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TITLE 218 – RHODE ISLAND DEPARTMENT OF HUMAN SERVICES

CHAPTER 20 – INDIVIDUAL AND FAMILY SUPPORT PROGRAMS

SUBCHAPTER 00 – N/A

PART 13 – CHILD CARE ASSISTANCE PROGRAM FOR CHILD CARE EDUCATORS AND CHILD CARE STAFF RULES AND REGULATIONS

Table of Contents

13.1 Authority and Purpose

13.2 Definitions

13.3 General Criteria for Eligibility

13.4 Applying for Child Care Assistance Program (CCAP) for Child Care Educators and Staff Pilot

- 13.4.1 Application
- 13.4.2 Application Processing
- 13.4.3 Reporting Requirements
- 13.4.4 Notice Requirements: Notice of Approval, Notice of Denial, Right to Appeal and Hearing

13.5 Authorization of Child Care Services

- 13.5.1 Authorization
- 13.5.1 Limitations to Authorization

13.6 Enrollment for Child Care Assistance Program for Child Care Educators and Staff Pilot Authorized Services

13.7 Child Care Assistance Program for Child Care Educators and Staff Pilot to Approved Child Care Providers

13.1 Authority and Purpose

A. R.I. Gen. Laws § 40-5.2-20 (k) authorizes a pilot program allowing the Department of Human Services (DHS) to provide funding for child care for eligible child care educators and child care staff with family income up to three hundred percent (300%) of the Federal Poverty Level (FPL), who work in a licensed child care center, licensed family child care home, or a licensed group family child care home.

B. R.I. Gen. Laws § 40-5.2-20 designates the DHS as the principal agency of the State responsible for the planning and coordination of State involvement in the area of child care, including responsibility for State programs subsidizing child care services provided to families receiving benefits from the Rhode Island Works Program (RI Works) and low to moderate income eligible working families.

13.2 Definitions

A. For the purposes of these Rules and Regulations, the following terms shall have the following meanings:

1. "Approved child care provider" means an individual or program that:

    a. Has met the requirements established by the DHS Services to participate in the Child Care Assistance Program (CCAP); and

    b. Entered into a signed and valid agreement with the DHS specifying the terms and conditions for enrolling eligible children and receiving payment for the CCAP allowable child care expenses.

2. "Authorized child care services" means the child care a CCAP eligible child is approved to use in a given time period based on the DHS's assessment of the family's need for services. The CCAP authorized child care is categorized as full-time (FT), three-quarter time (3QT), half-time (HT), or quarter-time (QT).

3. "Child Care Assistance Program" or "CCAP" means the program administered by the Rhode Island Department of Human Services that provides financial assistance for authorized child care services rendered to eligible children by approved child care providers. The CCAP consolidates the DHS child care subsidy programs for RI Works recipients, income eligible working families (formerly known as the Low Income Child Care Program), families where the parent(s) is participating in an approved education and training program, families where the parent(s) are in enrolled in a degree program at a Rhode Island public institution of higher education, teens participating in the Teen and Family Development Program (formerly known as Youth Services).

4. “Child care center” means a facility operated on a regular basis which receives children, not of common parentage, and provides non-residential care in a location separate from the children's parents during the day.

    a. R.I. Gen. Laws Chapter § 42-12.5 requires child care centers to obtain a license from the DHS.

5. “Child care educator” means an employee at a child care center, family child care home or group family child care home who is directly involved in the care, development and education of children ages six (6) weeks to thirteen (13) years for any portion of the day.

6. “Child care staff” means any adult employed by a child care center, family child care home or group family child care home during operating hours.

7. “Eligible child” means a dependent child that meets the requirements of the Child Care Assistance for Child Care Educators and Staff Pilot and receives authorized child care services from a CCAP approved child care provider.

8. “Employee” means a person on the payroll and/or receiving a paycheck specifically from the child care center, family child care home or group family child care home they are doing work for.

