

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Sections 103 and 512 (31 **Del.C.** §§103 & 512)
16 **DE Admin. Code** 11002

FINAL

ORDER

Child Care Administration and Integrity

BEFORE DELAWARE HEALTH AND SOCIAL SERVICES
IN THE MATTER OF

REVISION OF THE REGULATION
OF DELAWARE'S
DELAWARE SOCIAL SERVICES MANUAL (DSSM)
DSSM 11002.5, 11002.5.1 and 11002.10

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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 Child Care Subsidy Program. 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 August 2021 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by August 31, 2021 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 November 11, 2021 Delaware Health and Social Services (DHSS) /Division of Social Services (DSS) proposes to amend Division of Social Service Manual (DSSM) regarding the Child Care Subsidy Program.

Statutory Authority

45 CFR 98.68
31 *Del C.* §103

Background

DSS is amending DSSM 11002.5 to provide a comprehensive list of the responsibilities for the Child Care Subsidy Program held by DHSS, DSS, and units within DSS. DSSM 11002.5.1 is being repealed as the policy is redundant, and the responsibilities of DSS are being added to DSSM 11002.5. DSSM 11002.5 now includes all units within DSS that manage components of the Child Care Subsidy Program.

DSS is adding DSSM 11002.10 to the Child Care administration policies to outline how DSS is ensuring integrity in the Child Care Subsidy Program. DSS supports program integrity by collaborating with other state agencies, verifying eligibility and payments, monitoring providers, maintaining quality assurance standards, training staff, and educating families on their rights and responsibilities as recipients of child care subsidies.

Purpose

The purpose of this proposed regulation is to amend DSSM 11002.5 to explain the responsibilities of the Department of Health and Social Services (DHSS), the Division of Social Services (DSS), and units within DSS for the administration of Delaware's Child Care Subsidy Program and to amend DSSM 11002.10 to institute guidelines to ensure integrity and accountability in Delaware's Child Care Subsidy Program.

Public Notice

In accordance with the *state* public notice requirements of Title 29, Chapter 101 of the Delaware Code, DHSS/DSS gives

public notice and provides 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 August 31, 2021.

Fiscal Impact Statement

DSS is amending the regulations to provide information on the administration of the Child Care Subsidy Program. These policies outline the administrative practices of DHSS and DSS and do not have any new fiscal requirements.

Summary of Comments Received with Agency Response and Explanation of Changes

No comments were received during the public comment period.

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the August 2021 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend Division of Social Services Manual (DSSM) regarding the Child Care Subsidy Program is adopted and shall be final effective November 11, 2021.

10/22/2021

Date of Signature

Molly Magarik, Secretary, DHSS

POLICY AMENDMENT

Delaware Department of Health and Social Services
Division of Social Services
Policy and Program Development Unit

11002.5 ~~Responsibility For The Administration Of~~ Administering Delaware's Child Care Subsidy Program

~~The Department of Health and Social Services (DHSS) is the agency designated by the State as responsible for Delaware's Child Care Subsidy Program. These child care services are established under the auspices of Title IV-A and Title XX of the Social Security Act, Public Law 101-508 of the Omnibus Budget Reconciliation Act of 1990, and Title 31 of the Delaware Code. Within DHSS, DSS assumes day to day responsibility for the administration of child care. This responsibility includes, but is not limited to:~~

- ~~A. developing child care policies and procedures;~~
- ~~B. determining eligible families;~~
- ~~C. setting fiscal policies, including establishing reimbursement rates, creating a parent fee scale, and determining eligibility income limits;~~
- ~~D. collecting, analyzing, and maintaining statistical data on clients who receive services;~~
- ~~E. establishing contracts with child care providers and other interested agencies to carry out the purpose and goals of Delaware's Child Care Subsidy Program; and~~
- ~~F. coordinating with other public and private agencies to ensure and improve the availability and quality of child care.~~

Statutory Authority

31 Del.C. §103

This policy explains the direct responsibility within the Department of Health and Social Services for Delaware's Child Care Subsidy Program.

