

LOCAL COMMISSIONERS MEMORANDUM

Transmittal No: 98 OCFS LCM-6

Date: August 19, 1998

**Division: Development and
Prevention Services**

TO: Local District Commissioners

**SUBJECT: New York State Child Care Block Grant (NYSCCBG)
Subsidy Program Allocations**

**ATTACHMENTS: A: New York State Child Care Block Grant Allocation
B: Maintenance of Effort Level
C: Assurances
D: Eligible Families
(Available on-line)**

The purpose of this Local Commissioners Memorandum (LCM) is to inform social services districts of their allocation and maintenance of effort levels for the New York State Child Care Block Grant (NYSCCBG) subsidy program for the period April 1, 1998 through March 31, 1999, and to explain the allowable uses for these federal and State funds. In addition, this LCM includes a set of assurances for compliance with federal and State legislation which must be agreed to by the local social services district, signed by the Commissioner, and returned by the date given below in order to access NYSCCBG funds. Social services districts are authorized to use their NYSCCBG funds to provide child care subsidies to eligible families in receipt of public assistance and to other eligible low income families.

The NYSCCBG is comprised of all of the federal funds appropriated under Title IV-A of the federal Social Security Act and additional federal funds the State chooses to transfer from the federal Temporary Assistance to Needy Families (TANF) Block Grant to the Child Care Development Block Grant (CCDBG), plus any State funds appropriated for child care subsidies and for activities to increase the availability and quality of child care programs. A portion of the NYSCCBG is to be allocated to social services districts to provide child care assistance to families in receipt of public assistance and to other low income families.

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Separate funding remains for child care services provided as a child preventive service and provided as a child protective service and for child care services funded under the Social Services Block Grant (Title XX).

ALLOCATION INFORMATION

Attachment A indicates the districts' allocations of NYSCCBG subsidy funds for the period beginning April 1, 1998 and ending March 31, 1999. Allocations are listed on Attachment A for two six month periods to allow for the reporting of federal funds on a federal fiscal year basis. The allocations cover the period April 1, 1998 to September 30, 1998, the last half of federal fiscal year 1997-1998, and the period October 1, 1998 to March 31, 1999, the first half of federal fiscal year 1998-1999. Local social services districts were issued their NYSCCBG allocations for the first half of the federal fiscal year 1997-1998, October 1, 1997 through March 31, 1998 in 97 LCM-55. Any unspent NYSCCBG funds for the October 1, 1997 to March 31, 1998 time period will be carried into and be available for the period ending September 30, 1998.

Allocations were adjusted upward for districts participating in the Child Assistance Program (CAP) to reflect child care expenditures for CAP recipients claimed under the ADC Other column on Schedule A in federal fiscal year 1995-96.

Each social services district may expend no more than five percent of its NYSCCBG allocation for administrative activities. Administrative activities do not include the costs of providing direct services such as eligibility determinations and re-determinations; preparation and participation in judicial hearings; child care placement; the recruitment, licensing, inspection, review and supervision of child care placements; rate setting; resource and referral services; training; and the establishment and maintenance of computerized child care information.

Any portion of a district's NYSCCBG allocation for the period October 1, 1997 through September 30, 1998 that is not claimed by the district by March 31, 1999 will be available to the district through the end of the 1998-1999 federal fiscal year, which is September 30, 1999. Claims for the period October 1, 1997 through September 30, 1998 cannot be rolled forward into the next federal fiscal year. Refer to the claiming instructions beginning on page 5 of this LCM for additional information.

ELIGIBLE FAMILIES

There are three broad categories of eligible families under the NYSCCBG. Attachment D details the specifics for each of these categories.

The first category is families who are eligible for a child care guarantee.

Social services districts must guarantee child care assistance to families who have applied for or are in receipt of family assistance or safety net assistance with children under thirteen years of age when child care is necessary for a parent or caretaker relative to engage in work or participate in approved activities, including orientation, assessment or work activities.

