

SECTION 5 - CHILD CARE

Section 5.1 - State Level Coordination of Child Care

Citations: 402(g)(7), 255.3(h)(1), 255.1(j), 257.21(m), 257.40(d)

The following narrative identifies the State's on-going vehicle for continued coordination of AFDC, TCC and At-Risk (if applicable) Child Care and includes a description of the coordination with Tribes, existing child care resource and referral agencies and with early childhood education programs (including Head Start programs and preschool programs funded under Chapter I of the Education Consolidation and Improvement Act of 1981), school and nonprofit child care programs (including community-based organizations receiving funds designated for preschool programs for handicapped children), and the Child Care and Development Block Grant:

New York State is proud of its achievements in coordinating a wide range of child care programs sponsored and offered by federal, state and local groups under a variety of regulatory authorities. Since 1987 interagency groups have met with child care providers and experts to ensure compatibility of regulations with these various programs' standards and funding. The results are reflected in a wide range of collaborative efforts.

In his 1990 State of the State message, Governor Cuomo established the Permanent Interagency Committee on Early Childhood Programs to improve the interagency coordination of New York State's system of early childhood services. This Committee is chaired by the Deputy Secretary to the Governor for Human Services and is composed of the commissioners and directors of state agencies that fund, administer, or provide early childhood services (Departments of Social Services, Education and Economic Development, Division of the Budget, Division for Women, Governor's Office of Employee Relations and the Council on Children and Families). The Committee is charged with identifying and implementing strategies to expand the supply of early childhood services, enhance coordination among programs, and ensure that services meet the needs of children and families.

The Permanent Interagency Committee has established several groups to assist in achieving its goals.

- o A Steering Committee is chaired by the Council on Children and Families and is composed of senior staff from agencies represented on the Permanent Interagency Committee plus the Developmental Disabilities Planning Council, Office of Advocate for the Disabled, Office of Business Permits and Regulatory Assistance, Department of Health, Department of State and federal Head Start. The Steering Committee is responsible for identifying priorities and formulating strategies for approval by the Permanent Interagency Committee.

TN#: 94-1 **APPROVAL DATE:** _____ **EFFECTIVE DATE:** October 1, 1994

NEW YORK STATE PLAN - SUPPORTIVE SERVICES (TITLE IV-AF)

for the period October 1, 1994 through September 30, 1996

Plan page 18a

Section 5.1 - State Level Coordination of Child Care

(Continued)

- o An Advisory Committee, composed of policy makers, legislators, service providers and advocates, advises the Permanent Interagency Committee in all phases of its work.
- o A series of interagency work groups address a variety of issues related to early childhood services (e.g., coordination of early childhood programs, reduction of paperwork, inspection of day care centers, technical assistance and resource materials, work force issues and public-private partnerships).

All groups meet regularly to ensure interagency coordination and collaboration in the design and implementation of early childhood programs, including preschool programs funded under Chapter 1 of the Education Consolidation and Improvement Act, Head Start programs, and early childhood education programs.

New York State has established a statewide network of information and resource services through the funding of 40 Child Care Resource and Referral agencies. Statutory provisions for receiving state funding for Child Care Resource and Referral Programs require that such programs meet detailed requirements for a variety of activities including: publicizing the availability of and providing referral services to all types of child care programs; encouraging cooperative relationships among providers; and providing training to providers.

Collaboration among state agencies has resulted in a number of specific joint efforts. The following are examples of successfully collaborations in which the Department has been involved.

- 1) New York State Department of Education and the Department to link day care and pre-kindergarten programs to facilitate the participation of children of working parents in early childhood education programs.
- 2) New York State Office for the Aging and the Department to establish intergenerational programs which combine day care centers with senior citizen centers or residential health care facilities.
- 3) New York State Department of Health and the Department to develop regulatory models for the provision of care to mildly and moderately ill children.
- 3) New York State Department of State and the Department to develop a training curriculum for the state building code inspectors serving 1700 municipalities. This training will improve their understanding of day care center regulations and facility requirements and will standardize inspections.

TN#: 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

NEW YORK STATE PLAN - SUPPORTIVE SERVICES (TITLE IV-AF)

for the period October 1, 1994 through September 30, 1996

Plan page 18b

Section 5.1 - State Level Coordination of Child Care

(Continued)

- 4) New York State Insurance Department and the Department to increase family day care provider access to affordable liability insurance through the Market Assistance Program.

Interagency committees on child care have enable New York State to develop a number of policy and program initiatives which incorporate provisions for coordination. For example, the state's after-school program involves review of funding decisions by the Council on Children and Families, the Division for Youth, the New York State Department of Education and the Department. This helps ensure the active involvement of school districts in considering the providers of after-school care for all pupils.

