



April 27, 2009

New York State
Office of
Children & Family
Services

Mr. Steven T. Wickrnark, Commissioner
Chautauqua County Department Social Services
7 North Erie Street
Hall R. Clothier Building
Mayville, NY 14757

Dear Commissioner Wickrnark:

www.ocfs.state.ny.us

This letter is to inform you that the child care section found in the administrative component of your Annual Plan Update 2008-2009 was approved on April 27, 2009. The child care section became effective on April 27, 2009.

David A. Paterson
Governor

Gladys Carrión, Esq.
Commissioner

This approval is being issued separate from the approval of other sections of your plan in order to accommodate your county's need to implement the child care services provisions. A letter approving the remaining sections of your plan will be sent upon their approval.

Capital View Office Park
52 Washington Street
Rensselaer, NY 12144

If you have any questions about this approval or the child care section found in your Annual Plan Update 2008-2009 please contact Ms. Amy Ryan, (518) 474-9620 or by e-mail at Amy.Ryan@ocfs.state.ny.us.

Sincerely,

Janice M. Molnar
Deputy Commissioner
Division of Child Care Services

Cc: Sheryl Ludemann



**APPENDIX G-1
 CHILD CARE SECTION
 DATED 2007-2009**

County: Chautauqua County

I. Administration (Required Section)

Describe how your district is organized to administer the child care program, including any functions that are subcontracted to an outside agency.

1. Identify the unit that has primary responsibility for the administration of child care for:

Public Assistance Families: **Child Care Unit**

Transitioning Families: **Child Care Unit**

Income Eligible Families: **Child Care Unit**

Title XX: **Services**

Indicate the use of New York State Child Care Block Grant (NYSCCBG) Funds.

FFY 06-07 Rollover Funds (<i>this amount is available from the NYSCCBG ceiling report in the claiming system</i>)	\$0.00
Estimate of FFY 07-08 Rollover Funds	\$355,547
Estimate of Flexible Funds for Families (FFFS) for child care subsidies	\$400,000
NYSCCBG Allocation for SFY 08-09	\$5,334,561
Estimate of Local Share	\$558,879

Total Estimated NYSCCBG Amount: **\$6,648,987.00**

\$6,648,987.00

A. Subsidy	\$\$5,968,344
B. Other program costs (excluding subsidy)	\$121,764
C. Administrative costs	\$558,879

3. Does your district have a contract or formal agreement with another organization to perform any of the following functions?

<u>Function:</u>	<u>Organization:</u>	<u>Amount of Contract:</u>
<input type="checkbox"/> Eligibility screening Function		
<input checked="" type="checkbox"/> Assistance in locating care	Chautauqua Opportunities	\$104,364
<input checked="" type="checkbox"/> Child Care Information Systems	Control Tee	\$17,400
<input type="checkbox"/> Determining if legally- exempt providers meet State approved additional local standards (if applicable)		
<input type="checkbox"/> Other		

APPENDIX G-2

II. Other Eligible Families if Funds are Available (Required Section)

Listed below are optional categories of eligible families that your district can include as part of its ICP. Select any categories your district wants to serve and describe any limitations associated with the category.

Optional Categories	Option	Limitations
1. Public Assistance (PA) families participating in an approved activity in addition to their required work activity.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Limited to 1 month. Time can be extended if approved by DSS. A family member must be meeting the participation rate set for the activity in order for an extension to be granted
2. PA families or families with income up to 200% of the State Income Standard when the caretaker is:		
a) participating in an approved substance abuse treatment program	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Must be meeting treatment requirements as determined by the facility. Subject to review by DSS staff, Client must be making satisfactory progress as determined by the facility
b) homeless	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Must be working with COI to resolve the homeless issue. Subject to review by DSS staff. Client must be cooperating with DSS and shelter staff to find permanent housing.
c) a victim of domestic violence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Must be residing in a DV shelter and/or have met with the DSS DV liaison/
d) in an emergency situation of short duration	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Emergency need must be evaluated on a case by case basis by DSS staff. An emergency situation is defined as something not caused by the client for example a fire or natural disaster.
3. Families with an open child protective services case when child care is needed to protect the child.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

