



**STATE OF VERMONT**

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**CHILD CARE FINANCIAL ASSISTANCE**

**PROGRAM REGULATIONS**

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# **CHILD CARE FINANCIAL ASSISTANCE PROGRAM REGULATIONS**

## **I A Introduction**

The purpose of these regulations is to implement the Child Care Subsidy Program described in Vermont Statutes, 33 V.S.A. § 3512 – 3514, and in U.S. Department of Health and Human Services, Administration for Children and Families, 45 CFR, Parts 98 and 99 which are the official regulations for the Child Care and Development Fund (CCDF).

The subsidy program in Vermont is called and is referred to herein as the Child Care Financial Assistance Program. This program assists eligible families with child care costs and also helps fund specialized child care services. These regulations set forth eligibility conditions for Child Care Financial Assistance, outline payments to eligible providers and outline conditions for terminating or reducing child care financial assistance benefits to families and/or child care providers participating in the program.

Goals of the Child Care Financial Assistance Regulations:

- Support an integrated child care system that ensures seamless delivery of quality services and supports accessible and affordable child care for families;
- Set a standard for eligibility requirements and family intake procedures; and
- Administer consistent procurement and payment policies/procedures.

The Department for Children and Families Commissioner may, in exceptional circumstances, grant a variance from these regulations when, at his or her discretion, the intent of these regulations and the goal of providing support to families and their children cannot be met.

## **I B Definitions**

The following terms apply to these regulations as defined:

<b>I B 1 Age Category</b>	<b>Child Ages</b>
Infant	birth to < 24 months
Toddler	24 months to 36 months
Preschool	36 months to 60 months
School Age	60 months to 13 years (children with special needs may be eligible to age 19)

**I B 2 Appropriate Care and Supervision** – Protecting from, or not exposing, a child to any unusual risk while also contributing to the child’s growth and development.

- I B 3 Care Category**  
 Part Time Care – up to 25 hours per week  
 Full Time Care – between 25 to 50 hours per week during hours when parental service need activity occurs, unless otherwise approved by CDD  
 Extended Care – over 50 hours per week
- I B 4 Caretaker** – Individual other than a parent, age 18 or older, fulfilling a parental role in caring for a dependent child by providing physical care, guidance and decision-making related to the child’s health, school, medical care and discipline.
- I B 5 Case Plan** – Written document developed by a Family Services social worker as part of the Family Services case record which identifies the family needs and sets forth goals to preserve, rehabilitate or reunify the family and documents goal progress.
- I B 6 Child** – Individual under age 13, or under age 19 if physically or mentally incapable of self care or under court supervision, or an individual committed to the custody or guardianship of the Commissioner.
- I B 7 Child with Special Needs** – A child determined eligible for services by the Department of Education, Division of Special Education or the Department of Health, Division of Children with Special Health Needs, or the Department for Children and Families, Child Development Division. A child’s special needs may also be determined by the written report of a licensed physician or licensed psychologist.
- I B 8 Child Care or Child Care Services** – Developmentally appropriate care and supervision by a child care provider for fewer than 24 hours a day for children under age 13 or age 19 for a child with special needs.
- I B 9 Child Care Provider** – A person, facility or entity which is licensed, registered or certified by the Child Development Division to provide child care services.
- I B 10 CDD** – Child Development Division of the Department for Children and Families.
- I B 11 Child Care Financial Assistance** – Financial assistance given to eligible parents for child care services provided by an eligible child care provider with a valid provider agreement.
- I B 12 Commissioner** – Commissioner of the Department for Children and Families or his or her designee.
- I B 13 Committed Child** – A child committed to the legal custody and/or guardianship of the Commissioner of the Department for Children and Families.

**I B 14 DCF** – Department for Children and Families

**I B 15 Designated Authority** – A person or organization authorized by the Child Development Division to determine eligibility for subsidized child care services.

