Gerald Seeley at 1-800-342-3727 or dial direct (518) 432-2932.

Joseph Semidei
Deputy Commissioner
Division of Family and
Children Services

Attachment B

Statement of Intention to Participate in the
Child Care and Development Block Grant (CCDBG) Subsidy Program

DISTRICT _____

This social services district intends to participate in the CCDBG child care subsidy program. _____Yes _____No

This social services district intends to offer the CCDBG child care subsidy program effective (date) _____.

Approximately _____ adults and _____ children will be served.
(number) (number)

By deciding to participate in the Child Care and Development Block Grant Program, this social services district agrees to comply with all applicable assurances and requirements of the Child Care and Development Block Grant Act, related federal regulations as set forth in 45 CFR Part 98, the New York State Child Care and Development Block Grant State Plan, and related state regulations and guidelines pertaining to the administration and implementation of the Child Care and Development Block Grant Program in New York State.

The statement of intention to participate in the Child Care and Development Block Grant Subsidy Program with an indication that the social services district intends to participate in the Child Care and Development Block Grant Subsidy Program, that is executed and submitted to the Department, and includes all related attachments shall constitute a Memorandum of Understanding between the social services district and the Department.

Commissioner's Signature _____

Date _____

If your social services district has elected not to participate, please list the reason(s):

Please return form to: Ms. Susan Duchnycz
NYS Department of Social Services
Bureau of Early Childhood Services
40 North Pearl Street 11-B
Albany, New York 12243-0001

Attachment C
CCDBG Subsidy Program Plan

A. Program Information

1. Does your social services district offer Child Care and Development Block Grant Subsidy Program child care services?

_____Yes _____No

If you answered YES to question #1, respond to each of the following items:

2. For what purposes are the Child Care Development Block Grant Subsidy Program provided?

Child Care and Development Block Grant Subsidy Program child care is provided to families with low income who are working, seeking employment, attending an approved training or education program, or need child protective services.

3. Who is eligible to receive Child Care and Development Block Grant Subsidy Program child care?

Families who meet program requirements and whose family income does not exceed 200 percent of the state income standard for all family sizes are eligible.

4. Client Estimate and Projected Expenditures

| | ADULTS | CHILDREN | PROJECTED EXPENDITURES |
|--|--------|----------|------------------------|
| Child Care and Development Block Grant Program | _____ | _____ | _____ |

B. Plan for Ensuring Federal, State and Local Priorities

The social services district must describe how it will accomplish targeting and ensuring child care services to each priority population specified in the following sections. Each priority population identified must meet the eligibility criteria as set forth in the attached LCM and New York State's Block Grant State Plan.

Targeting:

The social services district must provide detailed information on how it will target each population for child care services. This could include such activities as sending information to organizations to encourage referrals, posting information in appropriate areas throughout the district, and streamlining the referral process with agencies which serve these populations.

Prioritization:

The social services district must describe how it will ensure that each population mentioned below will receive priority for child care services. This could include methods such as moving families with characteristics identified as priorities to the top of the waiting list for services.

1. MANDATED FEDERAL CCDBG PRIORITY POPULATIONS

Each priority population identified must meet the eligibility criteria as set forth in the attached LCM and New York State's Block Grant State Plan.

Children with Special Needs A child with special needs is a child with one or more of the following conditions: visual impairment, deafness, hard of hearing, orthopedic impairment, emotional disturbance, mental retardation, learning disability, speech impairment, health impairment, autism, or multiple handicaps.

Targeting:

Prioritization:

Children of Families With Very Low Income

The percentage of the state income standard the social services district will use to determine very low income is set at _____% of the state income standard. The percentage must be at or below 200% of the state income standard. A rationale for selecting this level follows:

Targeting:

Prioritization:

Note: When the very low income standard is established below 200 percent of the state income standard, families that do not qualify for consideration under that priority population may qualify for consideration under the established 200 percent eligibility level.

2. MANDATED STATE CCDBG PRIORITY POPULATION

Each priority population identified must meet the eligibility criteria as set forth in the attached LCM and New York State's Block Grant State Plan.

Parents less than 21 year of age

Children of custodial parents where such parents are less than 21 years of age and are completing requirements for a high school diploma or high school equivalency degree, working, or attending a job training or educational program.

Targeting:

Prioritization:

3. OPTIONAL STATEWIDE CCDBG PRIORITY POPULATIONS

The following priorities were established by New York State in the CCDBG plan as being optional for social services districts. Social services districts may choose one or more of these priorities, as well as determine additional priorities (use the same format and attach to this application). Other priorities identified by social services districts will be reviewed by the Department to determine whether they meet the requirements of the CCDBG program. Each priority identified must meet the eligibility criteria as set forth in the attached LCM and New York State's Block Grant State Plan.

Ineligible for Transitional Child Care

Children of working parents whose eligibility for Transitional Child Care services is exhausted due to the expiration of the twelve-month eligibility period.

Targeting:

Prioritization:

Homeless

A homeless person means an undomiciled person who is unable to secure permanent and stable housing without special assistance.

Targeting:

Prioritization:

Parents Enrolled in Substance Abuse Treatment

A person enrolled in a substance abuse program means a person who is a substance abuser or is substance dependent, who is enrolled and participates in a residential or nonresidential program under the jurisdiction of the New York State Division of Substance Abuse Services, and who needs child care in order to participate in such program.

Targeting:

Prioritization:

- 4.) Describe how the social services district ensures that parents make the final decision regarding the selection of an eligible child care provider for the CCDBG program.

D. Assurances

The social services district assures that the definitions listed in this LCM will be used in determining eligibility for CCDBG services.

The social services district assures that it will meet its requirement for maintenance of effort in child care expenditures as delineated in Attachment A of this LCM.

The social services district assures that the CCDBG subsidy program funds will not be used to supplant any other federal or state funds used for child care services.

The social services district assures that it will operate the CCDBG Program according to state and federal requirements.

The social services district assures that, to the maximum extent practicable, parents will make the final decision regarding the selection of an eligible child care provider for the CCDBG Program.

Commissioner's Signature _____

District _____

Date _____

Please return form to:

Ms. Susan Duchnycz

NYS Department of Social Services
Bureau of Early Childhood Services
40 North Pearl Street 11-B
Albany, New York 12243-0001