

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES**  
**DIVISION OF SOCIAL SERVICES**  
Statutory Authority: 31 Delaware Code, Section 512 (31 Del.C. 512)

**PROPOSED**

**PUBLIC NOTICE**

**11003.7.5 Income Eligible/Education and Post-Secondary Education  
Child Care Subsidy Program**

**Determining High School/GED Eligibility Participation and Determining Post-Secondary Eligibility Participation**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of Title 31 of the **Delaware Code**, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Social Services is proposing to amend policies in the Division of Social Services Manual (DSSM) regarding the Child Care Subsidy Program, specifically, *Determining High School/GED Eligibility Participation and Determining Post-Secondary Eligibility Participation*.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Policy, Program & Development Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by November 30, 2013.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

**SUMMARY OF PROPOSAL**

The proposal described below amends policies in the Division of Social Services Manual (DSSM) regarding the Child Care Subsidy Program, specifically, *Determining High School/GED Eligibility Participation and Determining Post-Secondary Eligibility Participation*.

**Statutory Authority**

45 CFR §98.20, *A child's eligibility for child care services*

**Background**

Delaware Health and Social Services ("DHSS")/Division of Social Services ("DSS") is designated as the lead agency with primary responsibilities for the planning and administration of child care subsidies funded with the Child Care Development Fund.

The Child Care and Development Fund ("CCDF") Block Grant Act of 1990, as amended, 42 USC § 9858b (b)(1)(A), (the "Act") requires the Lead Agency to "administer, directly, or through other governmental or non-governmental agencies" the funds received. The regulations at 45 CFR 98.11 provide that, in addition to retaining "overall responsibilities" for the administration of the program, the Lead Agency must also (among other things) promulgate all rules and regulations governing the overall administration of the CCDF program.

**Summary of Proposed Changes**

The Child Care Subsidy Program is available to eligible families while the parents/caretakers attend education programs. Amended **DSSM 11003.7.5**, ~~*Income Eligible/Education and Post-Secondary Education Determining High School/GED Eligibility*~~ and **NEW DSSM 11003.7.5**, *Determining Post-Secondary Eligibility and Participation* are proposed to clarify eligibility determinations for subsidized child care services for parents/caretakers who attend high school or GED program or post-secondary education program. The proposed rule change simplifies the language that DSS expects the course of instruction will lead to employment by removing the examples and further clarifies that parents/caretakers who already have a Bachelor's degree or higher are not eligible for subsidized child care services.

The applicable federal citation is also added to each policy section.

**DSS PROPOSED REGULATION #13-38  
REVISION:**

~~**11003.7.5 Income Eligible/Education and Post-Secondary Education**~~

Parents/caretakers who participate in education and post-secondary education can receive income eligible Child Care for the duration of their participation as long as:

- A. their participation will lead to completion of high school, a high school equivalent or a GED; or
- B. their participation in post-secondary education was part of a DSS TANF Employment and Training program; or
- C. their participation in post-secondary education began while participating in the DSS Food Stamp Employment and Training (FS E and T) program; and
- D. there is a reasonable expectation that the course of instruction will lead to a job within a foreseeable time frame, such as nursing students, medical technology students, secretarial or business students.

DSS will not authorize child care services for parents/caretakers who already have one four year college degree or are in a graduate program.

**AMENDED:**

**11003.7.5 Determining High School/GED Eligibility and Participation**

45 CFR 98.20

This policy applies to applicants and recipients seeking a high school diploma or GED.

**1. DSS Requires Parents/Caretakers Meet Certain Eligibility Criterion**

Parents/Caretakers who attend high school or GED program can receive Child Care for the duration of their participation.

**A. If parents/caretakers are:**

- : Attending high school or high school equivalency and have not previously received a high school diploma or GED.
- : Meeting all other financial and technical requirements. (See DSSM 11003.9- Financial Requirements and DSSM 11003-Determining Technical Eligibility for Child Care)

**NEW:**

**11003.7.5.1 Determining Post-Secondary Eligibility and Participation**

45 CFR 98.20

This policy applies to applicants and recipients who meet Child Care income eligibility requirements.

**1. DSS Requires Parents/Caretakers Seeking A Degree Meet Certain Criterion.**

Parents/Caretakers who are enrolled in higher education or training programs that lead to a degree or certification/ licensure can receive Child Care for the duration of the education program.

**A. The parents/caretakers must be participating:**

- : In a DSS TANF Employment and Training (TANF E & T) Program; or
- : In the DSS Food Supplement Program Employment and Training (FS E & T) and;

**B. DSS expects the course of instruction will lead to employment.**

**C. Parents/Caretakers who already have a Bachelor's degree or higher are not eligible.**

**17 DE Reg. 486 (11/01/13) (Prop.)**