**I B 16 Extended Care** – Child care for over 50 hours per week. Care is for authorized hours based upon the primary caretaker’s service need.

**I B 17 Family** – Two or more persons residing in the same household, at least one of whom is the child’s primary caretaker. Family members temporarily absent from the household, for whom the family claims financial responsibility for tax purposes, are considered members of the family for establishing income eligibility and family size; they are not however, considered family members for the purpose of determining the need for service.

Family configurations include:

- a. Married and civil union primary caretakers and their resident child(ren);
- b. Unmarried primary caretakers and their child(ren) in common;
- c. A primary caretaker and his or her own child(ren);
- d. Unmarried primary caretakers, their child(ren) in common and any child for whom either adult in the household is legally responsible;
- e. A person who lives with, supervises and cares for a child or children whose parents do not live in the home.

**I B 18 Gross Income** – All income included in determining monthly gross income except that which is specifically excluded by these regulations.

**I B 19 Income Eligibility Schedule** – Sliding fee scale that provides for cost-sharing (parent co-pay) by families eligible for child care financial assistance. The fee scale is based on gross monthly income and family size.

**I B 20 Parental/Family Leave** – Reasonable time off to care for dependent children in instances such as death, illness, birth or adoption. Parental leave may not exceed 12 weeks in a 12 month period.

**I B 21 Postsecondary Education program** – The Postsecondary Education program managed by DCF’s Economic Services Division that assists families to attain self-sufficiency and a postsecondary education degree.

**I B 22 Primary Caretaker** – Biological, adoptive or foster parent(s) of a child, a child’s legal guardian or other person legally responsible for a child’s welfare.

- I B 23 Reach First** – The Reach First program is Vermont’s short-term diversion program managed by DCF’s Economic Services Division that assists families to attain self-sufficiency.
- I B 24 Reach Up** – The Reach Up Program through DCF’s Economic Services Division that assists families to attain self-sufficiency.
- I B 25 Reasonable Hours of Sleep** – Reasonable hours following or preceding 2<sup>nd</sup> or 3<sup>rd</sup> shift employment or training, enabling a person to rest from or for such employment or training. Such periods shall not exceed eight hours within a 24-hour period.
- I B 26 Revocation** – Formal act of removing a license, registration or certification to operate a Child Care Home, Early Childhood Program, Afterschool Program, or provide legally exempt care for subsidized children due to violation of the Licensing Regulations. A child care provider may continue to operate their program during a revocation action pending an appeal to the Human Services Board.
- I B 27 Self Support** – Achievement and/or maintenance of economic self-sufficiency.
- I B 28 Service Need** – Caretaker’s employment, education, training or special health need resulting in the need for child care. A child may also have a service need due to a documented health or specialized developmental need that includes child care as part of the treatment plan, regardless of the caretaker(s)’ activities.
- I B 29 Temporary Absence** – Absence of a primary caretaker, who has indicated intention to return within 120 days of the application date, which deprives a child of adequate and necessary care and supervision.

## **II Child Care Financial Assistance Program**

### **II A Eligibility Criteria**

In order to receive child care financial assistance, a family must meet the following requirements:

- Have a service need as outlined by the Regulations;
- Meet Income eligibility standards as set forth by the Child Development Division;
- Be a resident of Vermont, unless the assistance is for a child in a “pre-adoptive” home residing in another state as approved by DCF.
- Be a U.S. citizen or have a legal alien status.

## **II B 1 Service Need**

To receive child care financial assistance, a family must have an established service need for each Primary Caretaker residing in the child's home.

