



OFFICE OF EARLY CHILDHOOD EDUCATION

# ELIGIBILITY DETERMINATION POLICIES

*FOR  
SUBSIDIZED CHILD CARE*

SEPTEMBER 2009

Office of Early Childhood Education

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The overarching purpose of the subsidized child care program is to assist eligible families with child care costs. It is estimated that there may be as many as 31,500 children in the District who are eligible for subsidized child care. Due to funding limitations, subsidies are not available for all children who may need child care. Therefore, it is necessary to establish eligibility criteria in order to target child care fiscal and placement resources for those groups identified as having priority of need. The priority groups are:

Participants in the Food Stamp Employment/Training Program

TANF recipients in countable activities

Children in foster care with working foster parent/guardian(s)

Children under the authority of Child Protective Services

Children with disabilities

Teen parents/guardians or young adults who are in secondary school

TANF payees in countable activities

Working parents/guardians (sometimes moved to non-priority depending on fiscal restraints)

Non-priority groups include:

Adults with disabilities (non-TANF)

Recipients of Vocational Rehabilitation Services (non-TANF)

Parents/guardians in structured job search, undergraduate, or training (non-TANF)

Guardianship arrangements (not active protection cases)

## PURPOSE

The purpose of this guide is to facilitate an understanding of the policies necessary for correct implementation of Child Care and Development Fund (CCDF) requirements for the District of Columbia government agencies, including the Office of the State Superintendent of Education (OSSE) and authorized Level II providers for eligibility determination for children and their families. Specific guidance will be provided for:

- a. identification of factors that constitute eligibility for child care under D.C. Laws and the federal Child Care and Development Fund Plan;
- b. role and responsibilities of the Department of Human Services (DHS), Child Care Services Division caseworker and the Level II Eligibility Worker in determining initial and continuing eligibility;
- c. identification of appropriate documentation of eligibility decisions;
- d. determination of proper subsidized co-payment calculations; and
- e. placement of children in an appropriate child development facility.

Eligibility decisions are based on adherence to District laws and federal regulations as they apply to factors involving the parent/guardian and the child. An understanding of the nuances of the child care delivery system is critical to ensure appropriate application of the variables in determining eligibility and certifying children for placement in child development facilities.

It is important that all agencies providing this service and the Eligibility Workers follow the same eligibility guidelines, policies are applied universally with fairness, and that records are properly documented and maintained.



Effective April 1, 2008, pursuant to the Public Education Reform Amendment Act of 2007 (D.C. Law 17-9, D.C. Code Section 38-2601, et. seq.) most of the functions of the District of Columbia Office of Early Childhood Education (ECE) were placed under the Office of the State Superintendent of Education (OSSE). However, the Intake and Continuing Services Unit, Child Care Services Division, which completes eligibility determinations for the child care subsidy program, remained with the Department of Human Services (DHS). The Child Care Eligibility Monitors who were previously a part of the DHS/CCSD under DHS remained with ECE under the OSSE, along with other staff performing monitoring and quality control functions. Eligibility Monitors, along with many other OSSE/ECE staff, will continue to interface with the DHS/CCSD on a number of levels to ensure children and families continue to receive services.

Persons who will benefit from knowledge of the policies contained in this guide include:

- a) Agencies wishing to understand the eligibility requirements under the Child Care and Development Fund (CCDF) for subsidized child care;

- b) Parents/guardians wishing to understand the basic requirements for eligibility determination for subsidized child care;
- c) Supervisors and first line Eligibility Workers (Social Service Representatives and Child Care Eligibility Specialists) in the Department of Human Services, Income Maintenance Administration, Child Care Services Division;
- d) Program Monitors and Eligibility Monitors, Office of the State Superintendent of Education, Office of Early Childhood Education; and
- e) Eligibility Workers at Level II centers that have been given authority to accept applications, and conduct intake and eligibility reviews for patrons of their centers.

This guide will also prove to be an excellent resource for staff of agencies that frequently refer applicants to the child care subsidy program. Programs that may benefit from a review of this information include:

- a) The Income Maintenance Administration (IMA) and its vendors;
- b) The Child and Family Services Agency (CFSA) and its vendors;
- c) The Rehabilitation Services Administration (RSA);
- d) The D.C. Superior Court;
- e) The D.C. Public Schools (DCPS);
- f) The Department of Employment Service (DOES);
- g) The Infants and Toddlers with Disabilities Division (ITDD); and
- h) Level I providers who may refer a family to the DHS/CCSD for child care eligibility determination.

## AUTHORITY

Initial determination and re-determination of eligibility for subsidized child care shall be based on:

- The Day Care Policy Act of 1979, effective September 19, 1979, D.C. Law 3-16, D.C. Official Code Section 4-401 *et seq.*;
- The Child Care Services Assistance Fund Act of 1988, effective January 6, 1989, D.C. Law 7-220, D.C. Official Code Section 7-2001 *et seq.*;
- Child Care and Development Fund State Plan, current version;
- Departmental policies that may be issued from time to time.



## **GLOSSARY OF KEY TERMS**

This glossary contains definitions of key terms, concepts and acronyms used in this manual.

### **TERM**

### **DEFINITION**

#### ***APPLICANT***

The child's parent/guardian or guardian who makes initial application for subsidized child care.

#### ***CHILD***

For purposes of subsidized care, a child is an individual between birth and the age of 12 years (or through the age of 19 if the child has special needs)

#### ***CHILD CARE***

Care provided in a child development center; a family child care home; relative child care home; or in a child's home for less than 24 hours a day and for which compensation is paid.

#### ***CHILD WITH SPECIAL NEEDS***

A child under 19 years of age who does not function according to age appropriate expectations in one or more of the following areas of development: social/emotional, cognitive, communication, perceptual-motor, physical or behavioral development; or who has chronic health issues.

#### ***CO-PAYMENT***

An amount determined to be the parent/guardian or guardian's share of the daily cost of care and to be paid by the parent/guardian to the child care provider. Also referred to as the parent fee.

**TERM**

***ELIGIBILITY WORKER***

**DEFINITION**

The person responsible for determining the family's eligibility for subsidized child care. (DHS/CCSD) staff or the Level II child care center staff.

***FAMILY***

A unit consisting of one or more adults and children related by blood, marriage, adoption or legal guardianship who reside in the same household.

a. For purposes of determining family size the family includes an adult or adults if a two-parent/guardian family, and the children who are dependent on those adults(s). The adult(s) must be the biological parent/guardian(s) or have legal guardianship and documentation as such.

b. In the case of parent who is also the foster parent and qualifies for subsidized child care for their own child, the children in foster care are countable in determining family size.

***FAMILY INCOME***

The combined gross countable income of all family members living in the same household who are included for purposes of determining family size. Used to determine income eligibility and co-payments.

***FRAUD***

An offense committed by any person who obtains or attempts to obtain, or aids or abets any person, who pursuant to a scheme to deceive, knowingly falsifies (a deliberate act), conceals or covers

**TERM**

**DEFINITION**

up a material fact or makes or uses any false statement, writing or document to obtain a benefit or payment to which the parent or provider would otherwise not be entitled. Overpayments are considered intentional if the parent or provider knowingly withheld or provided false information on matters affecting eligibility, benefits or a claim for services. A failure to disclose a material fact that results in obtaining or continuing to receive child care subsidy funds or services for which the parent or provider is not entitled. Recipient fraud includes the following (this list is not all inclusive):

- With the intent to deceive, withholding information regarding eligibility factors such as family income, number of family members, ages of family members, or the recipient's hours of employment or training
- Knowingly using child care services for an ineligible child
- Failing to report any changes which would affect the family's eligibility for child care benefits (purposeful deception)

**GROSS INCOME**

The sum of annual income, including pre-tax benefits, of all members of the family included in the family calculation.

**TERM**

**DEFINITION**

***INCOME ELIGIBILITY***

A method for determining eligibility which is based on establishing that the applicant family's gross income is no more than the maximum income level allowable based on family size.

***INFANT***

A child under 12 months of age

***OVERPAYMENT***

The amount of money received over the correct payment to which the payee was not entitled.

***PRESCHOOLER***

For payment purposes, a child between the age of 36 months and the age for start in public, private or public charter school. For licensing purposes, a child between 24 months of age and the time that he/she starts school.

***PROVIDER***

A licensed child development center, a licensed family child care home, or a person approved as an in-home or relative caregiver.

***RECIPIENT***

An individual child or head of the family who is determined eligible for and receives subsidized child care.

***RESIDENT***

An individual who lives in Washington, D.C. at the time of application and throughout the period of receipt of authorized child care.  
(See Chapter 300 for exceptions to this requirement).

**TERM**

***SCHOOL AGE CHILD***

**DEFINITION**

An individual attending public, private or public charter school between the ages of four (4) to twelve (12), or up to age 19 if a child with special needs.

***SUBSIDIZED CHILD CARE***

Care provided in a child development center, a family child care home, a relative child care home, or in a child's home for fewer than 24 consecutive hours a day and for which the government provides reimbursement to the provider.

***TANF VENDOR***

An organization contracted with IMA to provide job training and job placement for TANF (Temporary Assistance to Needy Families) recipients.

***TEEN PARENT or Young Adult***

A single parent or young adult under the age of 26 years who lives with a parent/guardian or other relative and attends junior high , high school or college.

***TODDLER***

A child 12 months or older but less than 36 months of age.

***UNDERPAYMENT***

A payment received by a provider which is less than the allowable amount owed for service provided in accordance with a particular child care agreement.

***DHS/CCSD***

Department of Human Services,  
Child Care Services Division

***CFSA***

Child and Family Services  
Agency

<b><u>TERM</u></b>	<b><u>DEFINITION</u></b>
<b><i>DCMR</i></b>	D.C. Municipal Regulations
<b><i>DHS</i></b>	Department of Human Services
<b><i>DOES</i></b>	Department of Employment Services
<b><i>DOH</i></b>	Department of Health
<b><i>ECE</i></b>	Office of Early Childhood Education
<b><i>FSA</i></b>	Family Services Administration
<b><i>IEP</i></b>	Individualized Education Plan
<b><i>IFSP</i></b>	Individualized Family Service Plan
<b><i>IMA</i></b>	Income Maintenance Administration
<b><i>OSSE/ITDD</i></b>	Office of the State Superintendent of Education, Infants and Toddlers with Disabilities Division
<b><i>MIS</i></b>	Management Information System
<b><i>OSSE</i></b>	Office of the State Superintendent of Education
<b><i>SSI</i></b>	Supplemental Security Income
<b><i>SSN</i></b>	Social Security Number
<b><i>TANF</i></b>	Temporary Assistance to Needy Families



**ROLE OF THE ELIGIBILITY WORKER  
IN APPROVAL OF SUBSIDIZED CHILD CARE**

The primary function of the Eligibility Worker is to determine initial eligibility and to re-determine eligibility of families and children for subsidized child care services, to assist with appropriate placement for eligible children and to determine the appropriate subsidy payment and parent/guardian co-payment.

