

April 24, 2009



New York State
Office of
Children & Family
Services

www.ocfs.state.ny.us

Mr. Anthony J Restaino, Commissioner
Niagara County Department of Social Services
20 East Avenue
Box 506
Lockport, New York 14095-0506

Dear Commissioner Restaino:

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 13, 2009. The child care section became effective on April 13, 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.

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.

Capital View Office Park
52 Washington Street
Rensselaer, NY 12144

Sincerely,

A handwritten signature in cursive script, appearing to read "Janice Molnar".

Janice M. Molnar
Deputy Commissioner
Division of Child Care Services

Cc: MaryEllen Stierer



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

County: Niagara

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: NPA Daycare Unit

Transitioning Families: NPA Daycare Unit

Income Eligible Families: NPA Daycare Unit

Title XX: Services Support Unit

2. 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>)	\$2,825,524
Estimate of FFY 07-08 Rollover Funds	\$3,100,000
Estimate of Flexible Funds for Families (FFFS) for child care subsidies	\$
NYSCCBG Allocation for SFY 08-09	\$2,702,059
Estimate of Local Share	\$ 364,420

Total Estimated NYSCCBG Amount: \$6,166,479

\$

A. Subsidy	\$5,535,564
B. Other program costs (excluding subsidy)	\$ 150,915
C. Administrative costs	\$ 480,000

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

Function:

Organization:

Amount of Contract:

<input checked="" type="checkbox"/> Eligibility screening Function	NIACAP	150,915
<input type="checkbox"/> Assistance in locating care		
<input type="checkbox"/> Child Care Information Systems		
<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	
2. PA families or families with income up to 200% of the State Income Standard when the caretaker is:		Only applies to low-income families with income up to 150% of the State Income Standard
a) participating in an approved substance abuse treatment program	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PA families only for a period not to exceed 12-months for the purpose of enabling a parent to attend recommended treatment when mandated by this agency.
b) homeless	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
c) a victim of domestic violence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	When it is necessary for the parent to attend counseling-not to exceed Court mandates.
d) in an emergency situation of short duration	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
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:		Only applies to low-income families with income up to 150% of the State Income Standard.
a) is physically or mentally incapacitated	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Only applies to families that fall under transitional day care during the 12-month eligibility period.
b) has family duties away from home	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

<p>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.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p>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.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>For the duration of the sanction provided the parent agrees to and does comply with sanction at the end of that duration.</p>
<p>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:</p>		<p>Only applies to low-income families with income up to 150% of the State Income Standard.</p>
<p>a) a public or private educational facility providing a standard high school curriculum offered by or approved by the local school district</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>Only for a teen parent to complete a regular high school program (9-12), GED, or BOCES (as part of the high school program) up to the age of 18/or to the end of the school year.</p>
<p>b) an education program that prepares an individual to obtain a NYS High School equivalency diploma</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p>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</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p>d) a program providing literacy training designed to help individuals improve their ability to read and write;</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p>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</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

<p>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</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>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</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>h) a prevocational skill training program such as, a basic education and literacy training program</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>i) A demonstration project designed for vocational training or other project approved by the Department of Labor.</p> <p>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.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<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 type="checkbox"/> Yes <input checked="" 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 type="checkbox"/> Yes <input checked="" 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	

County: Niagara

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": **one way from work to day care to home = less than 1.5 miles**

Describe any steps/consultations made to arrive at your definition: **using school standards for bus transportation for area students**

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 **150%** 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 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 divided by 52.

Family Share Percentage selected by our district 20%.

Case Closings

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.

If our district does not have sufficient funds to maintain all eligible family's cases will be closed in the following order:

Low income families whose income falls between 200%-150% of the State Income Standard (SIS). **Cases will be closed by income from highest income to lowest income.**

Temporary Assistance Recipients participating in department approved activity in addition to their required work activity. We will begin to close these cases starting with the ones with the shortest investment time in the activity. This will allow those close to completion to finish and become more employable.

Families with an open child protective services case when childcare is needed to protect the child. We will close cases beginning with the high-income/co-pay families first proceeding down to the lowest-income families. This will continue to provide help to the most needy.

TA families or families with income up to 200% of the SIS when participating in approved substance abuse treatment program—for a period not to exceed 12 months. We will begin to close cases with the ones with the shortest investment time in the activity. This will allow those close to completion to finish and become self-sufficient and employable.

TA families or families up to 200% of the SIS that are victims of domestic violence when necessary for the parent to attend counseling—not to exceed Court mandates. We will begin to close cases with the ones with the longest investment time in the activity.

TA families where a sanctioned parent is participating in unsubsidized employment. These will be closed based on income. Highest income closed first.

Working families whose income is 149%-100% of the SIS closing from highest to lowest income.