Established Service Needs are:

- II B 1 a Employment. The primary caretaker(s) must demonstrate involvement in an activity, either in or out of the home, through which they receive hourly compensation of at least minimum wage. Authorization of child care financial assistance for eligible families shall be limited to the number of days and hours per week reasonably related to employment, including hours of rest or sleep, as needed for 2<sup>nd</sup> or 3<sup>rd</sup> shift employment or training, as determined by the Child Development Division, which may include not more than two hours a day travel time between the child care facility and the place of employment.
- II B 1 b Self Employment. Business activity by a primary caregiver, either in or out of the home, through which they earn an average monthly net income equivalent to the number of hours worked times the Vermont minimum wage. Authorization of child care financial assistance is limited to the number of days and hours per week reasonably related to self employment, as determined by the Child Development Division, which may include not more than two hours a day travel time between the child care facility and the place of employment including the home if the business is run from the family's primary residence.
- II B 1 c Start Up Self Employment. An activity determined by the Commissioner likely to lead to self-employment within one year. Authorization of child care financial assistance is limited to the number of days and hours per week reasonably related to self-employment, as determined by CDD, and may include not more than two hours a day travel time between the child care facility and place of employment including the home if the business is run from the family's primary residence.
- II B 1 d Seeking Employment. The primary caretaker(s) must demonstrate involvement in activities generally recognized as necessary to obtain employment or training leading to employment. Families seeking employment may receive child care financial assistance for a period of one month unless the period is extended by the Commissioner. This service need is limited to once in a 12 month period.
- II B 1 e Training or Education. The primary caretaker(s) must demonstrate participation in a program which, in the opinion of the Commissioner, is likely to lead to employment within one year after completion of the program. This need can also be established if the training or education program is required to maintain employment.

Approved training programs include, without limitation, the following:

1. Work programs, training programs, and other activities approved by DCF's Economic Services Division as part of the caretaker's family development plan;
2. Work or training programs approved by the Department of Labor;
3. Work study programs or training programs related to employment;
4. High school, public or private, and high school equivalency programs such as Adult Basic Education (ABE) or General Equivalency Diploma (GED);
5. Post-secondary courses at an accredited or recognized institution of higher education offering certification or associate and bachelor degree course work;
6. Non-traditional and/or on line training approved on an individual basis; and
7. Community service time/training.

Authorization of child care financial assistance is limited to the number of days and hours related to training or education as determined by CDD. Travel time up to two hours per day between the child care facility and place of the training program may be included in the determination.

Volunteer work and post-bachelor education are not eligible activities.

- II B 1 f Special Health Need – A (Adult). Established when a primary caretaker is physically, mentally or emotionally incapable of providing all the care and supervision to his/her children, as determined by a licensed medical doctor (MD), nurse practitioner (NP), physician assistant (PA) or licensed psychologist on a form provided by or in the manner prescribed by the Child Development Division. Authorization of child care financial assistance is limited to the number of days and hours per week recommended by the professional making the determination.
- II B 1 g Special Health Need – C (Child). Established when the primary caretaker(s) can demonstrate that his/her child has a significant health or specialized developmental need as documented by a licensed physician and/or licensed psychologist or by the assessment determining eligibility for Special Education or Early Intervention Services that includes child care as part of the child's development plan (IEP or IFSP). Child care hours will be determined based on the days and hours per week documented in an individualized plan for the child. Families accessing the Child Care Financial Assistance Program for a Special Health Need/Child must meet income guidelines on the sliding fee scale.
- II B 1 h Parental Leave/Family Leave will be considered for a primary caretaker who has received full time child care services for at least a year, to allow reasonable time off to care for dependent children in instances such as death, illness, birth,



or adoption. Parental Leave/Family Leave may not exceed 12 weeks in a 12 month period.

II B 1 i Family Support Child Care is a prevention and early intervention service designed to reduce stress for families and their children and promote positive child development. The child care financial assistance may be authorized after a confidential application and risk assessment have been completed and reviewed. Generally authorized as Part Time or may be authorized as Full Time. Program duration is generally one year.

II B 1 j Protective Services Child Care. Personalized child care that includes a planned child development intervention strategy authorized by the DCF Family Services Division Social Worker and must be part of the family plan as a safety strategy. The child care provider is an active participant on the Family Services team for children receiving protective services child care. This specialized child care may only be given by a provider that has signed and filed a current “Provider Agreement” (Part I – Financial) and a “Specialized Provider Agreement” (Part III) and is in compliance with all requirements.