**100.1 ELIGIBILITY DECISIONS**

The final authority on eligibility for the Child Care Subsidy Program rests with the District of Columbia OSSE. The person making the determination of eligibility for subsidized child care may be an employee of the District of Columbia government or may be a staff person at a Level II center staff to which the responsibility has been delegated by the Office of the State Superintendent of Education (OSSE). In either case, that person is responsible for applying the eligibility regulations as set forth in DC Law 3-16, as amended; the Child Care and Development Fund State Plan; and OSSE policies. Eligibility decisions by the Department of Human Services/child Care Services Division (DHS/CCSD) and Level II center staff are subject to review by the OSSE Compliance and Integrity Division, Program Integrity Unit (ECE/CID/PIU).

**100.2 CONFIDENTIALITY OF INFORMATION**

Any information related to a family or individual's participation in the Child Care Subsidy program shall not be disclosed, shared or made available to any person, organization, or provider without the prior written consent of the participant(s) or applicant(s). Any such information will only be shared or disclosed in accordance with all confidentiality and privacy protections as afforded by all applicable federal, state, and local laws.

**100.3 NON-DISCRIMINATION POLICY**

All services shall be provided to applicants without regard to race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibility, matriculation, political affiliation, disability or source of income.

#### **100.4 INTERVIEW**

The Eligibility Worker must conduct a personal interview with the applicant at intake and with the recipient at re-determination of eligibility in order to obtain a thorough understanding of and apply all relevant eligibility factors, including family status, residence, income, hours and location of employment and/or training as well as other factors that will enable the Eligibility Worker to reach a decision about eligibility. Exceptions to the interview requirement are made in the case of referrals for which all transactions may be handled by the referring worker. These include applicants under the Foster Care and Child Protective Services programs.

#### **100.5 PLACEMENT AND PARENT/GUARDIAN CHOICE**

The Eligibility Worker shall assess, with the applicant or recipient, the service needs related to child care. The Eligibility Worker must assure parent/guardian choice by explaining the various placement options, which include licensed child care centers, licensed home providers, and relative and in-home care.

The Eligibility Worker shall permit the use of in-home care as a last resort only for in-home care when other arrangements cannot be made. An exception may be made by the Eligibility Worker for any applicant who works non-traditional hours for which in-home care is the only possible child care arrangement. The reason for in-home care must be documented in the case file.

The Eligibility Worker is permitted to complete the eligibility determination process only and is expected to notify the ECE of the need for a formal agreement as a result of this type of placement. The ECE is responsible for ensuring a signed formal agreement is executed with the proposed provider for relative or in-home care arrangements.

Applicants requesting subsidized placement in care centers and licensed child care homes must select from the providers that have agreements with the ECE. A relative child care home provider may reside in the neighboring jurisdiction of Maryland or Virginia.

#### **100.6 DOCUMENTATION REQUIREMENTS**

The Eligibility Worker shall review all documents closely to ensure they are authentic and that they match the applicant's verbal statements and application.

The Eligibility Worker shall ensure families understand reasons and are properly notified when they do not qualify for the Child Care Subsidy Program or services must be terminated.

The Eligibility Worker shall identify and provide a written request for any additional information needed. The applicant must be informed that the application will expire 30

days from its initiation if the applicant fails to meet requirements for documentation.

All eligibility documents must be in place before a child is placed in a subsidized slot. For eligibility reviews, all documents must be in place no more than five (5) working days after the date of the re-determination interview. A request for additional time must be based on extenuating circumstances and must be approved in writing by the DHS/CCSD Program Manager or Supervisor or by the Director of the Level II center, and may not exceed 15 working days. Failure of the parent/guardian or guardian to supply all required eligibility information will result in termination of the child care subsidy.

## **100.7 CASE RECORD REQUIREMENTS**

Level II providers and DHS/CCSD Eligibility Workers shall establish and maintain a paper case record folder for each applicant receiving subsidized child care. The folder should be labeled with the applicant's (adult's) name and should contain individual eligibility information for all children in the family.

The eligibility record must be properly secured and available at all times and is subject to review by the OSSE Eligibility Monitors, DHS or OSSE managers or outside auditors. Level II centers must return closed case records within three (3) months of the termination to the ECE. Closed case records must be maintained on site at DHS/CCSD and ECE for a minimum of five (5) years.

Each folder shall contain an eligibility checklist specific to the eligibility category of the family. The Eligibility Worker shall utilize one (1) of 22 checklists to verify eligibility for the applicant. The following checklists have been designed to improve the certification process for the various groups of applicants:

- Food Stamps Non-TANF;
- TANF Countable Activity;
- Training Non-TANF;
- Job Search Non-TANF;
- Job Search TANF;
- Foster Care;
- Protective Services Non-TANF;
- Protective Services TANF;
- Court TANF;

- Court Non-TANF;
- Child with a Disability Non-TANF;
- Child with a Disability TANF;
- Teen Parent Non-TANF;
- Teen Parent TANF;
- Undergraduate Non-TANF;
- Undergraduate TANF;
- TANF Payee;
- Working Parent;
- Adult with a Disability TANF
- Adult with a Disability Non-TANF;
- Vocational Rehab TANF; and
- Vocational Rehab Non-TANF.

The Eligibility Worker must initial each item obtained for the file. Every file must contain a completed Application for Subsidized Child Care signed by the applicant and Eligibility Worker. The file must have supporting documentation for eligibility and calculations of the family income for determination of the family’s co-payment. Copies of any payment adjustment forms shall be included in the record. See Appendix 1 for the various “Eligibility Checklists” by category.

Documents must be organized chronologically in the family case record with the most recent dated documents on top. Notes must be kept to document work with each case. Eligibility Workers are expected to use the “Record of Case Action” notes form at Appendix 2 for capturing all work related to the applicant and case. At a minimum a 2-part folder must be used. Organization of the folder must adhere to the following minimum standards:

Left Side (similar documents grouped together):

- Application for Subsidized Child Care Services;
- Child care referrals;
- Child care Admission forms;
- Health Certificates (for DHS/CCSD Records);

- Adoption papers, custody orders;
- Birth Certificates;
- Social Security cards; and
- Picture ID's.

Right Side:

- Termination letter (copy);
- Check list – selected according to eligibility category (required for every intake and review determination);
- Record of Case Action form (contacts dated and signed);
- Case status documentation (letter or referral from Child and Family Services Agency, DC Superior Court, Vocational Rehabilitation, etc. confirming ongoing status);
- Proof of disability;
- Preview letter (copy);
- Proof of employment or training;
- Proof of private child care deduction;
- Proof of dependent's college education;
- Work/School schedule;
- IMA/ACED's printout or letter from IMA Worker;
- Proof of residence; and
- Child Care Payment Adjustment Authorization forms (grouped by child with most recent on top).

Level II Eligibility Workers shall maintain an 'eligibility' folder for each family referred with an admission from DHS/CCSD. It must contain the admission form and any subsequent correspondence from the DHS/CCSD Eligibility Worker regarding the family.

The child's record must be maintained separately from the eligibility record at the child care facility and should contain the following documents:

- Health Certificate;

- ☑ Emergency medical treatment consent form;
- ☑ Correspondence related to the child's health or behavior;
- ☑ Authorizations for persons who may pick up the child;
- ☑ Unusual Incident Report form(s); and
- ☑ Any other forms unrelated to eligibility.

The DHS/CCSD Eligibility Worker shall keep a copy of each admission form when issued, until such time as the signed copy is returned. A "voided" copy with written explanation shall be maintained if the admission form is not returned as a result of non-attendance.

Level II providers receive an admission slip from another source shall establish and maintain an eligibility folder that contains the admission slip(s) and any subsequent correspondence from the DHS/CCSD Eligibility Worker regarding that family.

The child's health record must be maintained separately from the eligibility record at the child care facility and should contain the following:

- Health certificates
- Emergency medical treatment consent forms
- Correspondence related to the child's health or behavior
- Authorization for persons who may pick up the child
- Unusual Incident Report forms (as appropriate)
- Any other forms unrelated to eligibility

## **100.8 ECE MANAGEMENT INFORMATION SYSTEM (DATABASE)**

The ECE uses a management information system (MIS) to store data for all children in the Child Care Subsidy Program. Eligibility Workers assigned to the case, whether in the DHS/CCSD office or in a Level II center shall use the MIS to set up a new applicant's case and is expected to maintain and update case information for each family whose eligibility they determine as needed throughout the period the family is eligible.

All Level II centers must be trained for use of the MIS prior to taking on applications by the ECE Eligibility Monitors. The Child Care Subsidy system computer modules relevant to eligibility determination are the Client Entry (Child Care Intake) module and the Child Care Assignment module. The following are some of the most important

features of each module.

- The Client Entry module must be updated at every eligibility review or when any other changes are needed with a hard copy of the main intake and employment/training screens filed in the paper case folder.
- The Assignment module must be completed to allow for payment for a child and must be updated immediately when there is a change in assignment or termination.

### **100.9 RE-DETERMINATION OF ELIGIBILITY**

Re-determination of eligibility shall be completed by the Eligibility Worker every 12 months from the initial application for all eligibility categories. Eligibility Workers shall complete “off schedule reviews” when a change of employment, change in training, change of address, or change in family makeup takes place.

The DHS/CCSD shall maintain responsibility for cases where children are placed in more than one facility, even if one or more of the facilities is a Level II provider. The Level II Eligibility Worker shall re-determine eligibility for all other children enrolled in their Level II slots.

The Eligibility Worker shall terminate the child care subsidy when an applicant does not provide the required eligibility documents in a timely manner following the proper termination procedures as described in Chapter 600.



## **100.10 PLACEMENT CHANGES**

Eligibility Workers shall permit a change in placement only after the following two (2) conditions have been met:

1. A written statement is received from the applicant explaining the reason for the requested transfer.
2. A copy of any statement that identifies problems with the former provider is forwarded to the ECE School Preparedness Division, Program Monitoring Unit for follow-up.

## **100.11 FAMILIES WITH CHILDREN IN MULTIPLE FACILITIES**

Level II providers and DHS/CCSD Eligibility Workers shall monitor applicants to ensure identification of families with children in multiple sites. All cases that are substantiated shall be forwarded to the DHS/CCSD office to centralize the records for the entire family to alleviate the need for families to travel to multiple sites for child care services. This will be the responsibility of the assigned Eligibility Worker at DHS/CCSD if the record is active in the DHS/CCSD. The DHS/CCSD Eligibility Worker must use a transmittal memorandum to document receipt of the case record from the Level II center with a copy given to the provider for their records.