The administration of all child care services is coordinated through the Consolidated Service Plan (CSP) and the JOBS Plan process. Each social services district must prepare and submit to the Department a CSP setting forth its three year plan for the provision of Adult Services and Family and Children's Services. Commencing with the year following initial preparation of the plan, social services districts must prepare and submit an Annual Implementation Report. In addition, social services districts must submit a biennial plan for the provision of Welfare Reform programs. CSPs, Annual Implementation Reports and JOBS Plans are subject to Department approval. The child day care component of the CSP and JOBS Plan are identical. This component presents a comprehensive overview of the social services district's efforts to provide day care services.

One section of the child day care component must describe how the social services district involves or participates with all other appropriate community organizations in the planning, development and provision of child day care services and the identification of unmet needs. These organizations must include Child Care Resource and Referral agencies, family day care and day care associations, countywide planning organizations, Head Start programs, day care start-up administrative agencies, economic development groups, pre-kindergarten programs and school districts.

The Department has provided social services districts with lists of child care resource and referral agencies, Head Start programs, pre-kindergarten programs, day care start-up administrative agencies and economic development zones. In addition, the Department released a Local Commissioners Memorandum entitled "Child Care: Use of Community Resources" which assists social services districts in developing strategies to coordinate and collaborate with child care resource and referral agencies and Head Start programs.

TN#: 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

NEW YORK STATE PLAN - SUPPORTIVE SERVICES (TITLE IV-AF)

for the period October 1, 1994 through September 30, 1996

Plan page 18c

Section 5.1 - State Level Coordination of Child Care

(Continued)

The Seneca Nation of Indians opted to administer its own JOBS program, as allowed by the Family Support Act. Under a memorandum of understanding between the Seneca Nation and the Department, social services districts where Nation members reside provide child care for JOBS participants and former tribal recipients entitled to receive Transitional Child Care (TCC). In addition, the Department has awarded day care center start-up funds to the Seneca Nation.

To the maximum extent possible under existing state law and federal statutes and regulations, consistent policies and procedures for the provision of child care services under the various funding sources have been established. This allows a smoother transition of former AFDC/TCC clients into one of the other available programs when necessary and appropriate. Former recipients of TCC benefits whose twelve month eligibility period have expired have been identified as an optional priority group for receipt of Child Care and Development Block Grant subsidies.

TN# 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

NEW YORK STATE PLAN - SUPPORTIVE SERVICES (TITLE IV-AF)

for the period October 1, 1994 through September 30, 1996

Plan page 19

SECTION 5.2 - CHILD CARE AVAILABILITY FOR AFDC/TCC FAMILIES

Citations: 402(g)(7), 255.1(f)

The State has conducted an assessment of the Statewide availability of non-reimbursable child care services and related coordinated programs for the State's use. The services/programs available are checked, and the level available for AFDC/TCC families (indicated in terms of annual level of funding, # of slots, estimated # of families served, etc.) is shown below:

- [X] Title XX (SSBG) - Amount available: see attached
- [X] Child Care & Dev. BG - Amount available: SFY 94-95 (projected) \$34.3 million
- [X] State Funds - Amount available: see attached
- [X] Local Funds - Amount available: see attached
- [X] Other Child Care program - Name: State Low Income Day Care
Amount available: SFY 94-95 (projected) \$27.5 million
- [X] Other Child Care program - Name: IV-A At Risk
Amount available: SFY 94-95 (projected) \$39.8 million
- [X] Head Start - Amount available: see attached
- [X] Chapter 1 - Amount available: 34,205 children served*
- [X] Preschool Program for Handicapped Children -
Amount available: 37,000 children served*
- [X] State Preschool for 3 year olds -
Amount available: 769 children served*
- [X] State Preschool for 4 year olds -
Amount available: 19,500 children served*
- [] Other Related Coordinated program - Name:
Amount available:

* see attached

TN#: 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

NEW YORK STATE PLAN - SUPPORTIVE SERVICES (TITLE IV-AF)

for the period October 1, 1994 through September 30, 1996

Plan page 19a

SECTION 5.2 - CHILD CARE AVAILABILITY FOR AFDC/TCC FAMILIES

(Continued)

New York State receives a federal allocation of approximately \$200 million in SSBG funds for Title XX services. No portion of this amount is specifically earmarked for day care. Each year expenditures for Title XX services far exceed the federal allocation. A large portion of these expenditures are not mandated services, and are not reimbursed by federal or state funds. Such expenditures are made totally at the discretion of the social services districts. In state fiscal year 1992-93, social services districts expended over \$116 million for day care as a Title XX service.

Head Start, Chapter 1 programs, Preschool Program for Handicapped Children and the State Preschool programs are designed to meet the developmental needs of children. These programs were not designed to meet the child care needs of working parents. Several of these programs operate two hours or less per day and may not operate a full five days per week. Therefore, if a parent with a child in one of these programs began to work on a full-time basis, these programs would not be able to meet their child care needs.