### **II B 1 k Exclusions**

No service need shall be considered established when:

- It is determined that 24 hour in-home child care is necessary;
- A primary caretaker is providing child care for other families (other than licensed child care providers);
- A child has been suspended from school;
- Regular public school programs are available for the eligible child; or
- A primary caretaker is able and available to provide adequate and necessary care and supervision.

### **II B 2 Income Eligibility Requirements**

A family must have a monthly gross income at or below levels established in the Child Care Financial Assistance Schedule to be eligible for assistance. The income schedule, on a sliding fee scale, is based on a combination of actual monthly gross income and the number of family members. The schedule will be updated periodically as funds allow by the Child Development Division to reflect changing levels in federal poverty and state median income guidelines. The most current income eligibility schedule may be accessed through the following website: <http://www.brightfutures.dcf.state.vt.us>.

Gross income includes all payments from any source received by a primary caretaker(s) or their child(ren), with the exception of children’s wages. Income received from the following sources is excluded in determining income eligibility:

1. Income received from the sale of real or personal property (house, car, boat, stocks, bonds) unless the primary caretaker(s) was engaged in the business of selling such property, in which case the net proceeds will be counted as income from self-employment;
2. Withdrawal from bank deposits;
3. Money borrowed;
4. Tax refunds including Renters Rebate and Earned Income Credit;
5. Public assistance income (such as income received in DCF Economic Services Division's financial assistance programs, including but not limited to Food Stamps, Medicaid, Fuel Assistance, Reach Up, Reach First, and Postsecondary education program payments, General Assistance and Emergency Assistance);
6. Value of USDA donated foods and home produce consumed by the family;
7. Wage, salary or other earned income of a person under age 18 living in the household who is not the primary caretaker;
8. Loans, grants, scholarships or work-study income received for training or education;
9. Incentive payment for training or education or other programs or activities authorized in a Reach Up plan or other case plan;
10. Supplemental Security Income (SSI);
11. Child Support paid out on a regular basis to another household;
12. Adoption assistance payments under Title IV-E of the Adoption Assistance and Child Welfare Act of 1980 or under the State's Adoptions Assistance Program;
13. Payments to foster parent(s) from DCF's Family Services Division to subsidize the care and maintenance of a foster child;
14. Self-employment business expenses other than depreciation charges, Section 179, per current IRS procedures;
15. Money received from federal and or sponsored programs as stipends; and
16. Military pay for household members deployed on active duty.

When a child resides with both primary caretakers in the same household, income eligibility is based on the gross income of the primary caretakers whether or not the individuals are married or parties to a civil union.

When a child in the household is the legal responsibility of one primary caretaker and other children are considered the legal responsibility of both primary caretakers, separate

eligibility may be determined based on the income of each primary caretaker individually if the primary caretakers are not married.

In determining eligibility of a family in which a child is residing with only one of his/her primary caretakers and an “unrelated adult”, income eligibility is based on the gross income of the primary caretaker only and the unrelated adult is not considered to be a member of the household.

## **II B 2 a Exceptions to Income Eligibility Requirements**

Income eligibility is waived and assistance provided at 100% of the State established subsidy rates regardless of income for the following families:

1. Families receiving financial assistance in DCF/Economic Services Division’s Reach Up, Reach First or the Postsecondary Education programs with an established service need who are using a regulated child care provider and do not receive child care assistance from other sources. Child care services are limited to those children in the financial assistance group as determined by DCF’s Economic Services Division.
2. Families whose “Service Need” is Protective Services Child Care. Assistance for Protective Services is limited to the days and hours per week in the Family Services case plan as authorized by the social worker and the district director. These families may be required to share some costs of the child care consistent with a Family Services case plan.
3. Families with an established service need for Family Support Child Care. These families may be required to share some cost of their child care consistent with their family support plan.
4. Foster families whose service need is based on the special need(s) of a foster child or service need of the foster parent(s), are eligible for a subsidy for the care of a foster child at 100% of the state established rate, regardless of the foster parent(s)’ income.
5. Primary caretakers whose service need is based on the special need(s) of a child for whom they receive an adoption subsidy. The adopting parent(s) is eligible for child care financial assistance for the adoptive child’s care at 100% of the state established rate, regardless of income.
6. Primary caretakers (of an adopted child) whose service need is based on their own special need(s). The adopting parent(s) is eligible for a subsidy for the adoptive child’s care at 100% of the state established rate, regardless of income.

## **III Authorization**

### **III A Initial Authorization**

Assistance will begin on the first day the completed application is received if a “Service Need” is established, the “Income Eligibility Requirement” is met and the family is determined eligible.

Financial Assistance may be retroactive for up to 30 days provided a child was with a licensed, registered or certified child care provider and the primary caretaker(s) can satisfactorily document that the parent was eligible and had a service need during that period of time.

### **III B Duration of Eligibility**

Eligibility for child care services on the basis of a Service Need of “employment”, “self-employment”, “training”, “special health needs” or “family support” will be re-determined annually. Protective Services child care may be authorized as one component of a case plan for a period of time up to a maximum 12 months or as determined by the social worker in the Family Services Division case plan.

Eligibility in all Service Need categories may be re-determined at more frequent intervals at CDD’s discretion when a family’s circumstances change significantly or a case plan is revised following a case review.

### **III C Eligibility for Child Care when a Child is not Living with the Primary Caretaker**

When a child is not residing with a primary caretaker and is not committed or institutionalized, eligibility is established only if the Primary Caretaker’s income meets “Income Eligibility Standards” and the caretaker with whom the child is residing meets “Service Need Requirements.” All other regulations pertaining to families and the primary caretaker apply.

### **III D Eligibility Re-determination**

A family’s eligibility for financial assistance shall be reviewed and re-determined annually. The Designated Authority shall notify families that their eligibility period is ending no less than one month before eligibility terminates.

## **IV A Responsibilities of Eligible Families**

Eligible families have the following responsibilities in order to continue enrollment in the Child Care Financial Assistance Program.

Eligible families shall report, within 10 working days to the Designated Authority the following:

1. Changes in circumstances that may affect their need for child care financial assistance;
2. All changes in income, living situations, family and household make up, changed hours of care and changes in child care provider;

3. With each re-determination, the following is required: current documentation of income, service need, residence, citizenship or legal alien status and documentation of any change in family relationships. Such documentation must be provided prior to each authorization end date.

### Co-Payments

Eligible families are responsible for paying their co-payments directly to the child care provider for all fees for child care services provided that are above and beyond the amount of the financial assistance paid by the Child Development Division and/or for child care services not authorized by CDD.

### **IV B Appeal Rights of Applicants and Eligible Families**

If an application for the Financial Assistance Program is denied or the applicant is dissatisfied with the level of eligibility determination, the eligibility decision may be appealed. Eligible families have the right to appeal the amount of financial assistance authorized, a change in the amount of assistance authorized or the determination of service need.

Appeals requesting a variance of the regulations should be submitted in writing to the Child Development Division (CDD) within 30 days of a decision. The appeal will be reviewed by CDD's Subsidy Unit and a determination made. If the appellant is dissatisfied with the Subsidy Unit's determination, a written request for a Fair Hearing may be filed with the Human Services Board within 30 days of the Subsidy Unit's determination as provided for in 3 V.S.A. § 3091. The Commissioner or designee shall then review the denial or subsidy re-determination and render a written recommendation to the Human Services Board. The Human Services Board shall conduct a Fair Hearing according to its Rules and shall issue the final decision.

Unless eligibility is denied, subsidy to a family shall continue during period(s) of appeal.