The eligibility records for any staff member employed by a Level II provider, the DHS/CCSD or the ECE shall be kept in the DHS/CCSD office. The Supervisor or Manager must review and verify eligibility for all records of DHS staff requesting eligibility determination through DHS/CCSD.

## THE APPLICATION PROCESS

The Level II Eligibility Worker shall accept applications from all applicants except those whose children are under TANF, Child Protective Services, the Foster Care system, the DC Court system or the Rehabilitation Services Agency. The Eligibility Worker shall ensure the application form is completed, dated, signed and all required documentation is submitted before determining eligibility. The Eligibility Worker shall allow up to 30 calendar days from the submittal date for the applicant to secure and submit all necessary documentation.

### 200.1 INQUIRIES – KNOWLEDGE REQUIREMENTS

The DHS/CCSD or Level II Eligibility Worker or Receptionist shall have basic knowledge about the CCDF Subsidized Child Care program, the steps for applying for admission under the subsidy, including funding source information, the age range of children served, various program options and potential hours of operation, basic eligibility requirements, fee determination process and schedules and be able to articulate these details to all prospective applicants.

The Eligibility Worker or Receptionist shall have knowledge of the requirements for each eligibility category in which a referral is needed from another office, such as a TANF applicant and be able to articulate the steps for obtaining the referral to the applicant.

### 200.2 SCREENING

The Eligibility Worker or Receptionist shall have the skills to pre-screen all prospective applicants for potential eligibility. Factors discussed must include the following:

- The application process;
- Establishment of family relationship;
- Birth Certificate requirement;
- Residency requirement;
- Need for care;
- Income guidelines;

- Citizenship or Legal Status;
- Health Certificate requirement; and
- Additional Documents Needed (photo I.D. for applicant; original Social Security cards for each family member)

The Eligibility Worker shall schedule an appointment for intake for any applicant wishing to pursue an application for eligibility determination.

### **200.3 INTAKE INTERVIEW**

The Eligibility Worker shall offer a face to face interview with the applicant to further explain the subsidy program and eligibility requirements, review documentation submitted by the applicant; resolve any issues related to unclear or incomplete information; explain the applicant's rights and responsibilities as listed on the application form, review with the applicant his/her eligibility for subsidized child care; and inform the applicant of the types of child care available.

The Eligibility Workers should allot a minimum of 45 minutes for the initial interview and confirm eligibility and authenticate all documents received during the visit.

A copy of all documentation must be placed in the case file. The original documents must be provided for verification of relationship, verification of employment and verification of legal status, verification of residence and a copy of each document made for the case file.

### **200.4 THE APPLICATION FORM**

The Eligibility Worker shall use the completed "Application for Subsidized Child Care Services" form to officially start the process of requesting subsidized child care. See the "Application for Subsidized Child Care Services" form at Appendix 3.

The Eligibility Worker shall ensure assistance is provided as needed for reading or interpreting all information during the application process including understanding that parent/guardian/guardian signature is considered certification that all information provided is correct and accurate under penalty of law. The Eligibility Worker shall ensure the parent/guardian understands that the application is not complete until for the application form is filled out and all supporting documents have been received as required. The Eligibility Worker shall ensure the applicant has a copy of all relevant application documents for their records.

The Eligibility Worker shall accept an application from a representative of a parent or guardian who is physically unable to come to the office when accompanied by a letter

authorizing a different signatory. The application is expected to be completely filled out and must be signed by the parent/guardian with all the necessary supporting documentation attached.

The Eligibility Worker shall consider the application null and void after 30 days if appropriate documentation has not been provided.

## **200.5 PLACEMENT PROCESS**

The Eligibility Worker shall set up the case record by entering all information from the application into the ECE MIS at the time of the interview. If the applicant received services previously and is already in the database, the worker shall confirm that the database is up-to-date with current information.

The Eligibility Worker shall remind all applicants about the 30 day period for which the parent/guardian has to obtain proof of their child's start in a program from the date of DHS/CCSD approval signature on the admission form. The application and approved "Child Care Admission" form shall become null and void if not returned certifying the child's start in the program within the 30 day period. The Eligibility Worker shall not allow the use of an admission form for a provider other than the one named on the form. See the "Child Care Admission" form (Traditional and Non-Traditional) at Appendix 4.

## **200.6 DENIAL OF APPLICATION**

The Eligibility Worker shall deny approval of an application when:

- The applicant does not satisfy the eligibility requirements for relationship, legal status, residency, need and/or income;
- The applicant has failed to provide all required documentation for the establishment of eligibility within 30 days of the date of the application;
- The applicant's information is found to be false; or
- Funds are not available for placement for a family in a non-priority category. In this case, the applicant's name may be added to a waiting list.

When the application for subsidized care is denied, the Eligibility Worker shall give written notice on the application, including:



1. The decision.
2. The basis for the decision, including legal citations where appropriate.
3. Explanation of the applicant's right to an Administrative Hearing.
4. The Eligibility Worker's signature and the date.

The Eligibility Worker shall provide information and referral services pertaining to other government and community programs and services to address other needs of the applicant. This may include the District's "211" information service.

The case record for a denied or voided application, including any documentation related to the case, must be maintained for 90 days in case the applicant appeals the decision. Copies of all documents must be secured in the file before the termination notice is given.

**ELIGIBILITY DETERMINATION AND PLACEMENT**

**300.1 GENERAL ELIGIBILITY REQUIREMENTS**

The Eligibility Worker shall ensure certain applicable eligibility criteria are met before proceeding with the details of finalizing eligibility for subsidized child care. The following five (5) general criteria must be met:

- Relationship;
- Legal Status;
- Residence;
- Need; and
- Income.

The Eligibility Worker must determine eligibility for a number of categories based on the applicant's participation in a valid, qualifying activity for a minimum of 20 hours per week. The applicant may only be considered as eligible for child care during the time when one (1) or more of the following activities occurs:

- Employment (through an agency or self-employed);
- Job Search;
- Training Program;
- Work Experience Program;
- Job Corps;
- Teen Parent in High School or G.E.D. Program
- Student in Undergraduate Program (1 credit hour equals 1 hour of work); and/or
- Summer School Program (including undergraduate program).

The Eligibility Worker shall ensure applicants understand the kind of documents that will be required for submission as part of their application. These documents include:

- Photo Identification (driver's/non-driver's ID);

- Social Security Cards for the applicant and all dependents;
- Full Size Original Birth Certificate; and
- Health Certificate (including immunization record) completed by a physician (lead and Tuberculin testing results as required by age of child). See the “Health Certificate” and Instructions for completion at Appendix 5.

### **300.2 ELIGIBILITY DETERMINATION AND PLACEMENT**

In situations where eligibility is based upon a special factor involving the parent/guardian or child, that special eligibility factor must be satisfied as a condition of need for child care.

For those applicants who have supplied the basic documentation requested, the Eligibility Worker shall review this data and record key eligibility factors in the MIS during the initial face-to-face interview with the parent/guardian. The Eligibility Worker must review/discuss:

- Type of child care required (i.e. center based, family home, relative home, or in-home);
- When child care is needed (i.e. full day, before and after school, non-traditional hours including nights and weekends); and
- Possible special needs or special health care needs of the child.

### **300.3 ELIGIBILITY REQUIREMENT: RELATIONSHIP**

The Eligibility Worker shall verify that the adult requesting services has legal and/or financial responsibility for the children needing child care services and any other children to be considered as dependents.

The Eligibility Worker shall not proceed unless this primary factor can be verified.

The Eligibility Worker shall consider the following variables linked to “relationship”:

#### **1. Child To Parent/guardian**

##### **Acceptable documentation for verification:**

- A full size original birth certificate. The birth certificate must include the name of the parent/guardian(s) requesting services;

- A birth certificate in a non-English language with a certified translation;
- Hospital record of birth [acceptable for an infant under six (6) months old signed by a licensed physician or licensed health care practitioner]. The official birth certificate must be supplied within 30 days of the date of application;
- Adoption papers with a finalization date, issued by a court; or
- A referral for child care services from an authorized District of Columbia government agency or its vendor that verifies relationship has been established.

The Eligibility Worker may accept the applicant's statement in regard to marital status. However, whenever this statement is contradicted either by documentation seen or by behavior observed, the applicant must be required to clarify and confirm status by providing additional proof of evidence. Even if it is established satisfactorily that a parent/guardian does not live with the child, if that person is observed to be an active participant in the child's daily life, they must provide a statement as to their financial contribution toward the child, which will be countable as part of the family income.

Determination of family relationship impacts the number of people to be counted relative to categories of eligibility that require co-payment consideration. Whenever both parents/guardians reside in the household with the children, both parent/guardians must qualify for the program. Each one (1) must be employed or meet some other qualifying standard. The income of both parents/guardians must be combined. This is required regardless of whether or not they are legally married.

## **2. Legal Guardianship Arrangement**

The Eligibility Worker shall consider guardianship arrangements that involve people other than the natural parent/guardian such as:

- Foster Care;
- Alternative placement for the child's immediate protection made by the Child and Family Services Agency or the D.C. Superior Court, Family Division, which involve active supervision of the child by a social worker or court representative;
- Temporary or permanent custody assigned by the D.C. Superior Court, with no ongoing supervision other than scheduled court hearings;
- TANF payee; and
- Other less formal legal guardianship situations.

Under guardianship, the arrangement that best describes need (highest priority) shall be used as the primary eligibility category.

**Acceptable documentation for verification:**

- A referral from the Child and Family Services Agency (Foster Care or Child Protective Services Social Worker) or from one of that agency's vendors;
- A referral from the Superior Court, Family Division (Probation Officer);
- Custody papers from the D.C. Superior Court;
- A referral from the Income Maintenance Administration (IMA) or one of its vendors;
- Documentation of payment from TANF;
- A letter verifying Social Security, Veterans' Benefits, child support, or any other benefit received by the applicant on behalf of a child;
- A letter on official letterhead from the Department of Corrections or another penal system, assigning temporary custody for a child of an incarcerated parent/guardian; or
- Admission form from the DHS/CCSD.

**3. Adoptive Parent/Guardian**

**Acceptable documentation for verification:**

- Revised birth certificate showing the adoptive parent/guardian(s) names and the child's name; or
- Adoption court papers.