TN# 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

NEW YORK STATE PLAN - SUPPORTIVE SERVICES (TITLE IV-AF)

for the period October 1, 1994 through September 30, 1996

Plan page 20

SECTION 5.3 - HEALTH AND SAFETY REQUIREMENTS

Citations: 255.4(c)(2)(ii), 257.21(n), 257.41(a)(2)

The following is a description of the State's health and safety requirements, if any, that apply to child care under title IV-A of the Act (i.e., AFDC/JOBS, TCC, At-Risk) for:

- the prevention and control of infectious diseases (including immunization);

1. Center-based providers:

a) licensed day care centers

Department regulated - 18 NYCRR Sections 418.9 and 418.13

NYC Dept. of Health regulated - NYC Health Code Sections 47.19; 47.21; 47.23; and 47.27

b) registered school-age child care programs

Department regulated - 18 NYCRR Sections 414.9 and 414.13

c) legally-exempt group child care

NY Public Health Law Sections 225-229 and 2164

2. Group home providers:

a) licensed group family day care homes

Department regulated - 18 NYCRR Sections 416.9 and 416.13

3. Family providers:

a) registered family day care homes

Department regulated - 18 NYCRR Sections 417.9 and 417.13

b) informal child care

NY Public Health Law Sections 225 -229 and 2164

4. In-home providers:

New York Public Health Law Sections 225-229 and 2164

TN#: 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

NEW YORK STATE PLAN - SUPPORTIVE SERVICES (TITLE IV-AF)

for the period October 1, 1994 through September 30, 1996

Plan page 20a

SECTION 5.3 - HEALTH AND SAFETY REQUIREMENTS

(Continued)

- building and physical premises safety;

1. Center-based providers:

a) licensed day care centers

Department regulated - Sections 418.5, 418.8 and 418.12

NYC Dept. of Health regulated - NYC Health Code Sections 47.29; 47.31; 47.39; and 47.41

b) registered school-age child care programs

Department regulated - 18 NYCRR Sections 414.5, 414.8 and 414.12

c) legally-exempt group child care

NY Executive Law Sections 370-383

The State uniform fire prevention and building code is found in 9 NYCRR Executive Subtitle S, Chapters I & II and 19 NYCRR State Parts 441-444

2. Group home providers

a) licensed group family day care homes

Department regulated - 18 NYCRR Sections 416.5, 416.8 and 416.12

3. Family providers:

a) registered family day care homes

Department regulated - 18 NYCRR Sections 417.5, 417.8, and 417.12

b) informal child care

NY Executive Law Sections 370-383

The State uniform fire prevention and building code is found in 9 NYCRR Executive Subtitle S, Chapters I & II and 19 NYCRR State Parts 441-444

4. In-home providers

NY Executive Law Sections 370-383

The State uniform fire prevention and building code is found in 9 NYCRR Executive Subtitle S, Chapters I & II and 19 NYCRR State Parts 441-444

TN# 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

NEW YORK STATE PLAN - SUPPORTIVE SERVICES (TITLE IV-AF)

for the period October 1, 1994 through September 30, 1996

Plan page 20b

SECTION 5.3 - HEALTH AND SAFETY REQUIREMENTS

(Continued)

- minimum health and safety training appropriate to the provider setting:

1. Center-based providers:
 - a) licensed day care centers
Department regulated - Section 418.16
NYC Dept. of Health regulated - NYC Health Code Sections 47.13;
47.19(e); and 47.45(b)
 - b) registered school-age child care programs
Department regulated - 18 NYCRR Section 414.16
 - c) legally-exempt group child care
Providers must complete and submit enrollment forms. Upon receipt,
review and verification of an enrollment form, the social services
district provides a health and safety information letter.
2. Group home providers
 - a) licensed group family day care homes
Department regulated - 18 NYCRR Section 416.16
3. Family providers:
 - a) registered family day care homes
Department regulated - 18 NYCRR Section 417.16
 - b) informal child care
Providers must complete and submit enrollment forms. Upon receipt,
review and verification of an enrollment form, the social services
district provides a health and safety information letter.
4. In-home providers
Providers must complete and submit enrollment forms. Upon receipt, review
and verification of an enrollment form, the social services district
provides a health and safety information letter.

TN#: 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

NEW YORK STATE PLAN - SUPPORTIVE SERVICES (TITLE IV-AF)

for the period October 1, 1994 through September 30, 1996

Plan page 21

SECTION 5.4 - PROCEDURES FOR ENSURING HEALTH AND SAFETY IN CENTER-BASED CARE

Citations: 402(g)(4). 255.5(a), 255.5(c), 255.1(1)

The following is a description of the procedures that the State has in place for ensuring that center-based care is subject to State and local requirements for basic health and safety, including fire safety, protections:

--->NOTE: Do not attach the State code, but describe how the State ensures that existing procedures are met.<---

1. For day care centers, compliance is ensured through:
 - o review of applications for licensure;
 - o pre-licensure on-site inspections;
 - o investigations of complaints received;
 - o required staff training;
 - o Adult and Child Feeding Program inspections, where appropriate; and
 - o inspections prior to license renewals.

2. For school-age child care programs, compliance is ensured through:
 - o self-assessment as part of the registration process;
 - o investigations of complaints received;
 - o required staff training; and
 - o 20 percent random inspections each year.