9. “Excluded income” means certain money, goods or services that are not considered countable for the purposes of determining whether a family meets the requirements for the CCAP income eligibility. Excluded income includes, but is not limited to, the following:

    a. The value of U.S. Department of Agriculture donated foods;

    b. Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §§ 4601 – 4655;

    c. The value of certain assistance provided to undergraduate students including: any grant or loan for an undergraduate student for educational purposes made or insured under any loan program administered by the U.S. Commissioner of Education (or the Rhode Island Board of Governors for Higher Education or the Rhode Island Higher Educational Assistance Authority);

    d. Payments distributed per capita to, or held in trust for, members of any Indian tribe under Pub. Law 92-254, Pub. Law 93-134 or Pub.Law 94-540;

e. Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (Pub. Law 116–131);

f. Payments for supportive services or reimbursement of out of pocket expenses made to individual volunteers serving as foster grandparents, senior health aides or senior companions, and to persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any other program under Title II and Title III of the Domestic Volunteer Service Act of 1973 (Pub. Law 93-113);

g. The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended, and the special food service program for children under the National School Fund Act, as amended, (Pub. Law 92-433 and Pub. Law 93-150);

h. Payments of Experimental Housing Allowance Program made under Annual Contributions Contracts entered into prior to January 1, 1975, under § 23 of the U.S. Housing Act of 1937, as amended(Pub. Law 75-412);

i. Receipts distributed to members of certain Indian tribes which are referred to in § 5 of Pub. Law 94-114 that became effective October 17, 1975;

j. Tax exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act, Pub. Law 93-203;

k. Foster care payments made by the Rhode Island Department for Children, Youth and Families (when the child is not included in the assistance unit);

l. The value of food assistance benefits;

m. The value of government rent or housing subsidies;

n. Home energy assistance funded by the State or Federal government or from non-profit organizations;

o. Income from college work study programs;

p. The earned income of a dependent child who is included in the financial unit;

q. Stipends, earned income, and reimbursements paid through the Federal Workforce Investment Act and through the Workforce Innovations Opportunity Act (WIOA), Pub. Law 113-128;

r. In accordance with Pub. Law 100-485, the refund of taxes under the earned income tax credit (EITC), or the advance payment of the EITC;

s. Loans and grants, such as scholarships, obtained and used under conditions that preclude their use for current living costs;

t. Monies received under the Federal Social Security Persons Achieving Self-Sufficiency (PASS) program or the Income Related Work Expenses (IRWE) program;

u. The income of the parents with whom a teen parent(s) resides;

v. Section 8 Utility Payment;

w. Veterans Aid and Attendant Allowances;

x. Payments to volunteers under Americorps/VISTA (payments to volunteers under Americorps are not excluded);

y. Rhode Island Works (RIW) cash assistance payments; and

z. Veteran's Disability Pension payments received as a result of any disability sustained by the veteran while in military service.

10. "Family child care home" means a licensed residence where the resident can provide child care for up to six (6) children, or up to eight (8) children with an approved assistant.

a. Family child care home shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation.

b. R.I. Gen. Laws Chapter § 42-12.5 requires family child care home providers to obtain a license from the DHS.

11. "Family share" means the amount a family is expected to contribute in copayments to the cost of child care services.

12. "Financial unit" means ~~the dependent~~all children through the age of eighteen (18) who reside in the household and for whom the applicant parent is financially and legally responsible, including both applicant and non-applicant child(ren), and the parent(s) and the legal spouse(s) of the parent(s) who live with them in the same household, including the domestic partner of an applicant parent if the applicant parent and domestic partner have a child in common. The financial unit may also include applicant children that the DHS has determined, upon verification, to be a relative of acceptable degree to the parent(s) requesting the CCAP

authorized services. The financial unit determines family size for the purposes of determining income.

13. "Group family child care home" means a child care program located in the provider's home residence in which child care services may be offered at the same time for up to nine (9), but no more than twelve (12) children unrelated to the child care provider.

    a. R.I. Gen. Laws Chapter § 42-12.5 requires group family child care home providers to obtain licensure from the DHS.

