



# Office of Children and Family Services

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## Local Commissioners Memorandum

<b>Transmittal:</b>	19-OCFS-LCM-26
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Division of Child Care Services
<b>Date:</b>	October 17, 2019
<b>Subject:</b>	<b>Expansion of the Child Care Assistance Program</b>
<b>Contact Person(s):</b>	Please contact the following persons for questions regarding this LCM: <ul style="list-style-type: none"><li>• Program Questions Merideth Bastiani, OCFS Division of Child Care Services 518-402-3001 <a href="mailto:Merideth.Bastiani@ocfs.ny.gov">Merideth.Bastiani@ocfs.ny.gov</a></li><li>• Claiming Questions<ul style="list-style-type: none"><li>○ (Upstate) Lauren Horn: 518-474-7549 <a href="mailto:Lauren.Horn@otda.ny.gov">Lauren.Horn@otda.ny.gov</a></li><li>○ (Downstate) Michael Simon: 212-961-8250 <a href="mailto:Michael.Simon@otda.ny.gov">Michael.Simon@otda.ny.gov</a></li></ul></li><li>• WMS/Services Questions<ul style="list-style-type: none"><li>○ Service Portal: <a href="https://nysitsm2.service-now.com/sp">https://nysitsm2.service-now.com/sp</a></li><li>○ 1-844-891-1786; <a href="mailto:fixit@its.ny.gov">fixit@its.ny.gov</a></li><li>○ Chat: <a href="https://chat.its.ny.gov">https://chat.its.ny.gov</a></li></ul></li></ul>
<b>Attachments:</b>	OCFS-5042, <i>Application for the Expansion of the Child Care Assistance Program</i> (10/2019)

### I. Purpose

The purpose of this Local Commissioners Memorandum (LCM) is to inform local social services districts (districts) of the availability of funds for the Expansion of the Child Care Assistance Program, including how districts may apply for such funding.

## II. Background

The Fiscal Year 2018-19 and 2019-20 Enacted Budgets each include \$10 million to be distributed to districts that agree to use the funds to expand the availability of subsidized child care in their districts. Any district that accepts this funding must certify that it will **NOT** use the funds to supplant other state, federal, or local funds for child care subsidies.

Additionally, the commissioners of the districts must agree to comply with the program requirements of the New York State Child Care Block Grant (NYSCCBG) subsidy program as set forth in Title 5-C of Article 6 of the Social Services Law; Title 18 of the New York State Code of Rules and Regulations (18 NYCRR) Parts 358, 404, 405, 407, 415, and 628; and the New York State Office of Children and Family Services (OCFS) policy directives, including Administrative Directives (ADMs), Local Commissioners Memoranda (LCMs), and Informational Letters (INFs). Section 410-x(4) of the Social Services Law requires OCFS to establish in regulation the applicable market-related payment rates that establish the ceilings for state and federal reimbursement for payments made under the NYSCCBG. The amount to be paid or allowed for child care assistance funded under the NYSCCBG and under Title XX shall be the actual cost of care but no more than the applicable rate established in regulations. Districts must pay the applicable market rate for child care assistance unless the actual cost of care is less, in which case the district must pay the actual cost of care. The district also must agree to comply with the requirements for the federal Child Care and Development Fund (CCDF). Districts provide legal assurances of their compliance as part of the submittal of their Child and Family Services Plans.

## III. Funding Availability

A total of \$20 million is available for the Expansion of the Child Care Assistance Program for services provided during the period October 1, 2019, through September 30, 2021.

For the purpose of determining a method to distribute these funds, OCFS developed categories of districts by ranking districts according to the number of children ages 0-14 in the district<sup>1</sup> and established budget caps for each category. The breaks for each population category, the budget caps for each category, and the counties falling into each category are as follows:

**New York City** – up to \$5,000,000 will be available to New York City

**High Child Population Districts** (more than 125,000 children ages 0-14) – up to \$2,000,000 per district in this category – Erie, Monroe, Nassau, Suffolk, Westchester

**Medium Child Population Districts** (25,000 – 125,000 children ages 0-14) – up to \$1,000,000 per district in this category – Albany, Broome, Dutchess, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Ulster

**Small Child Population Districts** (fewer than 25,000 children ages 0-14) – up to \$500,000 per district in this category – Allegany, Cattaraugus, Cayuga,

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<sup>1</sup> Source: U.S. Department of Commerce, Census Bureau, *American Community Survey 2013-2017*, Table S0101, Age and Sex.

Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Montgomery, Ontario, Orleans, Oswego, Otsego, Putnam, Schoharie, Schuyler, Seneca, St. Lawrence, Steuben, Sullivan, Tioga, Tompkins, Warren, Washington, Wayne, Wyoming, Yates

To be eligible for these funds, districts must complete the attached application (OCFS-5042, *Application for the Expansion of the Child Care Assistance Program*). If the amount requested exceeds the \$20 million available for this program, each district that applied will be offered a prorated share of the amount requested. If the amount requested is less than the \$20 million available for this program, each district that applied will be offered the opportunity to increase its request in order to fully utilize the funds available.

Districts that maintain waiting lists are expected to utilize this funding to open cases from these lists. In order to accommodate local needs, districts will have discretion for deciding how they will use the additional funding over the two-year period. Some might front-load it; others might split it evenly across the two years, etc. We would stipulate only that

- district plans must account for a minimum of 25 percent of their allocation in year 1, and
- districts must use these funds to create new slots in year 1 or year 2 (or both) and to maintain the year 1 newly created slots in year 2.

#### **IV. Eligible Applicants**

In order to be eligible to apply, districts must be lacking sufficient funds to open cases for all eligible families pursuant to 18 NYCRR 415.