3. For legally-exempt group child care providers, compliance is ensured through:
 - o referral of complaints received to appropriate authorities for investigation; and
 - o distribution of health and safety information to providers.

TN#: 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

NEW YORK STATE PLAN - SUPPORTIVE SERVICES (TITLE IV-AF)

for the period October 1, 1994 through September 30, 1996

Plan page 22

SECTION 5.5 - METHODS OF PAYING FOR CHILD CARE

Citations: 402(g)(1)(A)&(B), 402(i)(2)(A)-(E), 255.1(a), 255.3(a), 256.1(a)(1),
257.21(g), 257.40(a), 257.40(c)(2)

1) The State chooses to supplement the amount of the child care disregard (AFDC income disregard) up to the actual cost of care, but not more than the local market rate or the statewide limit (which ever is lower).

- Yes.
- No.

2) In each of the following eligibility situations the State uses the method(s) of paying for child care that is (are) checked:

A) To accept or maintain employment (AFDC applicants/ recipients):

- AFDC income disregard
- Cash in advance
- Cash reimbursement
- Voucher in advance
- Certificate process (similar to that used for the Child Care and Development Block Grant)
- Purchase of service contracts
- Child care services provided directly by agency
- Other arrangement (describe): voucher reimbursement

B) To prepare for component activity (includes assessment and employability planning):

- Cash in advance
- Cash reimbursement
- Voucher in advance
- Certificate process (similar to that used for the Child Care and Development Block Grant)
- Purchase of service contracts
- Child care services provided directly by agency
- Other arrangement (describe): voucher reimbursement

TN#: 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

NEW YORK STATE PLAN - SUPPORTIVE SERVICES (TITLE IV-AF)

for the period October 1, 1994 through September 30, 1996

Plan page 23

SECTION 5.5 - METHODS OF PAYING FOR CHILD CARE

(Continued)

C) To participate in a component activity:

- AFDC income disregard
- Cash in advance
- Cash reimbursement
- Voucher in advance
- Certificate process (similar to that used for the Child Care and Development Block Grant)
- Purchase of service contracts
- Child care services provided directly by agency
- Other arrangement (describe): voucher reimbursement

D) To participate in approved non-JOBS education and training:

- Cash in advance
- Cash reimbursement
- Voucher in advance
- Certificate process (similar to that used for the Child Care and Development Block Grant)
- Purchase of service contracts
- Child care services provided directly by agency
- Other arrangement (describe): voucher reimbursement

E) Transitional child care - TCC (i.e. employed individuals who no longer receive AFDC):

- Cash in advance
- Cash reimbursement
- Voucher in advance
- Certificate process (similar to that used for the Child Care and Development Block Grant)
- Purchase of service contracts
- Child care services provided directly by agency
- Other arrangement (describe): voucher reimbursement

TN#: 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

NEW YORK STATE PLAN - SUPPORTIVE SERVICES (TITLE IV-AF)

for the period October 1, 1994 through September 30, 1996

Plan page 24

SECTION 5.5 - METHODS OF PAYING FOR CHILD CARE

(Continued)

F) At-Risk Child Care:

- Not applicable, the State does not offer At-Risk child care.
- Cash in advance
- Cash reimbursement
- Voucher in advance
- Certificate process (similar to that used for the Child Care and Development Block Grant)
- Purchase of service contracts
- Child care services provided directly by agency
- Other arrangement (describe): voucher reimbursement

3. The State IV-A agency has established at least one method by which self-arranged child care can be paid and that method is:

Each social services district must ensure that it establishes at least one method of payment by which self-arranged care can be paid. The Department does not mandate the use of any one particular method.

TN#: 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

NEW YORK STATE PLAN - SUPPORTIVE SERVICES (TITLE IV-AF)

for the period October 1, 1994 through September 30, 1996

Plan page 25

SECTION 5.6 - METHODS OF PAYING FOR CHILD CARE FOR TRIBAL ENTITIES

Citations: 402(g)(1)(A)&(B), 255.1(a), 255.3(a), 256.1(a)(1)

- 1) The State has Tribal entities that are operating JOBS programs.
- [] No. STOP. Go to Section 5.7.
- [X] Yes; and how the State pays for child care services for Tribal entities in different eligibility situations is addressed in next question.
- 2) For Tribal entities, in the following eligibility situations, the State uses the method(s) of paying for child care services that is (are) checked:
- A) To prepare for component activity (includes assessment and employability planning):
- [X] Cash in advance
 - [X] Cash reimbursement
 - [X] Voucher in advance
 - [] Certificate process (similar to that used for the Child Care and Development Block Grant)
 - [X] Purchase of service contracts
 - [X] Child care services provided directly by agency
 - [X] Other arrangement (describe): voucher reimbursement
- B) To participate in a component activity:
- [X] Cash in advance
 - [X] Cash reimbursement
 - [X] Voucher in advance
 - [] Certificate process (similar to that used for the Child Care and Development Block Grant)
 - [X] Purchase of service contracts
 - [X] Child care services provided directly by agency
 - [X] Other arrangement (describe): voucher reimbursement

TN#: 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

NEW YORK STATE PLAN - SUPPORTIVE SERVICES (TITLE IV-AF)

for the period October 1, 1994 through September 30, 1996

Plan page 26

SECTION 5.7 - SLIDING FEE SCALES

Citations: 402(g)(3)(A)(vii), 402(i)(3)(A) 256.3(a)&(b), 256.1(a)(2), 257.21(k),
257.31

- 1) The transitional child care (TCC) sliding fee scale is provided in Attachment 5.7. In determining the amount of the TCC fee, the State uses:
 - AFDC rules for counting income;
 - other income rules that define what income will be counted in determining the TCC sliding fee scale and are described in Attachment 5.7.1.