Child care assistance also must be guaranteed for a period of twelve months after the month in which a family's eligibility for family assistance has ended due to an increase in income from employment or increased income from child support payments or because the family voluntarily ended assistance provided the family meets certain criteria.

The second category is families that are eligible if funds are available. This category includes such families as low income working families and teen parents who are completing high school.

The third category is families who are eligible if funds are available and only if the district includes them as eligible families in the child care section of their consolidated services plan.

PARENTAL CHOICE

Social services districts must inform parents requesting NYSCCBG services that they may:

- a) choose to have care provided by one of the child day care providers with which the social services district has contracted for the provision of child care service; or
- b) request a child care certificate which enables parents to select from a full range of child care arrangements including care by child care providers, caregivers of informal child care and caregivers of legally-exempt group child care.

Parents must be given discretion in selecting or arranging for the purchase of child care services from any eligible provider. The case record should document that parents have been apprised of the full range of providers eligible for payment and of their right to elect to use a child care certificate.

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Social services districts must allow parents to select, and must have a method to pay, any and all legal providers with whom they do not contract. A contract may not be made a condition of receiving payment from NYSCCBG funds.

Changes in Section 410 of the Social Services Law, required the State to add additional health and safety standards for informal and legally-exempt providers who care for subsidized children. Local social services districts will be able to propose local standards in addition to the State standards. Enrollment forms will be revised to reflect the new State standards. Districts must inform families who may wish to utilize an informal or legally-exempt provider that payment may only be made to providers who meet these standards.

REIMBURSEMENT

Claims for expenditures for child care services for families receiving family assistance and safety net assistance will be reimbursed at 75 percent with NYSCCBG funds up to the district's NYSCCBG allocation. Claims for expenditures for child care services for all other eligible families will be reimbursed at 100 percent NYSCCBG funds, as long as the district's MOE is maintained, up to the district's NYSCCBG allocation.

MAINTENANCE OF EFFORT

Social services districts must maintain local spending for child care services at a level established by the Department in accordance with State statute. The maintenance of effort (MOE) for each social services district is listed in Attachment B. The MOE is calculated by totaling the local district share of expenditures in federal fiscal year 1995 for child care services claimed under the following categories: State Low Income Day Care program and administrative costs, Transitional Child Care, At-Risk Low Income Child Care, Child Care and Development Block Grant, Emergency Assistance to Families, JOBS-related child care and employment-related child care. In addition, the MOE for those social services districts whose allocations were adjusted to reflect certain CAP child care expenditures has been adjusted to reflect the district share for the CAP child care expenditures now included in their allocation.

Each social services district must meet its MOE level in cash in federal fiscal year 1997-1998 and in each subsequent federal fiscal year. The MOE is met by the 25 percent local share of claims for expenditures for public assistance recipients as reported on Schedule A and any other non- Title XX expenditures that are not reimbursed under the district's NYSCCBG allocation.

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ASSURANCES

Welfare reform legislation has created some programmatic and procedural requirements both on the federal and State levels that will be implemented with the child care portion of the Consolidated Services Plan and the revised child care regulations. The revised regulations and child care plan are expected to be released in the near future.

Until such time as the regulations are finalized and the child care plans are filed, local social services districts must attest to their compliance to these requirements. The assurances are found in Attachment C. All districts must sign and date Attachment C- Assurances which prescribes actions required by federal or State statute or regulations and must ensure that their delivery of services incorporate these assurances. These assurances must be returned by September 15, 1998.

SYSTEMS INFORMATION

Until systems changes are implemented to support the claiming of NYSCCBG funds, the following interim procedures for the authorization of payment should be used:

For child care payments for eligible families applying for or receiving family assistance and safety net assistance, continue to use the DSS-3209 IM/WMS Authorization. Cases in which the children are not on the public assistance case should be authorized in IM/WMS. Cases in which the children are in receipt of public assistance but the caretaker is not should be authorized in WMS Services.