**300.4 ELIGIBILITY REQUIREMENT: CITIZENSHIP AND LEGAL STATUS**

Children for whom federal child care assistance is sought must meet citizenship criteria prior to being found eligible for such assistance. **Only the status of the child is to be considered.**

The Eligibility Worker shall ensure that each child considered for subsidized child care is a United States citizen or national of the United States, Puerto Rico, Guam, U.S. Virgin Islands, American Samoa or the Northern Mariana Islands or otherwise in the country legally. **\*\* NOTE\*\* If eligibility workers at non-profit organizations elect not to verify citizenship; in those cases OSSE as the Lead Agency is still obligated to verify legal status and will do so.**

All documents presented to verify legal status must be either an original or a copy certified by the issuing agency. Applicants who cannot provide verification of citizenship or legal status are not eligible to receive federal child care assistance.

**Acceptable documentation for legal status verification:**

- Birth certificate showing that the child was born in the United States or to parents holding U.S. citizenship;
- The Lawful Permanent Residency Document (formerly known as the “green card”);
- Immigration and Naturalization Service (INS) documentation or other official identification verifying citizenship or legal status;
- A visa such as the H-2 visa allowing presence in this country for the time period during which child care is to be provided;
- Refugees: Form I-94 to show entry as a refugee;
- Asylees: Form I-94 showing grant of asylum;
- Order from an Immigration Judge showing deportation withheld;
- Form I-94 showing admission under conditional entry;
- An approved or pending petition of a battered spouse or child; or
- A formal referral from one of the following sources:
  - Temporary Assistance for Needy Families (TANF);
  - Food Stamp Employment/Training Program;

The Eligibility Worker shall confirm that all documentation validating residence is in the applicant’s name; is an **original** document and dated no more than 30 days prior to the date eligibility is being established.

**300.5 ELIGIBILITY REQUIREMENT: RESIDENCY**

The Eligibility Worker shall verify the child’s residency status for the District of Columbia in addition to U.S. legal status. It must be clearly documented if the family meets the exceptions for residency.

**Acceptable documents for DC residency verification:**

- Current official rent receipt on the company form or letterhead including the name of the applicant, current address, name of the landlord or rental agency,

date of receipt (no more than 30 days old);

- Evidence of home ownership such as a mortgage payment statement including the applicants name and current address (no more than 30 days old);
- Lease, mortgage or housing subsidy document showing applicant's name and address (no more than 30 days old);
- Original utility bill (residential telephone, gas, electric, water or sewer bill) showing applicant name and current address (no more than 30 days old). **Cellular telephone bills are not accepted. Cable bills are unacceptable** unless the home telephone bill is included;
- A notarized letter with original seal (indentation) signed by the "landlord" or homeowner stating that the applicant and children (include names) live with the writer at the stated address. The notarized letter must be dated within 30 days of the eligibility determination date and must be accompanied by two other current, original pieces of mail dated within 30 days and showing the applicant's name and address. One pay stub with current address may be included among these supporting documents;
- E-bills for utilities (telephone, electric, water, sewer or gas) showing applicant name and current address along with two pieces of mail as described directly above;
- Referrals no more than 30 days old from an authorized District of Columbia agency such as the Child and Family Services Agency (Foster Care or Child Protective Services), D.C. Superior Court, or the TANF program; or
- Documentation no more than 30 days old of **active** TANF, Food Stamp or Medicaid benefits received by the applicant.

### **Exceptions to the Residency Requirement**

The following are the only exceptions made for the residency requirement:

- **Foster Child** - may reside with a foster parent/guardian outside of the District (in the metropolitan area) and still receive child care services;
- **Child Protective Service case** – child under protection of the District of Columbia (Child and Family Services Agency or the D.C. Superior Court) living with a relative or guardian in Maryland, Virginia or another state;
- **DC Ward** - applicant under the protection of the District Court system placed in Maryland, Virginia or another state with her child(ren) by the Child and Family Services Agency under the Independent Living Program. This ward may receive subsidized child care in the District up until the age of 21 years. **Note:** If the children of this applicant are not officially under protection, the

family is not considered a Protective Services case for child care purposes. The applicant must qualify for child care based on another category, such as training or employment, and must be assessed for a co-payment if employed; or

- Although these children may reside outside the District, they must be placed in a District of Columbia child care facility in order for a subsidy to be paid with the exception of a relative care request (provider may reside in Maryland or Virginia).

### **Additional Residency Confirmation – Tax Deduction**

The Eligibility Worker shall confirm that each applicant for subsidized child care is paying District of Columbia state taxes. The Eligibility Worker shall check each applicant’s pay statement for tax deduction information.

The Eligibility Worker shall request additional documentation whenever tax deductions from Maryland, Virginia or another state are identified. The applicant must confirm DC taxes are being paid regardless of whether other residency documentation has been provided, by doing one of the following:

- If making a new application, the applicant must have the deduction corrected and bring one pay statement showing District of Columbia tax deductions before the child is approved for placement (within the 30 day timeline allowed to return requested documentation);
- If a review of eligibility is being completed, the correction must be documented as requested within 15 days after the review appointment. The applicant must follow up by supplying a pay statement reflecting the change no later than 30 days after the review appointment; or

### **300.6 ELIGIBILITY REQUIREMENT: NEED**

Need is defined in this context as the requirement for child care based upon an eligibility category. The documentation required is determined by the reason for eligibility.

Priority groups have been established for purposes of continuing to enroll children if a waiting list is in effect and for giving first opportunity for placement if there are more applicants than available slots. The priority and non-priority groups that follow are based largely upon D.C. Law 3-16 and the Child Care and Development Fund State Plan. However, the “working parent/guardian” category is considered to be at the lowest priority within this group and may be move to the non-priority group depending upon available funding.

### **PRIORITY GROUPS**

The Eligibility Worker shall consider the following groups as having priority for child care:

1. Participants in the Food Stamp Employment/Training Program.
2. TANF recipients in countable activities.
3. Children in foster care with working foster parent/guardian.
4. Children under Child Protective Services.
5. Children with Disabilities.
6. Teen parent/guardians or young adults in secondary school.
7. TANF payee in countable activities.
8. Working parent/guardian (group may move to non-priority depending on fiscal restraints).

**1. Participants in the Food Stamp Employment/Training Program**

This group of applicants may be employed and receive Food Stamps but may not be receiving TANF benefits.

**Acceptable documentation for verification:**

- A referral from the IMA verifying Food Stamp status (referral doubles as documentation for residency and relationship). See the “Child Care Referral” Form for use by IMA or DCPS at Appendix 6; or
- Verification of employment (refer to working parent/guardian verification requirements)

**2. TANF Recipients in Countable Activities**

This group of applicants are TANF recipients participating in a valid qualifying activity such as training, job search, or work experience for a minimum of 20 hours per week (i.e. training, structured job search, work experience program, employment, student in Undergraduate program such as BA/BS degree program). The timeframe that child care is requested and the parent/guardians activity schedule must match.

**Acceptable documentation for verification:**

- Referral from IMA or one of its vendors who provide training and placement;

- Confirmation of job search from DOES; or
- Confirmation of work experience program from DC Public School Office of Work Opportunities

**Only DHS/CCSD Eligibility Workers may place TANF recipients' children in child care.**

### **3. Children in Foster Care with Working Foster Parent(s)**

This group of applicants represents children who are wards of DC with an employed foster parent working a minimum of 20 hours per week. The timeframe that child care is requested and the parent/guardians work schedule must match.

Adoptive parents (transitioning from guardianship status) are included in this group but must meet residency requirements. A three (3) month grace period is allowed from the date of adoption before income requirements and any co-payment are applied.

#### **Acceptable documentation for verification:**

- Referral from either a Foster Care worker or a CFSA vendor using the "Child Care Referral" form for use by other referral sources at Appendix 7; or
- A current pay statement verifying employment.

### **4. Children under Child Protective Services**

This group of applicants includes parent/guardians of children who are under the active supervision of CFSA Child Protective Services division or under the active supervision of the Family Division of the D. C. Superior Court due to neglect. The child may be living in the natural parent's home or with a third party. There are no specific requirements of the parent/guardian for training or employment.

#### **Acceptable documentation for verification:**

- Referral from either a Foster Care worker or a CFSA vendor using the "Child Care Referral" form for use by other referral sources at Appendix 7; or
- Referral via memorandum from the child's court worker.

### **5. Children with Disabilities**

This group of applicants includes families with a child (or children) who has a disability or special health care need, and who is under nineteen (19) years of age. These are children who do not function according to age appropriate

expectations in one or more of the following areas of development: social/emotional, cognitive, communication, perceptual-motor, physical, or behavioral development; or who have chronic health problems.

There are no specific requirements of the parent/guardian for training or employment; however the applicant's income must be verified. This includes proof of employment if applicable.

**Acceptable documentation for verification:**

- A copy of the child's Individualized Education Plan (IEP) or Individualized Family Service Plan (IFSP) that is no more than one (1) year old;
- A referral from the OSSE Office of Special Education Programs, Infants and Toddlers with Disabilities Division (ITDD) Part C program identifying eligibility for early intervention services;
- A copy of the results of a standardized assessment instrument, a developmental inventory or behavioral checklist confirming disability;
- Written documentation from a certified/licensed therapist certifying disability;
- Written documentation from a valid intervention program the child is attending certifying disability or special health care need; or
- Written documentation from a licensed health practitioner certifying disability or special health care need.

Prior to the application of the Sliding Fee Scale to the family's gross income, the following expenses may be deducted:

- Medical or therapeutic expenses of the child with special needs, including medical bills, medication costs, braces or other appliances;
- Assistive technology device costs; and
- Disability related transportation costs.

Acceptable documentation of the expenses listed above include:

- Monthly statements reflecting cited expenses;
- Insurance claims indicating covered medical expenses and reimbursed amounts; or
- If expenses are listed as income tax deductions, a certified copy of the

previous year's District of Columbia D-40 income tax statement is acceptable.

#### **6. Teen Parent or Young Adults in Secondary School**

This group of applicants is young parents under the age of 26 years living with a parent/guardian or relative and who are either attending high school, its equivalent (GED) or is in the Jobs Corps. Child care is provided during the summer if already provided during the school year regardless of school/work status.

A three (3) month grace period is allowed from the date of graduation before income requirements and any co-payment are applied.

#### **Acceptable documentation for verification:**

- Written documentation of enrollment including student's name, address, social security number or student ID number with date of enrollment. Documentation for proof of attendance may include a printout of the student's class schedule if application is during the start of a new school year or a letter from a school official if application taken any other time of the school year. Documentation must include the student's name, address, social security number or student ID number signed and dated by an appropriate official;
- Letter or pay statement from an employment program or summer school program if the application is taken during the summer. Documentation must include the student's name, address, social security number or student ID number signed and dated by an appropriate official; or
- Proof of residency with parent/guardian or relative.