14. "Income" means any money, goods or services available to the financial unit used to calculate eligibility for the CCAP. For the purposes of the CCAP, countable income includes, but is not limited to, any of the following:

    a. Monetary compensation for services, including gross wages, salary, commissions, and any work-based fees, stipends, tips or bonuses;

    b. Adjusted gross income from self-employment;

    c. Social Security Benefits – Retirement, Survivors and Disability Insurance (RSDI);

    d. Supplemental Security Income (SSI);

    e. Dividends or interest on savings or bonds;

    f. Income from estates or trusts;

    g. Adjusted Gross Rental Income;

    h. Adjusted Gross Room and Board Income;

    i. Public assistance payments;

    j. Unemployment Compensation;

    k. Temporary Disability Insurance (TDI);

    l. Workers' Compensation;

    m. Government civilian employee or military retirement, Private pensions or annuities;

    n. Cash payouts for waiving employer sponsored health insurance;

    o. Adoption subsidies;

p. Alimony;

q. Child support payments;

r. Regular contributions from persons not living in the household;

s. Royalties;

t. Strike Benefits;

u. Trade Readjustment Allowance;

v VA Compensation Payments, VA Educational Benefits, Spousal/Dependent Allowances and Military Allotments;

w. Payments to volunteers under Americorps (payments to volunteers under Americorps/VISTA are excluded);

x. Foster care payments made by the Rhode Island Department of Children, Youth and Families (when the child is included in the assistance unit);

y. In-Kind Assistance; and

z. Non-citizen Sponsor Income (includes income of the sponsor and sponsor's spouse), refer to the Rhode Island Works Rules and Regulations, Part 2 of this Subchapter, regarding Deeming provisions and Indigent Exceptions

15. “One-parent home” means a family in which there is only one (1) parent living in the household with financial responsibility for the eligible child(ren).

16. “Parent” means any person in the household who is legally and financially responsible for the routine care of the applicant child(ren) including, but not limited to, providing income, resources or other forms of support.

a. A person seeking the CCAP authorized services for a dependent child is considered to be a parent for the CCAP eligibility purposes if so deemed for any other DHS program(s).

b. The term parent is used broadly in this Rule to refer to biological, adoptive, or stepparents, as well as legal guardians or caretaker relatives of an acceptable degree as defined in Subchapter 00 Part 2 of this Chapter, the Rhode Island Works Rules and Regulations.

17. “Rhode Island public institution of higher education” means Community College of Rhode Island, Rhode Island College, or University of Rhode Island.

18. “Two-parent home” means a home with a parent and a legal spouse (who may or may not be a parent) or two parents living in the same household who share financial responsibility for the applicant’s dependent child/children.

13.3 General Criteria for Eligibility

A. For the purposes of this pilot, applicant families shall be required to submit documentation verifying either a determination of ineligibility for benefits under the Child Care Assistance Program (CCAP) or a determination of eligibility for CCAP that includes an assessed family-share payment obligation. In addition, the following eligibility requirements apply:

1. Child(ren) receiving the CCAP services

   a. Shall be over six (6) weeks old and below the age of thirteen (13) years;

   b. Must live in the home of the parent requesting the CCAP services;

   c. Must be a resident of the State of Rhode Island; and

   d. Shall be either a citizen of the United States or a qualified immigrant as defined in the Child Care Assistance Program Rules and Regulations, Subchapter 00 Part 4 of this Chapter.

2. Parent applying for CCAP services

   a. The applicant parent must be employed as a child care educator or child care staff, in a child care program licensed by the State of Rhode Island as defined in § 13.2 of this Part;

   b. In a one (1) parent family, the applicant parent must be working at least twenty (20) hours a week in a licensed child care center, family child care home or group family child care home.