For child care payments for all other eligible families, temporarily use Service Type Suffix Code L (which currently designates the CCDBG program) on the DSS-2970 WMS Services Authorization for new cases or cases undergoing recertification. Districts are not required, at this time, to re-encode the current caseload until recertification.

For families transitioning from Family Assistance who are guaranteed child care assistance, continue to use Services Type Suffix Code J.

WMS Services continues to support monitoring the issuance and return of child care certificates. Instructions for the child care certificate can be found in 92 LCM-138 and in the BICS Operations Manual, page A-82, BICS Production Request 32, in the addition dated April 1, 1993. Information is also provided in the BICS Services Payment Processing Manual, II. Authorizations, E. Self Selected Day Care Certificates, pages II 25-27.

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CLAIMING INSTRUCTIONS

Claims for expenditures for NYSCCBG for the period October 1, 1997 through September 30, 1998 must be submitted by March 31, 1999. Claims for the period October 1, 1997 through September 30, 1998 submitted after March 31, 1999 will not be reimbursed and will not count against the district's MOE.

Until systems modifications are implemented to support the claiming for the NYSCCBG program, districts should use the following interim procedures to claim NYSCCBG expenditures:

Instructions for claiming program costs are contained in the Department's Fiscal Reference Manual (Volume II, Chapter 3). NYSCCBG expenditures for child care subsidies for families receiving public assistance and safety net assistance are claimed on Schedule A. NYSCCBG program expenditures for child care subsidies for all other eligible families are claimed temporarily under CCDBG on the Schedule H-Non-Title XX-Services For Recipients (DSS-4283). Expenditures should be reported on line 2 (Day Care for Children) in column 10 (Block Grant Day Care). Line 14, column 10 is the total of expenditures in line 2, column 10. Enter on line 16, column 10 (fees collected) the total fees required from families responsible for paying a fee. Please note these instructions pertain to the Schedule H version with an October 1996 revision date. Adjustments should be made to the Schedule H BICS composites to transfer all amounts from column 2 - EAF, column 6 - Low Income Day Care, column 7 - Transitional IV-A Day Care, column 8 - PG-ADC Transitional Day Care, and column 9 - At Risk Day Care to column 10 - Block Grant Day Care. The Schedule H form and instructions will be revised in the future to accommodate the claiming of NYSCCBG program expenditures.

Instructions for claiming administrative expenditures are contained in Manual Bulletin 143b, Local Cost Allocation Manual for Schedule D-2, Chapter 9. Administrative expenditures for NYSCCBG are claimed in accordance with the Services RMS on the Schedule D-2, Allocation for Claiming of General Services Expenditures (DSS-2347B).

ADDITIONAL CLAIMING REQUIREMENTS: NYSCCBG child counts and expenditures also should be reported on the Schedule G-2A and Schedule G-2B, Summary of Payments for Day Care-Services Authorized (DSS-2109B). Expenditures made under the Services Types allowed should be reported on the G-2A, G-2B, the BICS Schedule G-2A and G-2B Reports, and to the Automated Claiming System.

TRAINING COSTS: Claiming instructions for district administrative expenditures related to the training of employees which are claimed on the Schedule D-6 "Reimbursement For Training" (DSS-2347-C) for the CCDBG program is covered in Chapter 13 of Manual Bulletin 143b.

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CONTACT PERSON

If you have any questions regarding information contained in this LCM, please contact Eileen Mahoney of the Bureau of Early Childhood Services at 1-800-343-8859 extension 3-0711, or direct dial (518) 473-0711. Ms. Mahoney also may be contacted on-line, OFISLINK User ID #SVC109.

If you have any fiscal questions, please contact the Bureau of Local Financial Operations:

Regions 1-4 - Roland Levie at 1-800-343-8859, extension 4-7549
or dial direct (518) 474-7549; User ID #FMS001.
Region 5 - Marvin Gold at (212) 383-1733; User ID #0FM270.

If you have WMS/Services questions, please contact Gerald Seeley of the Bureau of Services Information Systems at 1-800-343-8859, extension 2-3087, or dial direct (518) 402-3087; User ID #0FL130.