- 2) The sliding fee scale for At-Risk Child Care is:
 - Not Applicable, the State does not offer At-Risk Child Care. STOP. Go to Section 5.8.
 - the same scale used for transitional child care (TCC) provided at Attachment 5.7.
 - a different scale from the scale used in transitional child care and is provided at Attachment 5.7.2.

- 3) The income rules used to calculate the family's contribution to the cost of At-Risk Child Care are:
 - AFDC rules for counting income.
 - the same income rules used for transitional child care (Provided as Attachment 5.7.1 in response to question 1 above.).
 - a different set of rules from both AFDC and TCC and are provided at Attachment 5.7.3.

TN#: 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

NEW YORK STATE PLAN - SUPPORTIVE SERVICES (TITLE IV-AF)

for the period October 1, 1994 through September 30, 1996

Plan page 27

SECTION 5.8 - LOCAL MARKET RATES AND THE METHODOLOGY USED TO ESTABLISH THEM

Citations: 402(g)(3)(B)(i), 402(i)(3)(B)(ii), 255.4(a)(2) & (3), 255.1(i),
257.21(ik), 257.63(a)

The local market rates, determined in accordance with the methodology described below, are provided at Attachment 5.8, and the following is a description of the methodology used for establishing local market rates at the 75th percentile of cost for each type of care described at 255.4(a)(3)(i)-(iv) for child care under section 402(g) & (i) (AFDC, TCC & At-Risk), including:

- (1) sample size and selection
- (2) method for insuring the sample is representative
- (3) definitions of local market areas (e.g. political subdivisions, alternative regional areas)

The Department currently is conducting its biennial review of the market rates as required by 45 CFR Part 255. The market rates will be calculated using data collected through a survey of all regulated providers and a sample of caregivers of informal child care. All providers surveyed will be asked to identify the fees they charge users of their services by age of child and duration of care (full-time and part-time).

A survey form will be mailed to all regulated child care providers outside of New York City and those regulated providers within New York City which operate independently of the New York City Agency for Child Development (ACD). This constitutes approximately 14,000 providers. Rates for approximately 600 day care programs (representing many providers in each program) which are fully funded by ACD will be provided directly by ACD. These 600 programs do not accept private paying families and the negotiated ACD rate is the only rate charged by these providers.

Under contract with an expert consultant, a random sample will be selected from among the universe of surveyed providers. Data for both the sample group and the universe will be analyzed and the nonresponse bias measured to determine its significance. Data will be analyzed by both slots and providers, with and without modeling.

Based on the outcome of these analyses, rates will be established at the 75th percentile for each upstate county and New York City. The rates established will reflect variations in the costs of care for the groupings specified in 45 CFR Section 255.1(i).

TN# 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

NEW YORK STATE PLAN - SUPPORTIVE SERVICES (TITLE IV-AF)

for the period October 1, 1994 through September 30, 1996

Plan page 27a

SECTION 5.8 - LOCAL MARKET RATES AND THE METHODOLOGY USED TO
ESTABLISH THEM

(Continued)

Rates for informal child care will be established at the 75th percentile based on data obtained by surveying caregivers of informal child care in one social services district. The rates will reflect variations in the the cost of care for the same factors as the rates established for regulated care. The percent difference in rates between the family day care rate and the informal child care rate in this market area will be determined. This differential then will be applied to the rate established for family day care in all other social services districts to derive a rate for informal child care for each county.

The rates provided as Attachment 5.8 are the effective market rates at the time of this plan submission. Adjusted market rates will be implemented in accordance with the guidelines provided in CC-ACF-AT-93-7. The adjusted market rates will be provided to HHS prior to implementation.

TN# 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

NEW YORK STATE PLAN - SUPPORTIVE SERVICES (TITLE IV-AF)

for the period October 1, 1994 through September 30, 1996

Plan page 28

SECTION 5.9 - STATEWIDE LIMITS

Citations: 402(g)(1)(C)(i)(II), 255.4(a)(1)(i)&(ii), 255.1(b)257.21(j), 257.63(b),
233.20(a)(11)(i)

1) The State chooses 1 of the following options to establish a Statewide limit(s) for the payment or reimbursement of AFDC/TCC child care:

[] The amount of the standard AFDC child care disregard (\$200 per month for children under age 2, \$175 per month for children over age 2)

[X] A single statewide limit of \$ 940.33 per month.

