



**STATE OF RHODE ISLAND
DEPARTMENT OF HUMAN SERVICES
CONCISE SUMMARY
OF PROPOSED NON-TECHNICAL AMENDMENTS**

CONCISE EXPLANATORY STATEMENT

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, following is a concise explanatory statement:

AGENCY: Department of Human Services

DIVISION: Individual and Family Supports

RULE IDENTIFIER: 218-RICR-20-00-4

RULE TITLE: Child Care Assistance Program Rules and Regulations

REASON FOR RULEMAKING: This amendment includes an update to the attendance policy to comply with the 2024 Child Care and Development Fund (CCDF) Final Rule (45 C.F.R. § 98.45(m)(2)(i)), effective April 30, 2024. This update is part of the state's waiver, which requires payment to child care providers based on enrollment rather than attendance. Also included in this draft is language addressing the implementation of RISES, the State's integrated early childhood data and information system.

ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE EFFECTIVENESS OF THE RULE: None

TESTIMONY AND COMMENTS:

"I want to be clear that our primary concern with the proposed amendments to the Child Care Assistance Program Rules and Regulations is the State's failure to provide the required 90-day advance notice under the Collective Bargaining Agreement. As a result, we are considering filing an unfair labor practice charge.

Article 18.6 of the CCAP Family Child Care Provider Collective Bargaining Agreement states that DHS will make every effort to notify the Union 90 days in advance of any policy changes affecting the attendance formula or other changes that result in increases or diminutions of provider compensation. That didn't happen here. These changes were first presented to us on March 24, 2026. And, in fact, some of them were already in effect by April 6th. By way of context, the proposed amendments to the CCAP rules include several changes that directly impact providers. By way of context, the proposed amendments to the CCAP rules include several changes that directly impact providers."

“New requirements that providers enroll children through the CCAP provider portal within the first week of care. New regulations on provider fees allowing charges for limited transportation and care beyond 50 hours a week, and an expansion of the allowable absence period from two to four consecutive weeks. Taken together, these changes directly affect provider compensation and how providers structure their services. In Section E1, we understand that DHS may point to federal requirements around payment based on enrollment, but that federal rule has been in place for nearly two years. DHS is choosing to implement it now, in April 2026, without the prior notice to the Union required and without bargaining over the impact. That timing and that lack of communication matters.”

“Finally, Section E8 raises additional concerns. This is the first time providers have been told, on March 24th, that they can only charge additional fees after 50 hours of care. This change affects provider income, it affects their business models, and it was introduced without warning, without discussion, and without any opportunity for input beforehand.

“Our members, as you know, are small business owners. They plan their operations and finance months in advance. Changes like this cannot be rolled out overnight. At a minimum, DHS should pause implementations of these provisions and engage with providers and their union to address the impact. Thank you.”

CHANGE TO TEXT OF THE RULE:

§ 4.8.1(E)(8) by removing language that had been newly added to the proposed regulation regarding reasonable fees for care provided in excess of fifty (50) hours per week.

REGULATORY ANALYSIS: The amendment is intended to provide more stable payments for providers, reduce administrative burden related to attendance tracking, and support consistent care for families receiving child care assistance. The draft also includes language related to implementation of RISES, the State’s integrated early childhood data and information system, to support improved data sharing and program administration.