If you have WMS/IM questions, please contact Tully Lenihan of the Office of Temporary and Disability Assistance at (518) 474-8749; User ID #73A002.

Melvin I. Rosenblat
Deputy Commissioner
Division of Administration

Donald K. Smith
Deputy Commissioner
Division of Services and
Community Development

ATTACHMENT A
 NEW YORK STATE CHILD CARE BLOCK GRANT
 LOCAL DISTRICT ALLOCATION
 4/1/98 - 3/31/99

DISTRICT	APRIL 1, 1998 THROUGH SEPTEMBER 30, 1998	OCTOBER 1, 1998 THROUGH MARCH 31, 1999	TOTAL ALLOCATION
Albany	3,523,143	3,523,144	7,046,287
Allegany	386,364	386,365	772,729
Broome	2,028,804	2,028,804	4,057,608
Cattaraugus	455,926	455,926	911,852
Cayuga	415,113	415,114	830,227
Chautauqua	2,176,930	2,176,930	4,353,860
Chemung	870,791	870,792	1,741,583
Chenango	349,332	349,332	698,664
Clinton	530,349	530,349	1,060,698
Columbia	326,858	326,858	653,716
Cortland	408,230	408,230	816,460
Delaware	382,740	382,741	765,481
Dutchess	1,376,576	1,376,576	2,753,152
Erie	8,428,213	8,428,213	16,856,426
Essex	311,619	311,620	623,239
Franklin	381,757	381,758	763,515
Fulton	300,116	300,117	600,233
Genesee	454,235	454,236	908,471
Greene	290,457	290,458	580,915
Hamilton	48,052	48,052	96,104
Herkimer	372,581	372,581	745,162
Jefferson	731,479	731,479	1,462,958
Lewis	174,550	174,550	349,100
Livingston	434,451	434,451	868,902
Madison	452,689	452,690	905,379
Monroe	11,814,490	11,814,491	23,628,981
Montgomery	296,678	296,679	593,357
Nassau	7,678,443	7,678,443	15,356,886
Niagara	1,973,186	1,973,187	3,946,373

ATTACHMENT A
 NEW YORK STATE CHILD CARE BLOCK GRANT
 LOCAL DISTRICT ALLOCATION
 4/1/98 - 3/31/99

DISTRICT	APRIL 1, 1998 THROUGH SEPTEMBER 30, 1998	OCTOBER 1, 1998 THROUGH MARCH 31, 1999	TOTAL ALLOCATION
Oneida	1,952,893	1,952,894	3,905,787
Onondaga	5,224,577	5,224,578	10,449,155
Ontario	615,895	615,896	1,231,791
Orange	1,404,795	1,404,795	2,809,590
Orleans	340,921	340,921	681,842
Oswego	586,144	586,145	1,172,289
Otsego	429,675	429,675	859,350
Putnam	280,757	280,758	561,515
Rensselaer	861,169	861,170	1,722,339
Rockland	1,854,031	1,854,032	3,708,063
St Lawrence	1,142,992	1,142,993	2,285,985
Saratoga	534,561	534,562	1,069,123
Schenectady	1,012,372	1,012,373	2,024,745
Schoharie	173,486	173,486	346,972
Schuyler	126,757	126,758	253,515
Seneca	232,799	232,799	465,598
Steuben	1,506,212	1,506,212	3,012,424
Suffolk	5,505,823	5,505,824	11,011,647
Sullivan	446,621	446,621	893,242
Tioga	382,842	382,842	765,684
Tompkins	683,408	683,408	1,366,816
Ulster	1,098,908	1,098,909	2,197,817
Warren	306,206	306,207	612,413
Washington	406,742	406,743	813,485
Wayne	418,784	418,785	837,569
Westchester	4,754,896	4,754,896	9,509,792
Wyoming	250,929	250,930	501,859
Yates	143,963	143,964	287,927
New York City	88,840,788	88,840,789	177,681,577
State Total	168,894,098	168,894,131	337,788,229