#### **7. TANF Payees in Countable Activities**

This group of applicants includes parent/guardians providing care to child who is not their natural child. This parent/guardian receives financial assistance through IMA on behalf of the child. Parent/guardian(s) must be employed or in a valid qualifying activity for a minimum of 20 hours per week. The timeframe that child care is requested and the parent/guardian's activity must match. Residency requirements apply.

Eligibility determination may be completed by a Level II provider for this family.

#### **Acceptable Documentation for verification:**

- Documentation of receipt of the TANF check for the child including the child's name on the statement;

- A current pay statement verifying employment
- Referral from IMA or one of its vendors who provide training and placement;
- Confirmation of job search from DOES; or
- Confirmation of work experience program from DC Public School Office of Work Opportunities.

## **8. Working Parent/Guardian**

This group of applicants are working parents/guardians gainfully employed or in a valid qualifying activity for a minimum of 20 hours per week. Two parent/guardian household must have both parent/guardians working. The timeframe that child care is requested and the parent/guardians work schedule must match.

### **Acceptable documentation for verification:**

- Three (3) most recent consecutive pay statements (original statement) verifying employment including the name of the employee, social security number, the number of hours worked, wages and salary information for the pay period on the statement. At least one statement must be dated no more than 30 days prior to the date of application/eligibility determination;
- An original letter from the employer on business letterhead with company name identified. The supervisor or manager must sign and date the letter. The letter must include the applicant's full name and address, start date of employment, gross wages or salary, work schedule (hours and days). The letter must be dated no more than 30 days prior to the date of application/eligibility determination;

A letter is acceptable only in a case where pay statement is not normally given such as in domestic employment. A letter is also acceptable for an employee in a new job. The new employee must submit an original pay statement within 30 days of the application and must submit two (2) more pay statements to complete the requirement for three (3) original pay statements; or

- An employee with direct deposit who does not receive pay stubs, or an employee who has only self-generated computer pay statements, must supply a letter signed by his/her supervisor which specifies the employee's hours and salary.
- Referral from IMA or one of its vendors who provide training and placement;

- Confirmation of job search from DOES;
- Confirmation of work experience program from DC Public School Office of Work Opportunities;
- Self-Employment records – Self employed persons must supply the same documents maintained for income and tax purposes.
  - a Taxicab Driver’s manifests for a minimum of four (4) weeks;
  - a Hairdresser’s license, records of booth rental and equipment lease or appointment schedules and daily sales records with recent dates;
  - a Street Vendor’s license, record of supply purchases and daily sales, and rental equipment receipts with recent dates.

**Provisions for Loss of Employment or Maternity Leave**

The following two situations apply only to persons already receiving care.

**1. Loss of Employment:**

The handling of this situation depends upon the specific situation:

- a. Reduction in force or layoffs of any type: When a parent or guardian loses his/her job due to a reduction in force by the employer through no fault of the employee, the Day Care Policy Act of 1979, amended July 1982 (D.C. Law 3-16; D.C. Code § 3-304) provides that child care shall be continued for up to three (3) months if the parent/guardian wishes it, from the effective date of employment termination. The reduction in force must be documented by an official letter or form from the employer. Child care is provided during this period, and all parent/guardian co-payments are waived.

The Eligibility Worker must set the next review date for three (3) months after the applicant’s last day of work, so that necessary action may be taken when that time period is up. The applicant is required to notify the Eligibility Worker and supply documentation as soon as new employment is obtained. The applicant will then be assigned a fee based on his/her new salary.

- b. Resignation by the employee or dismissal for cause: When the parent/guardian or guardian quits employment or is fired for cause, the applicant becomes ineligible for subsidized child care. The child care placement must be terminated following the same two-week notice of adverse action that is required for any notice of ineligibility.

**2. Maternity Leave:**

For applicants **already receiving child care services** based on employment, child care may be continued during a parent/guardian's period of maternity leave, for up to 12 weeks. The applicant must provide written verification that she will be on leave, confirming that the job will be held for her return and indicating whether she will be receiving her salary. The applicant's income will determine whether she pays a fee during her leave.

The applicant will not meet eligibility for a working parent/guardian if the child care is not continued for the period around childbirth if the applicant leaves her job, nor is it provided for persons in training.

**Child care for maternity leave is not provided to a new applicant.**

Should an applicant experience a difficult pregnancy requiring bed rest, child care may be provided under the category of "adult with a disability." A written statement from a physician must verify her condition.

## **B. NON-PRIORITY GROUPS**

The Eligibility Worker shall consider the following groups as **non-priority** for child care:

1. Adult with disabilities (non-TANF);
2. Recipient of vocational rehabilitation services (TANF or non-TANF);
3. Parent/guardians in structured job search or training (Including Undergraduate) (non-TANF); and
4. Guardianship arrangement (not active protection cases).

### **1. Adults with Disabilities**

This group of applicants represents an adult with a disability for whom child care is sought. The adult's disability may be either physical or mental in nature. The standard for eligibility determination is that the disability prevents the adult from providing adequate care for the child due to the debilitating aspects of the condition or because the adult has frequent medical appointments.

#### **Acceptable documentation for verification:**

- A physician's written statement on official letterhead that specifically recommends child care for the adult with the disability; or
- A referral from the Developmental Disabilities Administration (DDA), Department on Disability Services (DDS) substantiating the effects of the adult's condition on daily functioning in connection to the child.

**2. Recipient of Vocational Rehabilitation Services**

This group of applicants is parents/guardians engaged in an approved vocational rehabilitation program. The Rehabilitation Services Administration (RSA), Department on Disability Services (DDS) provides a variety of support services to enable disabled adults to prepare for, receive and maintain employment or improve life skills.

**Acceptable documentation for verification:**

- A referral from RSA via letter or memorandum; or
- A referral from RSA utilizing the standard Child Care Referral form.

**3. Non-TANF Applicant in Training or Undergraduate Program**

This group of applicants attends a training program for a minimum of 20 hours weekly. The applicant may also combine a training program with employment to meet the 20 hour weekly requirement. Each credit hour equals one (1) hour of work per week.

**Valid training activities include:**

- Preliminary Training - basic training needed even before job skills training, to enable the person to be employable. These include English as a Second Language courses for foreign-born adults and GED classes for adults. Subsidized Child Care may not be provided for longer than one year in this case;
- Job Training - an acceptable training program must have all of the following characteristics:
  - Specific job skills must be taught (i.e. computer operator or medical technician training);
  - If training involves a non-college program, it must be of no more than two (2) years' duration;
  - A job placement service must be provided by the program to give reasonable assurance that the applicant will be employed following successful completion of the program; or
- Undergraduate Program - a college student attending full-time [minimum 12 credit hours per semester or six (6) credits hours for a summer session (continuing student only)] unless also employed.

**Acceptable documentation for verification:**

- A schedule of classes from the registrar identifying the student and

indicating registration has been paid;

- A student identification card with a valid semester sticker or symbol for the current semester;
- A receipt from the college stamped “paid” for the current semester;
- A letter from the training program identifying the student by name that confirms the applicant’s current attendance and progress/status in the program (no more than 30 days old). The Eligibility Worker must confirm all four (4) eligibility factors with an official at the training program. All details of any conversations, including the date and contact person, must be recorded in the case record; or
- Income verification (see the detailed list under “Priority Group-8”: Working Parent/Guardian).

#### **4. Other Legal Guardianship Arrangements**

This applicant represents an adult who has legal custody of a child through the court system but is not the parent and whose situation does not fall into any of the previous categories that involve protective services or a TANF payment for the child. This applicant does not have ongoing supervision other than periodic court hearings. Child care is provided to allow the legal guardian to maintain employment. **Custody may not be established simply by a parent/guardian preparing a notarized letter turning over the care of a child to another person.**

The adult must be employed and/or in training for a minimum of 20 hours a week if a single parent/guardian household. If placement is with a two (2) parent/guardian household, each adult must be in a valid qualifying activity a minimum of 20 hours per week.

#### **Acceptable documentation for verification:**

- The most recent Court custody document, which need not be current as long as it represents the most recent action;
- The award letter identifying benefits to be paid on behalf of the child (i.e. Social Security, Veteran’s benefits, Child Support or other official payment through a government agency. For documentation that is more than 30 days old, the applicant must also supply a copy of the current benefit check;
- A letter on official letterhead from the Department of Corrections or other penal facility assigning temporary custody for a child while the parent/guardian is incarcerated. Verification is through the letter, which need not be recent but should be confirmed as current; or

- Tax records that show the child listed as a dependent. A certified copy of the latest tax return must be provided; or
- Income verification (see the detailed list under “Priority Group-8”: Working Parent/Guardian).

### **300.7 ELIGIBILITY REQUIREMENT: INCOME**

#### **A. Countable Income (Included)**

Countable income is the portion of the annual gross income of the family unit that is considered in computing the co-payment.

Income for purposes of co-payment determination includes:

- Gross salaries or wages of one or both parent/guardians, including regularly received commissions, tips, and overtime (see discussion below);
- Net income from self-employment (business expenses should be deducted from gross receipts);
- Other income of parent/guardian(s) such as Social Security and Veterans Benefits;
- Income of children receiving subsidized care such as child support, Social Security;
- Unemployment Compensation;
- Workers Compensation;
- Alimony; and
- The portion of an educational grant that is specifically designated for living expenses.

Seasonal Employment: If applicants are employed by a school system, their pay is generally spread over the calendar year and salary is computed in the normal manner. However, those who do not actively work (or participate in training) during the summer weeks are not eligible for subsidized child care during that period.

Overtime: Overtime is countable as part of the applicant’s income if it is worked on a regular basis. As a general rule, if at least two (2) of the three (3) pay statements presented reflect overtime, the salary must be calculated to include the overtime by adding the total gross income for the three (3) pay statements and finding the average [dividing by three (3)], then converting to an annual figure.

However, if the applicant declares that overtime is not regularly worked, the applicant is given the opportunity to provide proof. One or more of the following shall be considered:

- Three (3) or more additional pay statements provided from the preceding three (3) months. If they document several pay periods without overtime, the salary should be computed without overtime hours;
- A letter from the employer may be provided to specify the applicant's projected overtime schedule (i.e. whether it is seasonal or otherwise temporary) in which case overtime should not be countable; or
- The year-to-date salary may be used to project the applicant's annual pay and thus help to determine whether calculations are correct.