4. Families with income up to 200% of the State Income Standard when child care services are needed because the child's caretaker:		
a) is physically or mentally incapacitated	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Incapacity must be verified by a medical professional. Limited to no longer than 3 months.
b) has family duties away from home	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. Families with income up to 200% of the State Income Standard when child care services are needed for the child's caretaker to actively seek employment for a period up to 6 months.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Limited to 3 months. Job search logs must be submitted montly to DSS staff.
6. PA families where a sanctioned parent is participating in unsubsidized employment, earning wages at a level equal to or greater than the minimum amount under law.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sanctioned individual must meet with a DSS case manager on a monthly basis and be employed at least 30 hours per week.
7. Families with income up to 200% of the State Income Standard when child care services are needed for the child's caretaker to participate in:		
a) a public or private educational facility providing a standard high school curriculum offered by or approved by the local school district	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Satisfactory educational progress, as determined by the educational institution, must be maintained.
b) an education program that prepares an individual to obtain a NYS High School equivalency diploma	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Satisfactory educational progress, as determined by the educational instituion, must be maintained.
c) a program providing basic remedial education in the areas of reading, writing, mathematics, and oral communications for individuals functioning below the ninth month of the eighth grade level	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Satisfactory educational progress, as determined by the educational instituion, must be maintained.
d) a program providing literacy training designed to help individuals improve their ability to read and write;	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Satisfactory educational progress, as determined by the educational instituion, must be maintained.

e) English as a second language (ESL) instructional program designed to develop skills in listening, speaking, reading and writing the English language for individuals whose primary language is other than English	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Satisfactory educational progress, as determined by the educational institution, must be maintained.
f) a two year full-time degree granting program at a community college, a two year college, or an undergraduate college with a specific vocational goal leading to an associate degree or certificate of completion	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Satisfactory educational progress, as determined by the educational institution, must be maintained.
g) a training program, which has a specific occupational goal and is conducted by an institution licensed or approved by the State Education Department other than a college or university	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Satisfactory educational progress, as determined by the educational institution, must be maintained.
h) a prevocational skill training program such as, a basic education and literacy training program	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Satisfactory educational progress, as determined by the educational institution, must be maintained.
i) A demonstration project designed for vocational training or other project approved by the Department of Labor. The parent/caretaker must complete the selected programs listed under number seven within 30 consecutive calendar months. The parent/caretaker cannot enroll in more than one program.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

<p>8. PA recipients and low income families with incomes up to 200% of the State Income Standard who are satisfactorily participating in a two-year program other than one with a specific vocational sequence (leading to an associates degree or certificate of completion and that is reasonably expected to lead to an improvement in the parent/caretaker's earning capacity) as long as the parent(s) or caretaker is also working at least 17 ½ hours per week. The parent/caretaker must demonstrate his or her ability to successfully complete the course of study.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>9. PA recipients and low income families with incomes up to 200% of the State Income Standard who are satisfactorily participating in a two-year college or university program (other than one with a specific vocational sequence) leading to an associates degree or a certificate of completion that is reasonably expected to lead to an improvement in the parent/caretaker's earning capacity as long as the parent(s) or caretaker is also working at least 17 ½ hours per week. The parent/caretaker must demonstrate his or her ability to successfully complete the course of study.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	

<p>10. PA recipients and low income families with incomes up to 200% of the State Income Standard who are satisfactorily participating in a four-year college or university program (leading to a bachelor degree and that is reasonably expected to lead to an improvement in the parent/caretaker's earning capacity) as long as the parent(s) or caretaker is also working at least 17 ½ hours per week. The parent/caretaker must demonstrate his or her ability to successfully complete the course of study.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
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APPENDIX G-3

III. Reasonable Distance, Very Low Income, Family Share, Case Closings and Openings, and Fraud and Abuse Control Activities (Required Section)

Reasonable Distance

Your district is required to define “reasonable distance” based on community standards for determining accessible child care.

The following defines "reasonable distance": **Reasonable distance is defined as one way travel from home to work activity with a stop at a child care provider along the way that is a distance of 35 miles or less or a 1 hour drive by automobile.**

Describe any steps/consultations made to arrive at your definition: **This definition was determined in collaboration with the Child Care Council and the Division of Family and Children's Services.**

Very Low Income

Very Low Income is defined by each district and is used in determining priorities for child care benefits.