ATTACHMENT B
NEW YORK STATE CHILD CARE BLOCK GRANT

MAINTENANCE OF EFFORT
Federal Fiscal Year 1995 Basis

DISTRICT	MOE AMOUNT	DISTRICT	MOE AMOUNT
Albany	1,019,127	Oneida	283,468
Allegany	68,895	Onondaga	1,204,201
Broome	518,534	Ontario	73,752
Cattaraugus	34,769	Orange	32,900
Cayuga	15,101	Orleans	36,152
Chautauqua	558,879	Oswego	41,453
Chemung	63,364	Otsego	28,900
Chenango	27,933	Putnam	62,728
Clinton	99,395	Rensselaer	164,819
Columbia	7,848	Rockland	235,830
Cortland	53,422	St Lawrence	101,658
Delaware	34,955	Saratoga	30,127
Dutchess	193,433	Schenectady	228,165
Erie	1,264,742	Schoharie	12,101
Essex	16,498	Schuyler	9,515
Franklin	26,381	Seneca	19,292
Fulton	38,407	Steuben	148,022
Genesee	49,813	Suffolk	692,326
Greene	20,310	Sullivan	28,491
Hamilton	2,738	Tioga	22,049
Herkimer	14,318	Tompkins	70,752
Jefferson	81,936	Ulster	208,356
Lewis	11,454	Warren	22,063
Livingston	76,936	Washington	32,583
Madison	12,147	Wayne	39,416
Monroe	4,221,021	Westchester	1,018,071
Montgomery	11,738	Wyoming	13,806
Nassau	1,574,621	Yates	11,683
Niagara	364,420		
		New York City	52,937,271
		State Totals	68,293,085

ATTACHMENT C

New York State Child Care Block Grant

ASSURANCES

The social services district assures that when providing child care services under the New York State Child Care Block Grant (NYSCCBG) it will:

- (1) provide parents with information about the full range of providers eligible for payment with child care subsidy funds;
- (2) offer child care certificates to assist parents in accessing care;
- (3) inform clients of criteria to consider when selecting a child care provider;
- (4) allow parents to select any legal child care provider (Districts may disapprove providers chosen by families with a preventive or protective case under certain circumstances);
- (5) establish at least one method of paying for child care provided by caregivers who do not have a contract with the district;
- (6) provide payment for the actual cost of care (rate charged by the provider to non-subsidized families unless a lower payment rate has been established in a negotiated contract) up to the applicable market rate;
- (7) review enrollment forms for informal and legally-exempt group child care providers to ensure providers are operating legally and comply with State standards and any additional State-approved local standards;
- (8) ensure that families with very low income and families with children who have special needs are given priority for subsidies;
- (9) guarantee child care subsidies to parents or caretakers who are in receipt of Family Assistance or Safety Net Assistance and have a child under thirteen years of age, when child care is necessary to enable a parent or caretaker relative to work or participate in work activities;

- (10) guarantee child care subsidies for up to 12 months for families whose Family Assistance (FA) has ended, who need child care for a child under 13 years of age in order for the parent or caretaker relative to work, whose income is within 200% of the State Income Standard, who received Family Assistance in three of the six months prior to case closing, and whose assistance was terminated as a result of increased hours or income from employment or increased income from child support or because the family voluntarily closed its case;
- (11) inform recipients of Family Assistance or Safety Net Assistance and former Family Assistance recipients of the child care guarantees for eligible families;
- (12) inform families in receipt of Family Assistance and Safety Net Assistance of their responsibility to locate child care;
- (13) inform families in receipt of Family Assistance or Safety Net Assistance of the criteria the district will use to determine that a family has demonstrated an inability to obtain needed child care because of the following reasons:
- unavailability of appropriate child care within a reasonable distance from the individual's home or work site;
- unavailability or unsuitability of informal child care by a relative or under other arrangements; or
- unavailability of appropriate and affordable regulated child care arrangements;
- (14) offer two choices of legal child care, at least one of which must be a licensed or registered provider, to recipients of Family Assistance and Safety Net Assistance who have requested assistance in locating child care for a required work activity and who have demonstrated an inability to obtain care;
- (15) inform recipients of Family Assistance and Safety Net Assistance that the families' public assistance benefits cannot be reduced or terminated when they demonstrate that they are unable to work due to the lack of child care for a child under the age of thirteen; and
- (16) advise recipients of Family Assistance that the time during which they are excepted from the reduction or termination of benefits due to the lack of available child care will still count toward the families' time limit on Family Assistance benefits.