**B. Exempt Income (Not Included)**

The following income shall not be included in determining annual gross income:

- TANF benefits;
- Supplemental Security Income (S.S.I.);
- In-kind income - something of value other than cash, (i.e. food stamps, free medical care or free or subsidized rent);
- Low Income Energy Assistance;
- Gifts;
- Loans and grants for scholarships that do not allow their use for living costs;
- Income of others in the household such as step parent/guardians or siblings;
- Tax Refunds;
- Subsidized adoption and foster care payments;
- Stipends (such as for work experience programs);
- Lump sum inheritance or insurance payments;
- Capital gains; and
- Assets such as real estate, bank accounts savings, stocks and bonds

**C. Income Computation**

Income shall be computed using the gross income total arrived at by adding up all sources that can be countable and multiplying by the applicable number of pay periods. Co-payment computation will be discussed in Chapter 400. See Appendix 8 for “Calculation of Parent’s Income” forms used in determining calculation of parent/guardian income.

All income is converted to a yearly figure. Figures are multiplied as follows:

<b>PAY PERIOD</b>		<b># Pay</b>			<b>ANNUAL</b>
		<b>Periods</b>			<b>AMOUNT</b>
Weekly pay	x	52	weeks	=	\$
Bi-weekly pay	x	26	weeks	=	\$
Bi-monthly pay (twice monthly)	x	24	weeks	=	\$
Monthly pay	x	12	months	=	\$

**300.8 PLACEMENT**

After all factors of eligibility have been established, placement selection may proceed.

The parent/guardian should be encouraged to visit the selected facility before the child placement occurs. The Eligibility Worker must take the following steps for applicants found to be eligible for subsidized child care:

- 1) Determine with the applicant whether placement shall be in a child care center, a licensed child care home, a licensed exempt relative’s home or in the child’s home. This process will be aided by the list of providers under agreement with the OSSE which is available to the DHS/CCSD Eligibility Worker and in the case of a Level II Eligibility Worker, whether there is an age appropriate vacancy at that particular center.

The applicant may also consult with ECE’s Child Care Resource and Referral Service vendor, the Washington Child Development Council, (202) 387-0002, for provider information.



- 2) When care is to be provided in the child's home or in a relative's home, an agreement is required between the family and the chosen provider. The Eligibility Worker is expected to alert the ECE of the need for an agreement. The prospective provider will also need to contact the ECE to secure an agreement.
- 3) For a Level II placement selection, the Eligibility Worker shall provide the applicant with the facility's parent/guardian manual and explain the program's policies, such as hours of operation and parent/guardian responsibilities.
- 4) The Eligibility Worker shall compute the amount of the co-payment using the co-payment scale.
- 5) The DHS/CCSD worker shall issue an admission form to the parent/guardian with instructions to have it completed by the provider and returned to the DHS/CCSD in order for the provider to be paid for child care services. (The provider must enter the date the child started at the facility and sign and date the form. The provider should return the admission form via transmittal to the Intake and Continuing Services Unit, DHS/CCSD within 24 hours after the child is enrolled at the facility.)

**Note: Intake and re-determinations for priority groups of children under TANF, children in Foster Care, Child Protective Services (including court cases), or parents under the Rehabilitation Services Agency can only be completed by DHS/CCSD Eligibility Workers.**

**PARENT/GUARDIAN CO-PAYMENT (FEE ASSIGNMENT)**

The Eligibility Worker must determine what, if any, contribution the applicant will be expected to make toward the cost of care. This is determined through a specific process.

The Eligibility Worker must first identify the eligibility category to be used for the applicant. Some categories will exempt the applicant from any payment while others require consideration of annual adjusted gross income to determine possible parent/guardian contribution.

**400.1 PAYMENTS TO PROVIDERS**

- 1) Payment received by child care subsidy providers is based on a child's daily attendance and the established daily rate of pay for the provider. Refer to Chapter 800 for additional guidance regarding payment.
- 2) Level I providers shall receive a subsidy payment that is the difference between the ECE daily contract cost of care and the assigned co-payment.
- 3) Level II providers shall receive the full ECE daily contract rate to compensate the provider for the additional responsibility, time and costs incurred related to determining eligibility.
- 4) The details for responsibility of co-payment by the family are based solely on the agreement between the provider and family and must be in accordance with the written payment policy of the provider. Receipts shall be given to the parent/guardian by the provider for all co-payments received. The child care facility may terminate a child's placement [following two (2) weeks' notice] when payment is in arrears (payment has not been made).
- 5) The District shall not be responsible for the collection of the parent/guardian fee or co-payment.
- 6) The District's responsibility to serve eligible families requires new placement for a child even when the family owes money to a previous provider.

## **400.2 ADJUSTED GROSS INCOME DETERMINATION**

The family's annual gross income is the basis for determining co-payment. The exact amount of annual gross income is compiled from all sources of income expected to be included as discussed in Chapter 300.

From the annual gross income, the Eligibility Worker shall consider the following three (3) possible deductions before arriving at the adjusted gross income:

1. The costs of private child care services or after school fees for any sibling of the child(ren) to be placed for whom the parent/guardian pays the full cost of a private child care plan. Documentation from the caretaker must be provided. **This does not apply to fees paid for a child in another ECE subsidized program.**
2. Child support payments made by one (1) of the parent/guardians in the household to support children in another household. Proof of the deduction is required (evidence of withdrawal directly from the paycheck or evidence of regular payments based on a court order or agreement).
3. Deductions related to children with disabilities including SSI income; medical or therapeutic expenses for the child (i.e. medical bills, therapy costs paid by the family, medication costs, braces or other appliances); assistive technology device costs and/or disability related transportation costs. All expenses require verification through the monthly statement identifying paid expenses.

The Eligibility Worker shall determine the annual gross income, account for any allowable deductions and then identify the adjusted annual gross income for the applicant.

## **400.3 CO-PAYMENT BY THE PARENT/GUARDIAN OR GUARDIAN**

Eligibility Workers shall determine the amount of the co-payment using the sliding fee scale once the adjusted annual gross income is determined. See Appendix 9 for the "District of Columbia Notice of Final Rulemaking and Schedule of Parent Fees".

The family's annual gross income, less the two allowable deductions above when applicable, results in the family's adjusted annual gross income. This final figure is used to determine the co-payment.

Co-payments (parent/guardian fees) are made by the parent/guardian or guardian, unless exempt by policy, toward the costs of child care services. These payments are assessed for each child and are paid directly to the provider.

#### **400.4 PAYMENT NOTES**

Applicants exempt from co-payment include:

- TANF recipients in countable activities,
- TANF payees in countable activities,
- TANF parent/guardians with physical or mental, disabilities,
- Unemployed parent/guardians receiving vocational rehabilitation services,
- Children receiving Child Protective Services,
- Children in foster care, and
- Teen parent/guardians or young adults in junior and senior high school.

The Eligibility Worker shall allow adoptive parent/guardians (foster parent/guardian who finalizes an adoption) three (3) months with no co-payment from the effective date of adoption before beginning co-payments if payment requirement has been established. Adoption subsidy funding shall not be used as part of the countable income.

The Eligibility Worker shall consider the possibility of a co-payment for the following eligibility categories:

- Participants in the Food Stamp Employment/Training Program;
- Adoptive Parents [after three (3) months grace period];
- Children with Disabilities;
- Working Parent/Guardians
- Recipient of Vocational Rehabilitation Services
- Parent/Guardian in Structured Job Search, Undergraduate Program or Training

#### **400.5 DETERMINATION OF HOUSEHOLD SIZE**

Refer to Chapter 300 for guidelines related to determining people who constitute family members.

The Eligibility Worker shall determine the number of family members to be considered

applied to the co-payment scale using the following guidelines:

- 1) A household consists of the adult (or adults, if a two-parent/guardian family) requesting child care services, and the children who are dependent upon the adult(s).
- 2) Dependents may be considered in the count if they are under 18 years of age or up to 21 years of age if still attending school and school attendance is verified.
- 3) To be considered part of the household, the adult must either be the natural parent/guardian of the child in question, or must be able to verify guardianship. For eligibility purposes, a step-parent/guardian is not considered part of the household unless he/she is the natural parent/guardian to at least one child in the family unit, or has legally adopted the children.
- 4) A household may include a combination of an adult's natural children and other children for whom that adult is a guardian.
- 5) A foster parent/guardian may include a foster child as a dependent even though the income received for that child is not considered.
- 6) The household number does not include other children who live at the same address but are the responsibility of another adult.
- 7) The household number does not include any other adults, such as grandparent/guardians, aunts or uncles.
- 8) Any child for whom relationship documentation has not been provided may not receive subsidized child care nor be countable as a dependent. (See acceptable documentation in Chapter 300).

#### **400.6 BASIC FEATURES OF THE CO-PAYMENT SCALE (SLIDING FEE SCALE)**

The Eligibility Worker shall use the co-payment scale which is based on current Federal Poverty Level (FPL) guidelines to determine parent/guardian co-payment. See Appendix 9 for the Parent Co-Payment Scale.

The Eligibility Worker shall make new applicants eligible for subsidized child care if such applicant(s) can document an adjusted gross income up to 250% of the Federal Poverty Level (FPL) or 85% of the 2009 State Median Income (SMI) (whichever amount is lower).

The Eligibility Worker shall allow any family already designated as eligible for subsidized child care and receiving such services to continue to do so until their income

reaches 85% of the 2009 State Median Income (SMI).

The co-payment scale is based only on income and family size. It is not based on type of placement (i.e. child care center, family child care home). The co-payment scale features columns for full-time and part-time enrollment (child #1 and child #2). There is no additional co-payment required when there are more than two (2) children.

#### **400.7 APPLICATION OF THE CO-PAYMENT SCALE (SLIDING FEE SCALE)**

The Eligibility Worker shall use the adjusted annual gross family income and family size to determine the applicable amount of the co-payment using the Co-Payment Scale. The line with salary that either matches or is the next largest amount on the scale for the adjusted annual gross family income must be matched with family size to determine level of co-payment.

The Eligibility Worker shall use the scale to determine both initial eligibility and continuing eligibility. The darkened section (shaded) at the bottom of the scale may be applied to families who are already receiving services whose income has increased since the time of initial assessment and qualification. Use of the shaded section would apply to situations such as eligibility reviews, placement changes, or fee adjustments resulting from changes in employment. The shaded section may also be used for a returning family who previously received subsidized care but is not currently in the program.

The Eligibility Worker shall allow families who were classified as being over the income threshold at some prior point to have the opportunity to re-qualify for services and be considered eligible on the scale up to 300% of the FPL or 85% of the 2009 SMI. Families who left the program for other reasons may also reapply and be considered under the “continuing eligibility” section in the lower portion of the sliding fee scale (251% to 300% of the FPL or 85% of the SMI) if applicable as mentioned in 400.6 above. Previous participation must be verified through the ECE Management Information System MIS.

The Eligibility Worker shall ensure that working parents/guardians or benefit recipients with income levels falling below 50% of the FPL are designated as eligible with no co-payment obligations.

A family size of one (1) would apply to a child in a guardianship situation where the fee is based solely on the child’s income.