[] Two statewide limits in the amounts of:

\$ _____ per month for children under age 2, and

\$ _____ per month for children over age 2.

2) The State has established a higher statewide limit(s) for the payment or reimbursement of AFDC/TCC child care for children with special needs.

[X] No.

[] Yes, and it is:

[] A single statewide limit of \$ _____ per month for all children with special needs.

[] Two statewide limits in the amounts of;

\$ _____ per month for children under age 2 with special needs,
and

\$ _____ per month for children age 2 and over with special needs.

TN#: 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

NEW YORK STATE PLAN - SUPPORTIVE SERVICES (TITLE IV-AF)

for the period October 1, 1994 through September 30, 1996

Plan page 29

SECTION 5.9 - STATEWIDE LIMITS

(Continued)

- 3) The State establishes a statewide limit for the payment or reimbursement of At-Risk Child Care:
- Not Applicable, the State does not offer At-Risk Child Care. STOP. Go to SECTION 5.10.
 - No.
 - Yes, and the statewide limit is (complete 1):
 - the same statewide limit(s) established for child care under section 402(g) and described in response to question #1 above.
 - different statewide limit(s) from the limit(s) established for care under 402(g), but not lower than the amount of the child care disregard at 45 CFR 233.20(a)(11) (i). For At-Risk Child Care the statewide limit(s) is:
 - A single statewide limit of \$_____ per month.
 - Two statewide limits in the amounts of:
 - \$_____per month for children under age 2, and
 - \$_____per month for children over age 2.
- 4) The State has established a higher statewide limit(s) for the payment or reimbursement of At-Risk Child Care for children with special needs than stated in the response to question #3.
- No.
 - Yes, and it is:
 - A single statewide limit of \$_____per month. for all children with special needs.
 - Two statewide limits in the amounts of;
 - \$_____per month for children under age 2 with special needs, and
 - \$_____per month for children age 2 and over with special needs.

TN#: 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

NEW YORK STATE PLAN - SUPPORTIVE SERVICES (TITLE IV-AF)

for the period October 1, 1994 through September 30, 1996

Plan page 30

SECTION 5.10 - CHILD CARE SERVICES DURING GAPS IN PARTICIPATION OR EMPLOYMENT

Citations: 402(i)(1)(B), 255.2(d), 255.1(g)(1), 257.21(1), 257.30(c)

1) The State IV-A agency elects to provide child care services to AFDC applicants or recipients who are waiting to enter an approved education, training (including such activities in non-JOBS areas), or JOBS component, or employment pursuant to 45 CFR 255.2(d).

[] No. the State does not provide child care during gaps in participation or employment of AFDC applicants or recipients.

[X] Yes, and the State provides care (check either or both):

[X] For up to two weeks prior to the scheduled start of employment.

[X] For up to one month during a break in employment if subsequent employment is scheduled to begin within that period.

2) The State IV-A agency elects to provide At-Risk Child Care to eligible families if the child care arrangements would otherwise be lost:

[] Not Applicable, the State does not offer At-Risk Child Care.

[] No, the State does not provide At-Risk Child Care during gaps in employment.

[X] Yes, and the State provides At-Risk Child Care (check either or both):

[X] For up to two weeks prior to the scheduled start of employment.

[X] For up to one month during a break in employment if subsequent employment is scheduled to begin within that period.

TN#: 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

NEW YORK STATE PLAN - SUPPORTIVE SERVICES (TITLE IV-AF)

for the period October 1, 1994 through September 30, 1996

Plan page 31

SECTION 5.11 - ADDITIONAL TRANSITIONAL CHILD CARE PROVISIONS

Section 5.11.1 - Requesting Transitional Child Care

Citations: 256.2(b)(3), 256.1(a)(4)

The following describes the procedures the State requires of families to request or apply for transitional child care (TCC) which are available for up to 12 months.

At the time of closing of the AFDC case, the former recipient is notified in writing of their potential eligibility for transitional child care. The notice directs them to their local department of social services to make an application and to determine the amount of fee they would be charged for child care. The notice also provides information on the documentation necessary to determine whether they are eligible to receive Transitional Child Care services (i.e., pay stubs, family composition, etc.).

Those former recipients who wish to receive TCC must apply for this service either by mail or in-person. To accommodate the needs of working parents, social services districts must permit all applicants for TCC to make such application by mail. A face-to-face interview can be required only when attempts to get necessary information by other means have been unsuccessful. Applicants must be notified within 30 days of the action taken on their application and, if determined eligible, of the amount of the parent fee for which they are responsible.

TN# 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

NEW YORK STATE PLAN - SUPPORTIVE SERVICES (TITLE IV-AF)

for the period October 1, 1994 through September 30, 1996

Plan page 32

SECTION 5.11.2 - COLLECTING TRANSITIONAL CHILD CARE FEES

Citations: 256.3(c)&(d), 256.1(a)(3)

The following describes the methods and procedures for ensuring the collection of transitional child care (TCC) fees:

The social services district has the option to collect the parent fees itself or to have the child care provider collect the parent fees. The notice of action taken on the application must advise the child's caretaker in writing of the required fee amount, the date due and the payment procedures to be followed. The provider also must be notified if the provider is responsible for collecting the parent fee.