Commissioner's signature/ Date

ATTACHMENT D

ELIGIBLE FAMILIES

1. **Families which are guaranteed child care.** A social services district must guarantee child care services to certain families.

a. A social services district must guarantee child care services to a family who has applied for or is in receipt of family assistance or safety net assistance when such services are needed for a child under 13 years of age in order to enable the child's custodial parent or caretaker relative to engage in work or to participate in an approved activity, orientation, assessment, or work activities as required in their employment plan.

b. For a family with a closed family assistance case, a social services district must guarantee child care services for a period of 12 consecutive months after the month in which the family assistance case closed, provided:

- (1) the case closed due to increased income from either employment or child support or because the family voluntarily ended assistance;
- (2) the family received family assistance in at least three of the six months immediately preceding the case closing;
- (3) the family includes an eligible child that is under the age of 13 and needs child care services in order to enable the child's parent or caretaker relative to work; and
- (4) the family has income at or below 200% of the applicable State income standard.

2. **Families that are eligible when funds are available.** A social services district must provide child care services to a family eligible under this criteria, to the extent that the district continues to have funds available.

a. A family receiving family assistance or safety net assistance when child care services are necessary to enable a parent or caretaker relative of an eligible child who is aged 13 or older and who has special needs or is under court supervision to work or participate in an approved activity.

b. A family receiving family assistance or safety net assistance when child care services are necessary:

- (1) to enable a teenage parent to attend high school or an equivalency program; or

- (2) because a parent or caretaker relative is physically or mentally incapacitated or has family duties away from home necessitating his or her absence.

c. The family has income up to 200 percent of the State income standard and the family is at risk of becoming dependent on family assistance when child care services are needed:

- (1) for the child's caretaker(s) to be employed; or
- (2) to enable a teenage parent to attend high school or an equivalency program.

3. Families that are eligible if funds are available and if the social services district has listed such families as eligible in the district's consolidated services plan. The following families are eligible provided the social services district has listed such families as eligible families in the district's consolidated services plan:

a. The family is applying for family assistance or safety net assistance and child care is needed for a parent or caretaker relative to seek employment.

b. The family is in receipt of family assistance or safety net assistance and child care services are necessary for a parent or caretaker relative to participate in an approved activity in addition to the activities required in their employment plan.

c. The family is in receipt of family assistance, safety net assistance or has income up to 200% of the State income standard and child care services are needed for the child to be protected because the child's caretaker is:

- (1) participating in an approved substance abuse treatment program or participating in screening or in assessment of the need for substance abuse treatment;
- (2) homeless or is receiving services for victims of domestic violence and needs child care in order to participate in an approved activity or participating in screening or in assessment of the need for services for victims of domestic violence; or
- (3) in an emergency situation of short duration.

d. The family has income up to 200% of the State income standard and child care services are needed for the child to be protected because the child's caretaker is physically or mentally incapacitated or has family duties away from home necessitating his or her absence.

e. The family has an open child protective services case irrespective of family income.

f. The family has income up to 200 percent of the State income standard when child care services are needed for the child's caretaker to participate in one of the following activities provided such activity is an allowable activity set forth in the social services district's consolidated services plan and the district determines that the activity is a necessary part of a plan for the family's self-support:

- (1) actively seek employment for a period of up to six months; or
- (2) educational activities including attendance in one of the secondary or post-secondary programs permitted under Part 415 of the State regulations.