

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)
16 **DE Admin. Code** 11000

FINAL

ORDER

Paying for Absent Days and Holidays in Child Care

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Social Services (DSS) initiated proceedings to amend Division of Social Services Manual (DSSM) regarding Paying for Absent Days and Holidays in Child Care, specifically, to amend the Division of Social Services Manual (DSSM) regarding Paying for Absent Days and Holidays in Child Care. The Department's proceedings to amend its regulations were initiated pursuant to 29 **Del.C.** §10114 and its authority as prescribed by 31 **Del.C.** §512.

The Department published its notice of proposed regulation changes pursuant to 29 Del. C. §10115 in the May 2024 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by May 31, 2024, at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSAL

Effective for services provided on and after July 11, 2024, Delaware Health and Social Services (DHSS) /Division of Social Services (DSS) proposes to amend the Division of Social Services Manual (DSSM) to amend paying for absent days and holidays in child care.

Statutory Authority

45 CFR 98.45(l)(2)(iii)

Background

DSSM 11006.4.1 Paying for Absent Days and Holidays explains provider payments for absent days and holidays during authorized child care.

The policy is being revised to increase the number of absents for which providers can be reimbursed from 5 to 10 days.

Purpose

The purpose of this proposed regulation is to amend paying for absent days and holidays in child care.

Public Notice

In accordance with the *state* public notice requirements of Title 29, Chapter 101 of the Delaware Code, DHSS/DSS gave public notice and provided an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments were to have been received by 4:30 p.m. on May 31, 2024.

Fiscal Impact Statement

	Federal Fiscal Year 2024	Federal Fiscal Year 2025
General (State) funds	\$2,100,000	\$2,100,000
Federal funds	\$900,000	\$900,000

Summary of Comments Received with Agency Response and Explanation of Changes

There were no public comments received.

IMPACT ON THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE:

The DSS Division Director has reviewed the proposed regulation as required by 29 Del. C. §10118(b)(3) and has determined that if promulgated, the regulation would have a de minimis impact on the State's resiliency to climate change because neither implementation nor compliance with the regulation would reasonably involve the increase in greenhouse gas emissions.

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the May 2024 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend DSSM 11006.4.1 regarding Paying for Absent Days in Child Care, specifically, to clarify internal policy and procedures, is adopted and shall be final effective July 11, 2024.

6/14/2024 | 7:34 AM EDT

Date of Signature

Josette D. Manning Esq.
Cabinet Secretary, DHSS

11000 Child Care Subsidy Program

11006.4.1 Paying for Absent Days and Holidays in Child Care

45 CFR 98.45(l)(2)(iii)

This policy explains provider payments for absent days and holidays during authorized child care.

1. ~~The number of paid absent days per month for a child is the same as the number of days authorized for care in one week, up to a maximum of five days per month.~~ DSS will pay for a maximum of 10 absent days per month for an authorized child.
2. DSS will pay for absent days for an authorized child after the family's copayment has been paid and there is a remaining balance due to the provider.
3. DSS will pay for ~~up to five~~ a maximum of 10 absent days per month for an authorized child who does not have an assigned copayment.
4. DSS may pay for more than ~~five~~ 10 absent days per month for a child who is authorized for Special Needs Child Care and is absent due to the eligible child's or the eligible parent's or caretaker's verified disability or serious health condition.
5. DSS will pay for the ~~six~~ 6 major holidays per year that the provider has chosen. The authorized child must be attending the provider's site prior to the date of the holiday for the provider to receive payment for the holiday.

45 CFR 98.45 (l)(2)(iii)

See 11006.4.1 Paying for Absent Days and Holidays in Child Care - History

13 DE Reg. 100 (07/01/09)

23 DE Reg. 878 (04/01/20)

28 DE Reg. 55 (07/01/24) (Final)