      (1) If at any time average weekly hours in a four (4) week span are less than twenty (20) hours, the employee and provider must notify the DHS.

   c. For there to be an acceptable need for services in a two (2) parent home, at least one (1) parent shall be employed as a child care educator or child care staff working at least twenty (20) hours a week in a licensed child care center, family child care home or

group family child care home and the other parent must be participating in one (1) of the following:

(1) Approved education or training activities;

(2) Employed for an average of twenty (20) hours per week in a month earning, per hour, an average of the greater of either the State or Federal minimum wage;

(3) Enrolled in a degree program at a Rhode Island institute of higher education with a minimum of twenty (20) college credit hours; or

(4) Employed and enrolled in degree program at a Rhode Island institute of higher education with a combination of approved college credit hours and work hours equaling at least twenty (20) hours per week.

d. The applicant parent may be self-employed as a child care provider

(1) Self-employment income must be verified.

(2) Any child residing in the home of a self-employed child care provider who are eligible for CCAP benefits under this pilot must enroll with an approved CCAP provider other than the child care program in the home in which they reside. Children cannot enroll in the program run by their parent or other adult living in the same home.

e. Must have household income at or below three hundred percent (300%) of the Federal Poverty ~~Limit~~Level for purpose of initial eligibility. A family participating in the Pilot shall remain eligible until the household income exceeds three hundred twenty-five (325%) of the Federal Poverty Level. The income limit can be found on the DHS website https://dhs.ri.gov/programs-and-services/child-care/child-care-assistance-program-ccap-head-start/ccap-family.

f. As a condition of eligibility, the parent/caretaker relative is required to cooperate in establishing parentage, and in establishing and/or enforcing child support and medical support orders for any applicant child in the family as stated in the Child Care Assistance Program Rules and Regulations, Subchapter 00 Part 4 of this Chapter.

13.4 Applying for Child Care Assistance for Child Care Educators and Staff Pilot

13.4.1 Application

A. The application for the CCAP for Child Care Educators and Staff pilot requires proof that the applicant has first applied for DHS CCAP within the previous sixty (60 days). The pilot application consists of the required application which is separate and apart from other DHS programs, verification of certain eligibility criteria, and the need for services. Families seeking eligibility for the CCAP shall apply to the DHS in accordance with the following:

1. Point of Application

a. Families interested in the CCAP for Child Care Educators and Staff pilot may apply online or may obtain a printable application on the DHS website at https://dhs.ri.gov/programs-and-services/child-care/child-care-providers/CCAP-for-Child-Care-Staff. Completed printed applications can be mailed to or dropped off at Office of Child Care, 25 Howard Ave, Building 57 Cranston RI 02920.

b. Applications will be accepted through the last day of the pilot program, as specified in R.I. Gen. Laws § 40-5.2-20 (k).

2. Application Packet

a. The completed application form signed by the applicant (in a two (2) parent home both parents must sign the application), along with the documentation required to verify eligibility and the need for services must be submitted to the DHS to initiate a child care application.

(1) Any applications that are incomplete or have incorrect information will be immediately denied.

(AA) If an application is denied, the applicant is responsible for payment to the provider for any child care services provided.

B. If parent who meets the requirements for the CCAP for Child Care Educators and Staff pilot is already eligible and receiving CCAP benefits, they must apply for this pilot to receive the waiver of copayment.

1. Participation in this pilot has no other impact to the existing CCAP case.

C. If more than one parent works for a child care program, the family can only apply for this pilot once.

13.4.2 Application Processing

A. The date a signed application is date stamped as received by the DHS office, or the date an application is submitted online, is the application date.

B. The application period is the period when eligibility for the CCAP is determined by the DHS staff.

1. The application period can take up to thirty (30) days.

2. The pilot application will be processed once the applicant submits documentation verifying either a determination of ineligibility for CCAP benefits or a determination of eligibility for CCAP that includes an assessed family-share payment.

13.4.3 Reporting Requirements

A. Applicant and recipient parents shall report to the DHS any changes in the information or documentation included in, or submitted in conjunction with, the CCAP for Child Care Educators and Staff pilot application related to the requirements in § 13.3 of this Part within ten (10) days from the date the change occurs.