When providers collect the parent fees, they are responsible for notifying the social services district of past due fees. When parents are in arrears for fees, the social services district must give a written notice of the delinquent fees in person or by mail to the child's caretaker. The notice must include a warning of impending termination for continued non-payment. If payment is not received or a satisfactory arrangement for payment has not been made by the date specified in the warning, the social services district must give the child's caretaker written notice of intent to discontinue child care services. Such notice must be adequate and timely.

TN#: 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

NEW YORK STATE PLAN - SUPPORTIVE SERVICES (TITLE IV-AF)

for the period October 1, 1994 through September 30, 1996

Plan page 33

SECTION 5.12 - ADDITIONAL AT-RISK CHILD CARE PROVISIONS

Section 5.12.1 - Assurances for the At-Risk Child Care Program

Citations: 402(i)(1), 402(i)(1)(B), 402(i)(5), 402(i)(5)(B),
402(i)(5)(C)(i) & (ii), 402(i)(5)(D), 257.21(a)(1) - (7), 257.41,
257.41(c), 257.64

The State elects to offer child care services provided for under section 402(i) of the Social Security Act (At-Risk Child Care):

- No. STOP - Skip to SECTION 6.
- Yes, and the Title IV-A agency assures that it will administer the At-Risk Child Care program in accordance with sections 402(i) and 403(n) of the Social Security Act, all other applicable Federal laws and regulations, and provisions of this State Supportive Services plan. It further assures that --
- (1) At-Risk child care meets applicable standards of State and local law;
 - (2) All At-Risk child care providers, except those giving care solely to members of their family, are licensed, regulated, or registered by the State or locality in which the care is provided;
 - (3) Any provider of At-Risk child care must allow parental access;
 - (4) Amounts expended by the State for At-Risk child care do not supplant any other Federal or State funds used for child care services;
 - (5) Child care provided or claimed for reimbursement is reasonably related to the hours of employment;
 - (6) Individuals are not discriminated against on the basis of race, sex, national origin, religion, or handicapping condition in access to the At-Risk Child Care program.

TN#: 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

NEW YORK STATE PLAN - SUPPORTIVE SERVICES (TITLE IV-AF)

for the period October 1, 1994 through September 30, 1996

Plan page 34

SECTION 5.12.2 - ADMINISTRATION OF THE AT-RISK CHILD CARE PROGRAM

Citations: 257.10(a)-(c), 257.10(c)(2), 257.21(e)

1) The following identifies where in the IV-A agency each of the functions of the At-Risk child care program listed at 45 CFR 257.10(b)(1) - (7) is performed:

- Planning and design of the At-Risk program:

Bureau of Early Childhood Services

- Establishing eligibility criteria:

Bureau of Early Childhood Services

- Setting local market rates and the sliding fee scale:

Bureau of Early Childhood Services

- Issuing policies, rules and regulations for the program:

Bureau of Early Childhood Services

- Submitting reports required by the Secretary:

Bureau of Early Childhood Services

- Submitting quarterly reports and expenditure reports:

Office of Budget and Management

- Submitting Standard Form LLL (SF-LLL):

Bureau of Early Childhood Services

TN#: 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

NEW YORK STATE PLAN - SUPPORTIVE SERVICES (TITLE IV-AF)

for the period October 1, 1994 through September 30, 1996

Plan page 35

SECTION 5.12.2 - ADMINISTRATION OF THE AT-RISK CHILD CARE PROGRAM (Continued)

2) The State IV-A agency has entered into written contracts or agreements with other entities to carry out the At-Risk Child Care program, and/or has other entities or organizations determine individual eligibility for the At-Risk Child Care program in accordance with rules established by the State IV-A agency:

No, the State IV-A agency carries out all aspects of the At-Risk Child Care program.

Yes:

NEITHER RESPONSE APPLIES - SEE EXPLANATION BELOW

- The State IV-A agency has entered into written contracts or agreements with the following entities to carry out the At-Risk Child Care program:

N/A

- The following other entities or organizations determine individual eligibility for the At-Risk Child Care program in accordance with rules established by the State IV-A agency:

N/A

In New York State, the Department issues all program rules, guidelines, and regulations for the At-Risk program. The At-Risk program is administered at the local level by participating social services districts. Districts which elect to participate in the At-Risk program are required to submit a letters of intent and district plans describing how the program will be implemented. Program plans are subject to approval by the Department.

TN#: 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

SECTION 5.12.3 - DEFINITIONS AND ELIGIBILITY CRITERIA FOR AT-RISK CHILD CARE

Citations: 402(i)(1), 402(i)(6)(B)(ii), 257.21(b) & (c), 257.30(a)(1)-(3) & (5),
257.30(b)(2)(i)

For the purpose of determining eligibility for the At-Risk Child Care program, the State IV-A agency defines the following terms and eligibility criteria:

(1) Low income: Gross family income at or below 200 percent of the state income standard for that size family. The state income standards are established using the federal poverty level for a family size of four as a base and adjusting by family size.