- The Eligibility Worker shall consider the impact of any non-traditional child care options which may result in a child being authorized for more than one type of care (for example, “full day” plus “non-traditional part-time”). Care may be provided at the same facility or at different facilities. In either case, the parent/guardian will pay only one fee, based on the chart, for any one child.

Application of the fee will apply to the service with the largest number of hours only (in this example, the “full day” placement). No fee will be assigned to the second placement.

#### **400.8 CO-PAYMENT FOR MULTIPLE CHILDREN**

The Eligibility Worker shall consider applying the co-payment to the two (2) oldest children receiving subsidy (most likely under part-time care and a smaller fee) when there are multiple children in one family.



#### **400.9 CHANGE IN CO-PAYMENT**

The Eligibility Worker shall monitor change in parent/guardian status throughout the period of eligibility to ensure the co-payment is correct at all times. Re-determinations may be necessary in any one of the following instances:

- Change in activity such as moving from training to work;
- Change in income (increase or decrease);
- Change in family size (increase or decrease); or
- Training has ended.

The Eligibility Worker shall complete an analysis/computation to determine if the co-payment fee will change. If there is a change in co-payment, the “parent’s Fee Change”

form must be completed and signed by the parent/guardian. A copy of the “Parent’s Fee Change” form can be found at Appendix - 10

## CHAPTER 500

### RE-DETERMINATION OF ELIGIBILITY

Eligibility Workers are expected to complete a review once every 12 months for each recipient of subsidized child care services to confirm continued eligibility for the District’s child care subsidy program. The due date for each review is entered in the ECE MIS during the initial visit and again with each re-determination appointment. The Eligibility Worker will be expected to monitor the MIS and retrieve this information routinely to inform parent/guardians of the need for review, the details for scheduling an appointment and the documents required.

#### 500.1 **Unscheduled Re-Determinations**

Re-determinations may also be necessary in any of the following instances:

- Change in address;
- Change in telephone number(s);
- Change in activity; such as moving from training to work;
- Change in income (increase or decrease);
- Change in family size (increase or decrease); or
- Training has ended.

Applicants are to report any of these changes to their Eligibility Worker within three (3) days of the change.

Eligibility Workers are responsible for following up on any information that comes to their attention that may have a bearing on a family’s eligibility for services. An eligibility review may be requested by the agency at any time when a change of status is reported or suspected. If eligibility is affected, necessary action is expected to be taken promptly after written notice is given. An eligibility review may also be scheduled early if a request for a placement change or other change is made. Once the “off schedule” review is completed, the next review date should be adjusted to occur in 12 months’ time.

## **500.2 CHILD ELIGIBILITY**

The Eligibility Worker will determine what documents are required to verify the child's or the family's eligibility using as their basis the reason for eligibility.

The Eligibility Worker shall also verify working status for a foster care parent/guardian(s).

The Eligibility Worker shall verify continued eligibility for a child with special needs via a letter from a valid source (i.e. therapist or program providing therapeutic services), a current Individualized Education Plan (IEP) or Individualized Family Service Plan (IFSP) that is no more than 12 months old.

## **500.3 ELIGIBILITY RE-DETERMINATION FOR TANF PARENT/GUARDIAN**

The Eligibility Worker shall ensure a letter is sent to the parent/guardian or guardian that requests written documentation to update the case file:

- A child care referral identifying the status of the TANF parent/guardian (i.e. enrolled in training, work experience, job search or community service);
- School schedule if enrolled in secondary school or an undergraduate program;
- Current income and identification of employer of a working parent/guardian;
- Current family composition and marital status (changes identified or confirmation of no changes);
- Current address including apartment number and zip code; and
- Work/training schedule (if parent/guardian is requesting non-traditional child care).

Required documentation is discussed in detail in Chapter 300. See Appendix 11 for a copy of the "Eligibility Review Appointment" form letter.

## **500.4 RE-DETERMINATION - APPLICANT'S FAILURE TO RESPOND**

The Eligibility Worker shall make every effort to alert the applicant of the need for re-determination of eligibility. Required steps include:

- 1) Adequate prior written notice of appointment to the applicant.
- 2) Inclusion of a warning in the letter regarding the consequences for failure to respond or if the appointment is missed without notice to the worker (i.e. termination of the subsidy effective the day following the appointment date).
- 3) Forwarding of a copy of the letter to the child care facility.
- 4) Attempts by the Eligibility Worker to contact the applicant by telephone at home, work or training, and through message at the child care facility to ensure the applicant is aware that a re-certification is due.
- 5) An alert call to the provider if there is no response to attempts to contact prior to close of business the day of the missed appointment with the Eligibility Worker instructing the child care facility to not allow entry of the child the following day and asking that the parent/guardian be given a message to call the Eligibility Worker immediately.
- 6) Termination of the child if the parent/guardian fails to contact the Eligibility Worker within one (1) day if no response to the request to contact the worker;
- 7) Contact by the Eligibility Worker with the provider via telephone and a letter faxed to the provider regarding the immediate termination of the child.
- 8) Mailing of a copy of the letter to the provider and the family.

The Eligibility Worker shall provide written notice and allow the applicant 15 calendar days from the re-determination appointment to secure required documents if needed before termination is final. The Eligibility Worker shall explain next steps should the parent/guardian fail to comply with the document request.

The Eligibility Worker shall provide written notice and allow the applicant 15 calendar days before termination is final when the parent/guardian is found ineligible to allow time for an appeal of the eligibility decision. The Eligibility Worker shall explain next steps should the parent/guardian fail to timely request an appeal of the decision.

It is the Eligibility Worker's responsibility to follow through promptly on these steps to assure that ineligible children do not remain in the subsidy program.



**TERMINATION OF SUBSIDIZED CHILD CARE**

**600.1 REASONS FOR TERMINATION**

Subsidized child care services shall be terminated by the Eligibility Worker as a result on any of the following circumstances:

1. Eligibility requirements are no longer met.
2. The applicant has failed to complete an eligibility review in a timely manner.
3. An applicant has been found through investigation to have committed child care fraud.
4. A parent, guardian, or child is exhibiting violent, combative, or disruptive behavior. Termination of child care may be immediate.
5. The child who is the beneficiary of subsidized child care services has more than five days of absence during a month without a documented and accepted/approved reason.

The DHS/CCSD or the Level II Eligibility Worker shall give prior written notice of the proposed termination from subsidized care for all instances of termination with the exception of those that require immediate termination. Notice shall be given 15 calendar days prior to the date of termination. For cases in DHS/CCSD, a copy shall be sent to the provider. The notice shall include the effective date, the reason for the termination and an explanation of the parent/guardian or guardian's right to appeal the decision. A copy of this letter shall be kept on file. If the applicant complies with all requirements within the stated time frame, the termination shall be rescinded. If the case belongs to DHS/CCSD, the parent/guardian shall be given a written reinstatement confirmation to take to the provider.

See Appendix 12 for the "Notice of Termination of Child Care Services" form letter.

## 600.2 FRAUD

Fraud is defined as an offense committed by any person who obtains or attempts to obtain, or aids or abets any person, who pursuant to a scheme to deceive, knowingly falsifies (a deliberate act), conceals or covers up a material fact or makes or uses any false statement, writing or document to obtain a benefit or payment to which the parent or provider would otherwise not be entitled. Overpayments are considered intentional if the parent or provider knowingly withheld or provided false information on matters affecting eligibility, benefits or a claim for services. A failure to disclose a material fact that results in obtaining or continuing to receive child care subsidy funds or services for which the parent or provider is not entitled. Recipient fraud includes the following (this list is not all inclusive):

- With intent to deceive, withholding information regarding eligibility factors such as family income, number of family members, ages of family members, or the recipient's hours of employment or training;
- Knowingly using child care services for an ineligible child; or
- Failing to report any changes which would affect the family's eligibility for child care benefits (purposeful deception)

All suspected cases of fraud must be referred to the Office of the State Superintendent, Office of Early Childhood Education, Compliance and Integrity Division (CID). If ECE/CID determines that fraud has occurred, further action may be taken such as collection from the parent/guardian of funds improperly spent on child care or referral to the Office of the Attorney General for possible criminal prosecution.

An applicant whose fraudulent behavior has been confirmed through investigation will be permanently barred from receiving child care subsidy services through the District's subsidy program.

**APPEAL/ADMINISTRATIVE HEARING**

**700.1 AVAILABILITY OF AN APPEAL/ADMINISTRATIVE HEARING**

The availability of an appeal process is a requirement of the CCDF to ensure that:

1. The applicant or recipient's right to subsidized child care is determined promptly in accordance with applicable laws and regulations.
2. Placements are suitable for the child.
3. That any co-payment computation is accurate.

Every applicant or recipient has the right to appeal a decision made by the DHS/CCSD Eligibility Worker or Level II Eligibility Worker as a result of any adverse action, including:

- Denial of application;
- Termination of services; or
- Dispute over the amount of the co-payment; or
- The applicant's record of payment.

The DHS/CCSD Eligibility Worker or Level II Eligibility Worker must inform the applicant or recipient of:

- Their right to appeal any decision;
- The process for requesting an Administrative Hearing (previously known as a Fair Hearing) and the action steps that must be taken if requested;
- The requirement for the appeal to be in writing and filed (i.e. received) within 15 calendar days of the adverse decision;
- The availability of the Eligibility Worker to assist any applicant who conveys orally the desire to appeal a decision, in writing the appeal if requested. The applicant must sign the appeal request after review and approval;
- The freeze on service provision if the case is in the application stage until an appeal decision is rendered;
- The continuation of existing services with a timely request (within 15 calendar

days of notification of the adverse action) until a decision is rendered;

- The possible discontinuation of services when the behavior of the parent/guardian or child creates a severe disruption to the child care program or a physical threat to the staff, children, or others. In this case the provider is not required to have further contact with the family;
- The scheduling of a hearing by the Office of Administrative Hearings;
- The possibility of the need for additional documentation by the Hearing Officer;
- The expected completion of the process by the Hearing Officer within 60 days after the date of receipt of the original request;
- The finality of the decision made by the Administrative Hearing Officer; and
- Receipt of the decision by the Hearing Officer in writing to all parties.