### **V Payment, Adjustments and Recoupment**

Payment of financial assistance by the Child Development Division will be made from the first day of eligibility and actual attendance, and end with the last day a child attends according to the authorized part time, full time or extended care schedule at the established rates.

Payment by the Child Development Division for child care services shall be made at rates not to exceed those established by CDD and based on a child's authorized weekly schedule, unless an adjustment is warranted.

If child care is provided under a written reserved spaces agreement with CDD, the rate established in the written agreement shall apply.

CDD will pay for subsidized child care services provided only by licensed, registered and certified providers in the State of Vermont. Licensed, registered and certified providers in other states who serve children found eligible in Vermont may also receive child care financial assistance payments upon receipt of appropriate documentation and subsequent review and approval by the Child Development Division.

Payment will be made for up to two (2) pay periods when a parent has a temporary lapse of eligibility such as job loss or a break in school schedule, provided required documentation as established by CDD has been provided by the parent.

CDD or its designee shall deduct payment for days that a licensed or registered child care facility is closed other than the state-established 15 days per fiscal year (July 1 – June 30). Providers may use these days in whatever manner they choose. This clause does not apply to Legally Exempt Child Care providers.

CDD or its designee shall adjust payments as necessary when the primary caretaker's work or training schedule changes and the child's authorized schedule changes accordingly.

When a child stops attending the child care facility, payments will be made for one week from the child's last date of attendance based on the child's authorized schedule, except as follows:

1. When the child care provider received a one week notice of the child's withdrawal, payment will end on the child's last date of attendance.
2. When the child care provider asked a parent to remove the child, payment will end on the child's last date of attendance.
3. If a facility closes, payment will end on the last date the child was in attendance prior to the closure date of the facility.
4. When a provider is suspended by CDD for violation of these or any other regulations, payment will end on the closure date.

Payment may be withheld or suspended if a child care provider fails to comply with payment procedures established by CDD, until compliance is established.

Payment may be withheld and a provider's eligibility to receive payment may be immediately suspended if a child care provider provides services to more children than allowed by statute or fails to comply with all licensing and child care financial assistance regulations.

CCD may seek re-payment or recoupment of funds from a provider if payment was made in error due to misrepresentation or fraud by the provider or eligible family, or if other violations of these regulations resulted in payment for which a provider was not entitled.

CDD may withhold future payments, in whole or in part, until an overpayment or payment received by a family or provider in violation of regulations or law has been satisfied.

CDD may pursue legal remedies, including criminal prosecution, to recover overpayments or payments received by an eligible family or by a provider in violation of these regulations.

CDD may permanently deny access to the subsidy program to any family or provider substantiated for engaging in fraudulent practices within the program.

#### **V A Child Development Division of DCF Authority to Recoup**

CDD may recoup or seek re-payment of funds directly from the provider or eligible family if payment of financial assistance was made in error due to misrepresentation, fraud by a family or other violations of these regulations.

CDD may pursue legal remedies, including criminal prosecution if applicable, to recover overpayments or payments made on behalf of an eligible family in violation of these regulations and/or the law.

#### **VI Child Care Providers Responsibilities**

Reimbursement rates to providers are based on the setting in which child care is provided, the age of the child and the number of hours the child is in care weekly.

Reimbursement for child care services provided to eligible families shall be limited to child care providers who are in compliance, as determined by CDD, with applicable statutes and promulgated regulations or requirements, including these regulations.

Reimbursement shall be limited to child care providers who have signed and filed a current "Provider Agreement", Part I – Financial, with the Child Development Division, and a "Specialized Services Agreement", Part III if applicable, and who are in compliance with those agreement(s).

No new eligible families will be authorized to use a child care provider who is undergoing the Revocation process.

No subsidy payment shall be approved to a child care provider who charges subsidy families more or at a higher rate than that which is charged to private pay families for the same service.

Child care providers seeking payment for child care services to eligible families shall:

1. Develop a record keeping system for each child's attendance and accurately record dates and actual hours of service provided each day to each eligible child.