1. The duty to report begins on the application date and remains in effect during the certification period.

2. Failure to report changes in a timely manner may be grounds for denying eligibility to an applicant or discontinuing authorized services for the CCAP beneficiaries.

B. Families are required to report the following:

1. Changes to income that exceed three hundred twenty-five percent (~~300~~325%) of the Federal Poverty Level.

2. A cessation of employment as a child care educator or child care staff.

3. A decrease in work hours if the average weekly hours in a four (4) week span are less than twenty (20) hours for the parent who is employed as a child care educator or staff.

4. A change in address.

5. The child(ren) no longer resides in the household.

6. Changes in the household composition.

C. Child Care Employers are required to report to DHS any time an employee participating in the CCAP for Child Care Educators and Staff pilot ends employment at their program.

D. At the twelve (12) month interim, the parent is required to provide verification of continued employment at a licensed child care program. If the parent is no longer

employed at a licensed child care program, or fails to provide verification, their CCAP for Child Care Educators and Staff benefits will be terminated.

13.4.4 Notice Requirements: Notice of Approval, Notice of Denial, Right to Appeal and Hearing

A. Applicants for the CCAP for Child Care Educators and Staff pilot shall receive timely and adequate notice of the DHS eligibility determinations and the right to appeal (see § 10-00-1.7 of this Title, Complaints and Appeals Process).

B. The DHS shall also provide timely and adequate notice of any adverse decisions terminating or reducing benefits.

1. All correspondence for the pilot program will be through email.

a. Providers and applicants must have a valid email.

C. The notice of approval can be used to enroll the eligible child with an approved CCAP provider or, if already enrolled with an approved CCAP Provider, to provide proof of pilot participation.

13.5 Authorization and Enrollment

13.5.1 Authorization

A. Families found eligible for the CCAP for Child Care Educators and Staff pilot will be authorized to receive benefits from the date a complete application is received for a period of twenty-four (24) months.

1. At the end of the pilot period, as specified in R.I. Gen. Laws § 40-5.2-20 (k), no applications will be accepted for this program.

2. Families will be responsible for their own child care expenses at the end of their twenty-four (24) month certification period.

B. Families found eligible for the CCAP for Child Care Educators and Staff pilot will be authorized to receive benefits from the date their completed application was received by the DHS.

C. Families found eligible for the CCAP for Child Care Educators and Staff pilot will not be required to pay a family share.

D. Authorized child care will be approved based on number of hours the parent needs to maintain employment as a child care educator or staff.

1. The categories for time authorized are as follows:

a. Three quarter time: twenty to twenty-nine (20-29) hours per week.

b. Full time: Thirty (30) hours or more per week

13.5.2 Limitations of Authorized Child Care

A. Child care educators and staff shall provide the following changes to the Department during their participation in this pilot:

1. Parent is no longer employed as a child care educator or child care staff.

2. If at any time the parent working as a child care educator or staff works less than an average of twenty (20) hours per week in a four (4) week span.

3. The family moves out of Rhode Island.

4. The child(ren) no longer resides in the home.

5. The household income increased above three hundred twenty-five percent (~~300~~325%) the Federal Poverty Level.

13.6 Enrollment for CCAP for Child Care Educators and Staff Pilot Authorized Services

A. Enrollment and attendance records for this pilot will not be processed through the CCAP Provider Portal.

1. Providers shall submit attendance records for children eligible for the CCAP for Child Care Educators and Staff pilot through an online system separate and apart from the CCAP Provider Portal as designated by DHS.

B. Providers must immediately report to the DHS any children participating in this pilot who disenroll from their program.

13.7 CCAP for Child Care Educators and Staff Pilot Payment to Approved Child Care Providers

A. Payment under the pilot program will be made directly to the Approved Child Care Provider who is providing care to the eligible child.

B. The CCAP absence policy as described in the Child Care Assistance Program Rules and Regulations, Subchapter 00 Part 4 of this Chapter, applies to the CCAP for Child Care Educators and Staff pilot.