The following steps must be taken by to ensure an appropriate response to the Hearing request:

DHS/CCSD Eligibility Worker:

1. The written appeal for a DHS/CCSD adverse action must be submitted to the Supervisor/Manager, Department of Human Services, Child Care Services Division. The DHS/CCSD representative must forward it to the Office of Administrative Hearings within 15 days of receipt.
2. The written appeal may also be submitted directly to the Office of Administrative Hearings, 441 4<sup>th</sup> Street, N.W., Suite 540-South, Washington, D.C. 20001 [telephone number: (202) 727-8280].
3. The Office of Administrative Hearings has responsibility for scheduling the hearing and notifying the participants, sending a copy of the notice to the CCSD via the Department of Human Services chain of command.
4. 1<sup>st</sup> Level of Resolution Attempt - The Intake Supervisor or Program Manager for a DHS/CCSD adverse action appeal is expected to offer a face to face meeting with the applicant in an attempt to mediate the dispute prior to the date of the Administrative Hearing. If the issue is resolved to the applicant's satisfaction, a written, signed statement to that effect must be obtained from the applicant and forwarded to the Office of Administrative Hearings, so that the hearing may be cancelled.
5. 2<sup>nd</sup> level of Resolution Attempt - If the issue is unresolved, an Administrative Review at the departmental level in the Department of Human Services is expected to be offered to the applicant as part of the ongoing attempt to resolve the issue. If the applicant does not attend the Review or the issue is still not resolved, the Administrative Hearing will continue as originally

scheduled.

6. 3<sup>rd</sup> level of Resolution Attempt – When administrative review fails to resolve the issues, the Administrative Hearing is expected to proceed. The DHS/CCSD Eligibility Worker responsible for the disputed decision is expected to participate along with supervisory staff in the hearing.

Level II Eligibility Workers:

7. The written appeal for a Level II adverse action must be submitted to the ECE Compliance and Integrity Division. The ECE/CID Supervisor/Director must forward the appeal request to the Office of Administrative Hearings within the 15 day timeline from receipt.
8. The written appeal may also be submitted directly to the Office of Administrative Hearings, 441 4<sup>th</sup> Street, N.W., Suite 540-South, Washington, D.C. 20001 [telephone number: (202) 727-8280].
9. The Office of Administrative Hearings has responsibility for scheduling the hearing and notifying the participants, sending a copy of the notice to the ECE Compliance and Integrity Division and the Level II provider.
10. 1<sup>st</sup> Level of Resolution Attempt - The ECE Compliance and Integrity Division Supervisory Eligibility Monitor is expected to offer a face to face meeting with the applicant in an attempt to mediate the dispute prior to the date of the Administrative Hearing. If the issue is resolved to the applicant's satisfaction, a written, signed statement to that effect must be obtained from the applicant and forwarded to the Office of Administrative Hearings, so that the hearing may be cancelled.
11. 2<sup>nd</sup> level of Resolution Attempt - If the issue is unresolved, an Administrative Review at the departmental level in the ECE/CID is expected to be offered to the applicant as part of the ongoing attempt to resolve the issue. If the applicant does not attend the Review or the issue is still not resolved, the Administrative Hearing will continue as originally scheduled.
12. 3<sup>rd</sup> level of Resolution Attempt – When administrative review fails to resolve the issues, the Administrative Hearing is expected to proceed. The Level II Eligibility Worker responsible for the disputed decision is expected to participate along with ECE/CID supervisory staff in the hearing.

The applicant has the following rights during the hearing process:

- ✓ To be represented by legal counsel or by a lay person who is not an employee of the District; and
- ✓ To bring witnesses on their behalf.



## CHAPTER 800

### PAYMENT TO PROVIDERS

#### 800.1 PAYMENT

The child care providers in the subsidy program receive a payment from the District once per month and a co-payment, when assessed, from the parent/guardian or guardian. The rate paid by the District shall not exceed the daily rate paid by non-subsidized (private) children at that facility. Child care providers are paid a daily rate based upon the child's age and the service being provided under the various full-time and part-time categories, traditional or non-traditional hours and according to the provider's tier level. Payment is made for each child enrolled and for each day a child remains enrolled. The payment is made after receipt and verification of the Child Care Subsidy Program "Daily Early Childhood Education Attendance Form". This form is used to identify each child's daily participation in child care and is due each month by the fifth (5<sup>th</sup>) business day for services rendered the previous month. All supporting documentation should be included with the attendance form submission. Payment can be expected by the end of each month when the attendance report is submitted timely.

See Chapter 400 for details related to the Parent Co-Payment Scale, which is based on family size and adjusted annual gross income.

The District makes payment pursuant to the execution of a Provider Agreement with each provider which includes identification of the types of services provided by that provider. Checks are processed by the Office of the Chief Financial Officer (CFO), Accounts Payable Unit (APU) in the Office of the State Superintendent of Education. Providers are expected to review and reconcile monthly the pay statement against the attendance form submitted to the OSSE/APU to ensure the accuracy of each payment.

#### 800.2 PAYROLL PROCESSING

The payroll is drawn from the ECE MIS (database), in which children are assigned to specific providers. DHS/CCSD Eligibility Workers are responsible for assignment in the computer of each child whose placement has been authorized by DHS/CCSD, once the completed admission slip has returned. The Level II Eligibility Worker must enter the family information into the database and assign the child when intake is done by the provider. All data entry affecting assignments should be entered correctly and as quickly as possible after placements or changes occur.

Once an assignment is "accepted" in the database, most changes in the payroll occur without further intervention by the Eligibility Worker. The Child Care Subsidy System is programmed with the number of days to be paid for each month and with the rates for

each type of service. Prior to running each month's payroll, Accounts Payable staff activates changes in the categories as needed to reflect the current age of each child (for example, from "infant" to "toddler") based on date of birth. When a termination date is entered into the database, the system will end the payment. Note: payment is made through and including the date entered for termination.

The Child Care Payment Adjustment Authorization form needs to be filled out by the DHS/CCSD worker or OSSE Eligibility Monitor only in limited situations:

- When an initial payment, change or termination is authorized late (effective prior to the current payroll period).
- When a change has been made in an assignment that requires explanation; for example, when the effective date of a change or termination date does not match the date in the computer.
- To authorize non-traditional services

### **800.3 PAYMENT ERRORS**

Providers must review and reconcile monthly the pay statement against the attendance report submitted to OSSE/APU to ensure the accuracy of each payment.

Discrepancies, whether in the form of an overpayment or underpayment are to be reported to the attention of the ECE/CID by the provider. The "Payment Summary Error Report" must be completed to identify any errors. See Appendix 12 for the "Payment Summary Error Report" and Instructions for completion. The OSSE reserves the right to deny payment for any discrepancies reported that are more than three (3) years old as well as any discrepancy that fails to meet the requirements for appropriate supporting documentation to verify the request.

An investigation will take place to confirm the need for a payment adjustment and the "Payment Adjustment Form" must be completed and approved by the ECE Supervisory Child Care Eligibility Monitor or a designee before being forwarded to the Accounts Payable Unit.

The OSSE Accounts Payable Unit must review each Payment Adjustment form received and must check past payroll as appropriate to determine whether the overpayments or underpayments authorized are justified. The APU staff shall compute the adjustment needed and enter any changes into the payroll program to be incorporated into the current payroll. See Appendix 13 for the "Child Care Payment Authorization Adjustment" form for Traditional and Non-Traditional.

#### **800.4 OVERPAYMENTS**

Providers must review and reconcile monthly the pay statement against the attendance report submitted to OSSE/APU to ensure the accuracy of each payment.

Overpayments are to be recovered regardless of the amount. Recovery may be achieved through deduction(s) from future checks in a plan agreed upon by the OSSE APU.

#### **800.5 UNDERPAYMENTS**

Providers must review and reconcile monthly the pay statement against the attendance report submitted to OSSE/APU to ensure the accuracy of each payment. Discrepancies must be reported immediately to the ECE/CID using the “payment Summary Error Report” form.

Correction for underpayments shall be made in full by the OSSE Accounts Payable Unit on the pay cycle following confirmation by the ECE/CID Program Integrity Unit that monies are owed and computation confirmation of the amount to be paid by the OSSE Accounts Payable Unit staff. The OSSE reserves the right to deny payment for any discrepancies reported that are more than three (3) years old as well as any discrepancy that fails to meet the requirements for appropriate supporting documentation to verify the request.

It is the responsibility of all providers to carefully review every pay statement and to immediately report any discrepancies by way of the Payment Summary Error Report.

#### **800.6 RESPONSIBILITIES FOR ATTENDANCE REPORTING AND PAYMENT**

Providers are reminded that compliance with all OSSE Child Care Subsidy Program policies and procedures is a mandatory for continued participation as a provider in the program. Failure to perform any of the following is a violation of the requirements of the Child Care Subsidy Provider Agreement:

1. Failure to return the signed admission form to the DHS/CCSD on the day the child starts in the program.
2. Failure to submit timely and accurate attendance reports.
3. Failure to review and reconcile the attendance report with the payment received.
4. Failure to report payment errors timely [within one (1) month] whether overpayment or underpayment using the Summary Error Report form with appropriate supporting documents to the ECE/CID.

ECE Education Services Monitors shall take appropriate corrective action when a provider has more than two (2) violations of these requirements during any given

agreement period. Corrective action may include mandatory re-training on provider reporting requirements, issuing a ‘stop placement’ order until the provider has demonstrated an understanding and compliance with attendance reporting requirements for at least three (3) consecutive months or possible termination of the agreement.

## **800.7 HOLIDAYS**

Payment shall be based upon the enrollment of eligible children in attendance during a given month. Licensed child care centers and licensed family child care home providers are paid for the following Holidays:

- New Year’s Day
- Martin Luther King, Jr.’s Birthday
- President’s Day
- D.C. Emancipation Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving
- Christmas
- President’s Inauguration Day  
*(every 4 years)*



## **800.8 STAFF DEVELOPMENT**

The District allows a licensed child care center and a licensed family child care provider to be closed for four (4) days during each provider agreement year with full payment for staff development. Providers must give 45-day notice to and receive written approval from the ECE School Preparedness Division for all non-government closings including staff development. Eighteen (18) clock hours of staff development is required for bronze tier level providers; 24 clock hours for silver tier level providers and 30 clock hours for gold tier level providers annually.

## **800.9 SNOW/INCLEMENT WEATHER DAYS**

The District permits child care facilities to close whenever the DC Public Schools close due to inclement weather.

## **800.10 ATTENDANCE**

Payment is made for each child enrolled under DHS/CCSD or Level II provider authorization and for each day a child remains enrolled. A child is permitted five (5) days of unexcused absence per month before the payment is stopped for the balance of the month. Excused absences may be approved for up to 15 days in a month. These situations include childhood diseases or injury, or family emergencies. Documentation of these situations must be provided to the child care provider and the provider must submit this documentation with their monthly attendance report as well as noting the reason on the attendance

Payment will be authorized for the provider for any of the absences described above. Payment termination is justified after five (5) days of unexcused absence, or 15 days of excused absence.

A child may also be absent for vacation for up to 15 days during the period of eligibility (annually). The parent/guardian is expected to notify the licensed child care center or licensed family child care home provider in writing of plans to be absent.