Very Low Income is defined as **200%** of the State Income Standard.

Family Share

“Family share” is the weekly amount paid towards the costs of the child care services by the child’s parent or caretaker. In establishing the family share, your district must select a percentage from 10% to 35% to use in calculating the family share. The family share of child care is calculated by applying the family share percentage against the amount of the family’s annual gross income that is in excess of the State Income Standard and then dividing that amount by 52.

Family Share Percentage selected by our district **30%**.

Note: Make sure the % selected here matches the % selected in Appendix F.

Case Closings (select one or two)

1. The district must describe below how priority is given to federally mandated priorities and describe local priorities. If all NYSCCBG funds are committed, the district will discontinue funding to those families that have lower priorities in order to serve families with higher priorities. Described below is how the district will select cases to be closed in the event that there are insufficient or no funds available.

2. The district has not established priorities beyond the federally-mandated priorities. If all NYSCCBG funds are committed, case closings for families that are not eligible under a child care guarantee and that are not a federally-mandated priority must be based on the length of time in receipt of services. The length of time used to close cases may be based either on the shortest or longest time receiving child care services but must be consistent for all families. The district has chosen to close cases based on:

- shortest time receiving child care services
- longest time receiving child care services

Case Openings

The district must describe below how priority is given to federally-mandated priorities and how the district will select cases to be opened in the event that there are insufficient funds available.

If insufficient funds are available, applicants will be interviewed, either face to face or by telephone, and placed on a waiting list. New cases will be opened based on the oldest application dates as existing cases close or additional funds become available.

Fraud and Abuse Control Activities

The district must identify below the criteria it will use to determine which child care subsidy applications suggest a higher than acceptable risk for fraudulent or erroneous child care subsidy payment and must describe the procedures for referring such applications to the district's front end detection system.

Cases will be referred for FEDS when:

- 1. The household received child care subsidy previously and had an overpayment because of failure to report changes.**
- 2. Care is provided by a non-legally responsible individual residing in the same household as the child.**
- 3. Expenses exceed income - without a reasonable explanation**

The district must describe below the sampling methodology used to determine which cases it will seek verification of an applicant or recipient's continued need for child care including, as applicable, verification of participation in employment, education or other required activities.

Recertifications are completed every 6 months for all child care cases. Verification of continued employment/need for child care and income are verified at each recertification.

The district must describe below the sampling methodology used to determine which child care providers of subsidized child care services the district will review for the purpose of comparing the child care providers attendance forms for children receiving subsidized child care services with any child and adult care food program inspection forms to verify that child care was actually provided on the days listed on the attendance forms.

10% of the CACFP attendance sheets that are submitted each month will be compared to the attendance sheets for child care subsidy that are submitted by providers. The CACFP agency will randomly select and forward the attendance sheets to the local district on a monthly basis.

APPENDIX G-4

IV. District Options (Required Section)

Districts have certain flexibility to administer the child care subsidy program in order to better meet local needs. Check which options that your district wishes to include in your county plan. Complete attachments for any area(s) checked.

1. Our district has identified local priorities in addition to the federal priorities (complete Appendix G-5).
2. Our district has chosen to establish funding set-asides for NYSCCBG (complete Appendix G-6).
3. Our district is using Title XX funds for the provision of child care services (complete Appendix G-7).
4. Our district has chosen to establish additional local standards for child care providers (complete Appendix G-8).
5. Our district has chosen to make payments to child care providers for absences (complete Appendix G-9).
6. Our district has chosen to make payments to child care providers for program closures (complete Appendix G-10).
7. Our district has chosen to pay for transportation to and from a child care provider (complete Appendix G-11).
8. Our district has chosen to pay up to a 15% higher than the applicable market rates for regulated child care services that have been accredited by a nationally recognized child care organization (complete Appendix G-11).
9. Our district has chosen to pay up to 15% higher than the applicable market rates for non-traditional hours (complete Appendix G-11).
10. Our district has chosen to pay for child care services while a caretaker who works the second or third shift sleeps (complete Appendix G-11).
11. Our district has chosen to make payments to child care providers who provide child care services, which exceed 24 consecutive hours (complete Appendix G-12).
12. Our district has chosen to include 18, 19 or 20 year olds in the Child Care Services Unit (complete Appendix G-12).