Teen parents attending high school or obtaining their GED or BOCES.

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.

Cases will be opened in the following order if there are not sufficient funds to open all eligible families:

Teen parents attending high school or obtaining their GED or BOCES will be opened first according to the earliest date on the waiting list first, followed by families as they appear on the waiting list earliest date first.

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 procedures for referring such applications to the district's front end detection system.

Our district has established a FEDS Referral form that lists 18 different criteria for use by TA, MA, FS and Child Care. The Child Care Unit will use 11 of these in determining which households are at a greater risk for fraudulent payments for Child Care Subsidy. They are:

- Prior history of denial case closing overpayment resulting from an investigation
- Application inconsistent with prior case information
- No absent parent information or information is inconsistent with application
- P.O. Box used as a mailing address without reasonable explanation, e.g., high crime area
- Legally responsible relative or spouse recently left household
- Recent denial due to excess income/resources and household member with excess income or resources is not currently in household
- Moved into Niagara County less than 3 months ago
- Working off the books (currently or previously)
- Renting from a relative
- Questionable Day Care provider form

Each new application will use the FEDS form and check off any indicators that need to be investigated. The Fraud Unit will refer to the Investigator, a report will be sent back to the Child Care Worker with suggested recommendation.

CC worker will identify the necessary action to be taken and will notify Fraud. If there are no indicators that apply to an application, the form will be filed in the case identifying no action required.

The district must describe below its 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.

- Each child care case is at 100% verification of participation in employment.
- Each monthly bill submitted for subsidy payment must be accompanied by the coordinating time-frame wage stub/employer statement. The bill is compared to the wage stub for hours worked against child care hours billed.
- In two parent/guardian households, a work schedule identifying days and hours assigned for each parent is also required on a monthly basis to identify that both responsible parents/guardians are working during the same time that provider bill is submitted for.
- Re-certifications are routinely done every 12-months. For single parent/guardian households, 6-months into the recertification period, a request for the parent/guardians actual work schedule will be requested to compare with actual hours submitted for payment on the bill for the coordinating month.
- Each teen parent is at 100% verification of participation in the program.
- Each teen parent must submit verification of enrollment in the program, a copy of the class schedule verifying days and hours, and anticipated completion date.
- Each monthly bill submitted for payment will require an attendance verification sheet.
- Other required activities will be required to submit 100% verification of attendance with the coordinating bill for subsidy payment.

The district must describe below its sampling methodology used to determine which child care providers of subsidized child care services they will review for the purpose of comparing the child care providers attendance forms for children receiving subsidized child care services and 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.

The enrollment agency, Child Care Clearinghouse of Niagara, will provide the district with copies of the Child Adult Care Food Program (CACFP) inspection forms three times a year. Three times a year the district will randomly select 1/3 of the CACFP inspection forms, which receive child care subsidy and compare these forms with the child care providers attendance forms to verify that child care was actually provided on the day listed on the attendance forms.

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-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.

Legally exempt family child care providers (excluding legally exempt child care provider who provide care in the child's home) who have one or more subsidized children in their care, and provide an average in excess of 30 hours or more of child care per week, will be required to actively participate in the Child and Adult Care Food Program (CACFP) under the direction of the Niagara Community Action Program, Inc. (NCAP). If an enrolled legally exempt family child care provider, caring for subsidized children an average in excess of 30 or more hours per week, refuses to actively participate or stops actively participating in the CACFP the enrollment will be terminated. The CACFP will provide the monitoring and coordination of the CACFP information between the CACFP and the district in regards to this additional standard. The district will provide the CACFP compliance status to the enrollment agency.

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

No additional resources are required for CACFP participation. CACFP will coordinate with the districts legally exempt enrollment agency.

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.)

When Child Care Application is received and reviewed District will:

1. Notify EA that the provider must be enrolled in CACFP
2. Once the EA approves the provider the EA notifies CACFP
3. CACFP will notify the District that the provider is or is not "actively participating" per the additional standard requirement
4. If the provider is "actively participating" the District will notify the EA that the additional standard is met
5. If the provider is not "actively participating" the District will notify the EA that the additional standard is not being met.

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

At this time the district has approximately 14 legally exempt providers enrolled in CACFP out of 144. Requiring program participation in CACFP will allow the Agency to monitor the majority of providers under the random comparison standard. This will aid in improving the health and nutrition of children cared for by Legally Exempt Providers receiving subsidy payments within our district. The changes to the implementation of the additional standard will occur at reenrollment contact of existing enrolled providers, and with all new enrollments.

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).

18 year old 19 year old 20 year old

-OR-

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

18 year old 19 year old 20 year old

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.

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.

Waiver to eliminate the pursuit of child care costs as a requirement in the eligibility determination of child
care subsidy effective January 1, 2009.

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