#### **V. Allowable Uses of Funds**

The purpose of the Expansion of the Child Care Assistance Program is to expand the availability of subsidized child care. Any district that accepts this funding must certify that it will **NOT** use the funds to supplant other state, federal, or local funds for child care subsidies. As with the NYSCCBG subsidy program, there are three broad categories of families eligible for child care services under the NYSCCBG when such care is not otherwise available from the caretaker(s) of the child in need of services. Eligible families are defined in 18 NYCRR Section 415.2. Districts are required to include this information in the district's Child and Family Services Plans, including a description of the types of families that the district has chosen to serve and prioritize under the second and third categories listed below. The following categories are eligible for NYSCCBG services.

The first category is families that are eligible for a child care guarantee.

The second category is families that are eligible if funds are available. This category includes such families as low-income working families and teen parents who are completing high school.

The third category is families that are eligible if funds are available and if the district includes them as eligible families in the child care section of the Child and Family Services Plan.

Districts must inform parents or caretakers requesting services under this program that they may either

- choose to have care provided by one of the child day care providers with whom the district has contracted for the provision of child care services; or
- request a child care certificate, which enables parents or caretakers to select from a full range of child care arrangements, including care by regulated child care providers and providers of legally exempt child care.

The child's parent or caretaker must be given discretion in selecting or arranging for the purchase of child care services from any eligible provider. The case record should document that the parent or caretaker has been apprised of the full range of providers eligible for payment and of their right to elect to use a child care certificate. Districts must allow parents or caretakers to select, and must have a method to also pay for any and all legally operating providers, regardless of whether the parents or caretakers have a contract with the provider. A contract may not be made a condition of receiving payment from funds under this program.

Funding under this program will be available for services provided from October 1, 2019, through September 30, 2021.

## VI. Program Implications

These are one-time funds. Claims against this program will not be factored into future NYSCCBG allocation methodologies.

Otherwise, these funds will be treated the same as all other NYSCCBG subsidy funds. For example, families will have fair hearing rights and a right to aid continuing.

## VII. Funding Applications

OCFS is asking districts interested in this funding to submit a simple application, OCFS-5042, *Application for the Expansion of the Child Care Assistance Program*.

Applications for the Expansion of the Child Care Assistance Program funds are due at OCFS no later than **5 p.m. on October 31, 2019**. Please submit applications electronically to the **OCFS mailbox** at [CCS.Expansion@ocfs.ny.gov](mailto:CCS.Expansion@ocfs.ny.gov). Please enter "**Expansion of Child Care Assistance Program: Application**" in the subject field.

## VIII. Evaluation of Applications

Applications will be evaluated to determine if they meet the following criterion:

- The district currently does not have sufficient funds to open cases for all eligible families pursuant to 18 NYCRR 415.

As long as this criterion is met, a district will be eligible for funding under this program.

## IX. Questions About the Application

Questions about the Expansion of the Child Care Assistance Program or its application should be directed to the **OCFS mailbox** at [CCS.Expansion@ocfs.ny.gov](mailto:CCS.Expansion@ocfs.ny.gov). Please enter

“**Expansion of Child Care Assistance Program**” in the subject field to facilitate directing the email to the appropriate office.

#### **X. Claiming and Reporting Instructions**

Expenditures for Expansion of the Child Care Assistance Program must be separately identified and claimed through the RF-17 claim package for special project claiming. The costs must be identified as F17 functional costs and reported in the RF-2A claim package on the Schedule D, *DSS Administrative Expenses Allocation and Distribution by Function and Program* (LDSS-2347), in the F17 column. The individual project costs must also be reported under the project label Expansion of CC Assistance on the LDSS-4975A, *RF-17 Worksheet, Distribution of Allocated Costs to Other Reimbursable Programs*. Special project program costs should be reported as object of expense 37 - Special Project Program Expense on the RF2A Schedule 923, *Schedule of Payments for Expenses Other Than Salaries for Other Reimbursable Programs* (LDSS-923), under the F17 function. Any remaining special project costs should be reported in their appropriate object of expense. Total project costs, including all costs regardless of state reimbursement, must be reported on the LDSS-4975, *Monthly Statement of Special Project Claims Federal and State Aid (RF-17)*. The expenditures reported for Expansion of CC Assistance will be reimbursed by the state up to the amount of the district’s grant. The expenditures over the district’s allocation must be reported as local share. Non-salary administrative costs are reported with the appropriate object of expense on the LDSS-923B, Summary-Administrative (page 1), *Schedule of Payments for Expenses Other Than Salaries for Other Reimbursable Programs*. Administrative costs may be claimed for up to 5 percent of the Expansion of the Child Care Assistance Program funds. Program costs should be reported with the appropriate object of expense on the LDSS-923B Summary-Program (page 2) *Schedule of Payments for Expenses Other Than Salaries for Other Reimbursable Programs*

To receive reimbursement, claims for expenditures of the Expansion of the Child Care Assistance Program funds for the period October 1, 2019, through September 30, 2020, must be final accepted in the Automated Claiming System (ACS) by December 31, 2020.

To receive reimbursement, claims for expenditures of the Expansion of the Child Care Assistance Program funds for the period October 1, 2020, through September 30, 2021, must be final accepted in the ACS by December 31, 2021.

Further instructions for completing the Schedule D and RF-17 claim package can be found in Chapters 7 and 18, respectively, of the *Fiscal Reference Manual* (FRM) Volume 3. The FRMs are available online at <http://otda.state.nyenet/bfdm/finance/>.

**/s/ Janice M. Molnar, Ph.D.**

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**Issued by:**

Janice M. Molnar, Ph.D.  
Deputy Commissioner  
Division of Child Care Services