APPENDIX G-4 (continued)

13. Our district is seeking a waiver from one or more regulatory provisions. Such waivers are limited to those regulatory standards that are not specifically included in law (complete Appendix G- 12).
14. Our district has chosen to pay for breaks in activity for low income families (non public assistance families, complete Appendix G-12).
15. Our district has chosen to use local equivalent forms such as, but not limited to, child care application, client notification and/or legally exempt enrollment forms (attach copies of the local equivalent forms your district uses).

Any approvals previously granted by OCFS for local equivalent forms will not be carried forward into this county plan. Therefore, any local equivalent forms that a district wishes to establish or renew must be included in this plan and will be subject to review and approval by OCFS.

APU Instructions: *Only those local equivalent forms that were not approved in the 2007-09 CFSP need to be included.*

**APPENDIX G-7
TITLE XX CHILD CARE**

Projected total Title XX expenditures for plan duration: \$ **500.00**

Identify the financial eligibility limits (percentage of State Income Standard) your district will apply based on family size. Maximum reimbursable limits are 275% for a family of 1 or 2, 255% for a family of 3, and 225% for a family of 4 or more. Districts that are utilizing Title XX funds only for child protective and/or preventive child care services must not enter financial eligibility limits, as these services are offered without regard to income.

Family Size: (2) **275%** (3) **255%** (4) **225%**

Programmatic Eligibility for Income Eligible Families. (Check all that apply.)

- Title XX: employment education/training
 seeking employment illness/incapacity
 homelessness domestic violence
 emergency situation of short duration
 participating in an approved substance abuse treatment program

Does your district apply any limitations to the programmatic eligibility criteria?

YES NO

(See Technical Assistance #1 for information on limiting eligibility.)

If yes, describe eligibility criteria:

Does your district prioritize certain eligible families for Title XX funding?

YES NO

If yes, describe which families will receive priority:

Does your district use Title XX funds for child care for open child protective services cases?

YES NO

Does your district use Title XX funds for child care for open child preventive services cases?

YES NO

**APPENDIX G-8
ADDITIONAL LOCAL STANDARDS FOR CHILD CARE PROVIDERS**

The district may propose local standards in addition to the State standards for providers who will receive child care subsidies.

1. Described below are the additional local standards that will be required of providers as well as which providers must comply with each additional standard.

A. The local district has a contract with an agency to perform inspections for legally exempt providers. The same standards as described in Section IV Home Safety Checklist and Certification of the Legally Exempt Enrollment Form will be applied to these inspections.

2. Described below are the methods and resources that will be utilized to determine that these additional local standards are being met.

A. The contract agency will conduct inspections of Legally Exempt providers who are not participating in the CACFP using the same standards set by OCFS. The providers selected for inspection under the county contract cannot be included in the 20% that are required to be inspected each year by OCFS. Currently 493 legally exempt providers are enrolled in the county. The contract specifies that 227 providers (not enrolled in CACFP) will be randomly selected and inspected during 2007.

3. Described below are the procedures the district will use to notify the Legally Exempt Caregiver Enrollment Agency as to whether or not the legally exempt provider is in compliance with the additional local standards. (Districts only need to describe this procedure if the additional local standard is applied to legally exempt child care providers.)

The Legally Exempt Enrollment Agency is a branch of our contract agency. The same individual performing the inspections of legally exempt providers required by OCFS, will be performing the inspections required in the contract with the county.

4. Described below is the justification for each additional standard.

A. We are using the same inspection standards required by OCFS. We are only including additional providers in the inspection process.