2. Maintain attendance records on-site for a minimum period of three years and make those records immediately available to CDD upon request.
3. Report to CDD or its designee when a child from an eligible family is absent for more than three unexplained or unexcused authorized days of care.
4. Obtain prior written approval from CDD before entering into sub-contracts or assigning any part of the child care service performed for eligible families.
5. Provide eligible families with the child care provider's tax ID or social security number for federal or state child care tax credit purposes.
6. Submit claims for reimbursement in the manner prescribed by CDD.
7. Accept compensation for child care services provided to subsidy eligible families at rates established by CDD.
8. Collect co-payments directly from eligible families. Co-payment is the difference between the CDD rate and the provider's rate, if any.
9. Refrain from disclosing child or family eligibility in the subsidy program to anyone not authorized to receive such information.
10. Prohibit all smoking in the presence of children and in areas where child care routinely occurs.
11. Provide specific child care services as set forth in a Family Services' case plan for children receiving protective services child care.
12. Provide specific child care services as set forth in an individualized child or family plan for children receiving family support or special needs child care.
13. Report incidents of suspected child abuse and neglect as required by law.
14. Meet all state and federal tax obligations that may be generated by accepting payments for child care services to eligible families.

## **VII Transportation Services**

Direct payment for transportation to and from child care may be authorized on an individual basis for eligible children under Specialized Services. Such payment is limited to persons who have signed a Transportation Agreement and complied with required documentation for such services with the Commissioner, including but not limited to a criminal record and child abuse and elder abuse registry check and a Vermont Department of Motor Vehicles check.

Payment for transportation services is limited to Protective Services, Family Support or Special Health Need child care when the primary caretaker has no other means of transportation.



The rate of payment for transportation services is determined by the payment schedule set by the Commissioner, which may be amended periodically, or per a written agreement between the Commissioner and the transportation provider.

Claims for payment for transportation services shall be made on forms provided by or in the manner prescribed by the Commissioner. Payment for transportation services begins and ends based on the authorization for such services issued by the Commissioner.

The following persons are prohibited from providing transportation services for children:

1. Convicted of fraud, a felony or any offense involving violence or unlawful sexual activity or other bodily injury to another person including but not limited to abuse, neglect or sexual activity with a child; or
2. Found by a court to have abused, neglected or mistreated a child, an elderly or disabled person or an animal; or
3. Had a report of abuse or neglect substantiated under Chapters 49 or 69 of Title 33 Vermont Statutes Annotated; or
4. Found by a court to have committed a criminal offense related to operating a motor vehicle, including but not limited to careless and negligent operation, driving under the influence or driving with suspended license.

A business or company providing transportation services shall submit those persons who may have contact with transported children to a record check process in the form and manner prescribed by the Department.

### **VIII Limitation on Availability of Financial Assistance**

In the event that federal and/or state funds are not sufficient to meet the rates and amounts of financial assistance for families who have applied and are otherwise eligible, the Commissioner reserves the right to exercise discretion and limit the availability of financial assistance services.

### **IX Child Care Financial Assistance Schedule**

Eligible families who receive partial child care financial assistance services pay any remaining fee (co-pay) directly to their child care provider(s). The Commissioner assumes no responsibility to collect or any liability for amounts due to a child care provider for services rendered to an eligible family above and beyond established child care financial assistance rates.

The Commissioner may amend the Child Care Financial Assistance Fee Scale periodically as funding allows.

The Commissioner may exercise discretion based on individual circumstances and may authorize an increased amount of child care financial assistance for otherwise eligible families.

## **X Rates**

Market rates are used to guide the establishment of the state subsidy rates utilizing rate information submitted by the providers. A market rate survey is completed by the Child Development Division in accordance with the federal Child Care and Development Block Grant.

The most current provider rates may be accessed through the following website:

<http://www.brightfutures.dcf.state.vt.us>