(2) At risk of becoming eligible for AFDC (if other than low income): N/A

(3) Physical or mental incapacity (if care is provided to children over age 13):

A child who is under court supervision or who is a child with special needs shall be considered to be a child with a physical or mental incapacity. A child with special needs means a child who is incapable of caring for himself or herself and who has been diagnosed as having one or more of the following conditions to such a degree that it adversely affects the child's ability to function normally:

visual impairment; deafness or other hearing impairment; orthopedic impairment; emotional disturbance; mental retardation; learning disability; speech impairment; health impairment; autism; or multiple handicaps.

Any such diagnosis must be made by a physician, licensed or certified psychologist or other professional with the appropriate credentials to make such a diagnosis.

(4) Any other eligibility criteria, including priorities for receiving services (if applicable): NONE

TN#: 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

NEW YORK STATE PLAN - SUPPORTIVE SERVICES (TITLE IV-AF)

for the period October 1, 1994 through September 30, 1996

Plan page 37

SECTION 5.12.4 - STATEWIDENESS OF THE AT-RISK CHILD CARE PROGRAM

Citations: 402(i)(1), 257.21(f)

The At-Risk Child Care program is provided statewide:

[] Yes.

[X] No, and the following is the list of political subdivisions where the At-Risk Child Care program is offered:

Fifty-seven social services districts are eligible to participate in the At-Risk program. The following 52 districts have submitted a letter of intent and a program plan.

Albany	Oneida
Allegany	Onondaga
Broome	Ontario
Cattaraugus	Orange
Cayuga	Orleans
Chautauqua	Oswego
Chemung	Otsego
Chenango	Putnam
Clinton	Rockland
Cortland	St. Lawrence
Delaware	Saratoga
Dutchess	Schenectady
Erie	Schoharie
Essex	Schuyler
Franklin	Seneca
Fulton	Steuben
Genesee	Suffolk
Herkimer	Sullivan
Jefferson	Tioga
Lewis	Tompkins
Madison	Ulster
Monroe	Washington
Montgomery	Wayne
Nassau	Westchester
New York City	Wyoming
Niagara	Yates

TN#: 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

SECTION 5.12.5 - REGISTRATION OF PROVIDERS FOR AT-RISK CHILD CARE

Citations: 402(i)(5)(C)(i), 257.21(h), 257.41(b)

The following is a description of the State's process for registering unlicensed and uncertified providers for the At-Risk Child Care program. It includes the time frames for payment, and which relatives, if any, are exempt from the registration requirement at 45 CFR 257.41(b):

In New York State, the process by which providers who are not subject to regulations are registered for the At-Risk program is known as enrollment. The same process and forms are used to enroll legally-exempt caregivers for the JOBS-related, Employment-related, Transitional, Child Care and Development Block Grant and At-Risk programs.

When a child's caretaker selects a caregiver of informal child care or a caregiver of legally-exempt group child care, the caregiver is required to complete the appropriate enrollment form before payment can be made. The purpose of this form is to facilitate appropriate payment to providers; to permit the social services district to furnish information to providers; to allow providers to enroll after their selection by the child's caretaker but prior to payment; and to establish that the care being provided is legal under the laws and regulations of New York State and is therefore eligible for payment. Upon return of the enrollment form by the caregiver, the social services district must review the form to verify that the provider is legally-exempt from regulation.

Providers should be paid within 45 days of the receipt of all properly completed claims processing information.

No relatives are exempt from the enrollment process.

TN#: 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

NEW YORK STATE PLAN - SUPPORTIVE SERVICES (TITLE IV-A/F)

for the period October 1, 1994 through September 30, 1996

Plan page 39

SECTION 5.12.6 - BASE PERIOD EXPENDITURES FOR AT-RISK CHILD CARE

Citations: 402(i)(5)(D), 257.21(d), 257.64

The amounts of public funds expended for child care services in the State were:

- o \$ 99,439,322 in Federal funds during the base period
which began on 11/1/88 and
ended on 10/31/89,

AND,

- o \$ 99,276,718 in State funds during the base period
which began on 11/1/88 and
ended on 10/31/89.

TN#: 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)

NEW YORK STATE PLAN - SUPPORTIVE SERVICES (TITLE IV-A/F)

for the period October 1, 1994 through September 30, 1996

Plan page 40

SECTION 6 - OPERATING MATERIALS

Citations: 1102, 201.2

The State agency will have available a copy of its current operating manual and other instructional and operational bulletins, circulars, regulations, contracts, and agreements which implement this plan.

TN#: 94-1 APPROVAL DATE: _____ EFFECTIVE DATE: October 1, 1994

(Supersedes TN# _____)

Form ACF-106 (OMB No. 0970-0108, Expires 2/28/95)