**APPENDIX G-9
 PAYMENT TO CHILD CARE PROVIDERS FOR ABSENCES**

The following providers are eligible for payment for absences:

(Check any that are eligible)

- Day Care Center Legally Exempt Group
- Group Family Day Care School Age Child Care
- Family Day Care

Our district will only pay for absences to providers with which the district has a contract or letter of intent. Yes No

Base period selected (check one) 3 months 6 months

Number of absences allowed during base period:

Period	Routine Limits (# of days)	Extenuating Circumstances (# of days)	Total Number of Absences Allowed (# of days)
In a month	12	3	15
Base period	12	3	15

List reasons for absences for which the district will allow payment:

12 temporary absences will be allowed as long as the childcare program is open and the child was not cared for at another childcare program. Extenuating circumstances will be approved only if the absence is for illness verified by a Dr's statement, court appearances or medical appointments.

List any limitations on the above providers' eligibility for payment for absences:

Note: Legally exempt family child care and in-home child care providers are **not** eligible to receive payment for absences.

APPENDIX G-11
TRANSPORTATION, DIFFERENTIAL PAYMENT RATES, SLEEP

Transportation

Describe below under what circumstances and limitations if any your district will use to reimburse for transportation, what type of transportation will be reimbursed (public vs. private), and how much your district will pay (per mile or trip). Note if paying for transportation, Appendix F will need to reflect this choice.

Transportation expenses incurred to transport children from licensed childcare providers to school and back will be approved on a case by case basis only. The YWCA of Jamestown, the YMCA of Jamestown are currently approved for transportation payments. The YMCA charges \$60.00 per year per child and transportation is provided through a contract with the Jamestown Public Schools. The YWCA charges \$4.00 per trip per child. If the child meets the criteria for transportation using the "lift bus", the charge is \$20.00 billed twice per year once in January and once in September.

Differential Payment Rates

Indicate below the percentage above the market rate your district has chosen.

Accredited Programs may receive a differential payment up to _____ % above market rate.

Care during non-traditional hours may be paid up to _____ % above market rate.

Limitations to the above differentials are as follows:

Payments may not exceed 15% above market rate. However, if your district wishes to establish a payment rate that is in excess of 15% above the applicable market rate must describe below why the 15% maximum is insufficient to provide access within the district to accredited programs and/or care provided during non-traditional hours.

Sleep

The following describes the standards that will be used in evaluating whether or not to pay for child care services while a parent or caretaker that works a second or third shift sleeps and any limitations pertaining to payment:

Sleep time will be allowed for a parent or caretaker who works second or third shift. The parent or caretaker will be required to verify work schedules before sleep time will be approved.

Indicate the number of hours allowed by your district (maximum number of hours allowed is eight). **6**

**APPENDIX G-12
CHILD CARE EXCEEDING 24 HOURS, CHILD CARE SERVICES UNIT, WAIVERS, BREAKS
IN ACTIVITIES**

Child Care Exceeding 24 Hours

Child care services may exceed 24 consecutive hours when such services are provided on a short-term emergency basis or in other cases where the caretaker's approved activity necessitates care for 24 hours on a limited basis.

Describe any limitations for payment of child care services that exceed 24 consecutive hours.

Child Care Services Unit

The Child Care Service Unit is the basis upon which a district will determine which household and/or family members should be counted in determining family size and countable family income.

Our district will include the following in the Child Care Services Unit (check which ones apply).

old 19 year old 20 year old 18 year

-OR-

Our district will include only the following in the Child Care Services Unit when it will benefit the family (check which ones apply).

old 19 year old 20 year old 18 year

Describe the criteria your district will use to determine whether or not an 18, 19 or 20 year old is included in the Child Care Services Unit. **Budgets will be computed that include and exclude the 18,19 or 20 year old. Based on those calculations a decision will be made to include or exclude the individual(s).**

Waivers

Districts have the authority to request a waiver of any regulatory provision that is non-statutory. Describe and justify the reason your district is requesting a waiver from a regulatory provision.

Breaks in Activities

Districts may pay for child care services for low income families during breaks in activities for a period not to exceed two weeks or for a period not to exceed one month where child care arrangements would otherwise be lost and the subsequent activity is expected to begin within that period (check one).

two weeks four weeks

Districts may provide child care services while the caretaker is waiting to enter an approved activity or is waiting to begin employment or is on a break between approved activities. The following low income families are eligible for child care services during a break in activities (check any that are eligible):

entering an activity waiting to begin employment break between activities