1. Delaware's Child Care Subsidy Program is established under:
 - Title IV-A and Title XX of the Social Security Act;
 - Public Law 101-508 of the Omnibus Budget Reconciliation Act of 1990;
 - Child Care and Development Block Grant (CCDBG) Act of 2014; and
 - Title 31 of the Delaware Code.

2. The Department of Health and Social Services (DHSS) is the agency designated by the State of Delaware as responsible for Delaware's Child Care Subsidy Program.
3. The Division of Social Services (DSS) is the agency within DHSS that assumes day-to-day responsibility for the administration of Delaware's Child Care Subsidy Program.
 - A. The DSS Policy and Program Development Unit assumes primary responsibility for:
 - i. Developing and implementing child care regulations found at 16 DE Admin. Code 11000.
 - ii. Managing the Child Care and Development Block Grant (CCDBG) and the Child Care and Development Fund (CCDF).
 - iii. Managing the Social Services Block Grant (SSBG).
 - iv. Collaborating with external stakeholders to develop and revise Delaware's CCDF State Plan.
 - v. Collaborating and receiving technical assistance from federal partners to ensure compliance with the requirements of the CCDBG Act.
 - B. The DSS Purchase of Care Unit assumes primary responsibility for:
 - i. Managing Delaware's Child Care Subsidy Program.
 - ii. Referring children to Head Start and other child care facilities for service.
 - iii. Coordinating services and supports for Head Start eligible children.
 - iv. Providing information to families and the public on the availability of subsidized funding for persons in need of child care.
 - v. Establishing contracts with child care providers and other interested agencies to carry out the purpose and goals of Delaware's Child Care Subsidy Program.
 - vi. Monitoring child care providers to ensure providers are adhering to the terms of their Purchase of Care contracts.
 - vii. Determining eligibility for the Relative Child Care Program.
 - viii. Establishing provider reimbursement rates, creating a parent fee scale, and determining income eligibility limits.
 - ix. Collecting, analyzing, and maintaining statistical data on clients who receive services.
 - x. Coordinating with public and private agencies to ensure and improve the availability and quality of child care.
 - C. The DSS Operations Unit assumes primary responsibility for:
 - i. Following federal and state policies and procedures for determining and processing technical and financial eligibility for the Child Care Subsidy Program.
 - ii. Explaining the Child Care Subsidy Program rights and responsibilities to parents and caretakers applying for assistance.
 - iii. Attending child care trainings provided by DSS.
 - D. The DSS Information Systems Unit assumes primary responsibility for:
 - i. Developing and maintaining the eligibility system design to support child care policy.
 - ii. Developing and maintaining the Purchase of Care system to support child care provider data.
 - iii. Developing and maintaining the Provider Self Service system to support child care providers in receiving and reporting attendance data.
 - iv. Maintaining client and provider data for administrative reports to meet federal reporting guidelines.

- E. The DSS Fiscal Unit assumes primary responsibility for:
 - i. Managing federal and state child care funds.
 - ii. Ensuring funds are available for child care provider payments.
 - iii. Processing Purchase of Care contracts and paying vendor invoices.
 - iv. Transferring CCDF quality funds to the Delaware Department of Education and tracking the spending of CCDF quality funds.
 - v. Managing the time and effort of all staff that perform CCDF work and are paid through CCDF, including staff at DSS, the Delaware Department of Education, and the Department of Services for Children, Youth and Their Families.
 - vi. Reporting SSBG funding usage.
 - vii. Completing federal and state child care reports.

- F. The DSS Staff Development Unit assumes primary responsibility for:
 - i. Designing, developing, and updating trainings and training materials for the Child Care Subsidy Program.
 - ii. Administering training sessions to DSS staff that cover current child care policies, procedures, and program requirements.

- G. The DSS Fair Hearing Unit assumes primary responsibility for:
 - i. Providing child care applicants and recipients with written information about their right to a fair hearing.
 - ii. Reviewing and processing fair hearing requests.
 - iii. Arranging the date, time, and location of fair hearings and sending written notification of the hearing to all parties.
 - iv. Providing a written decision by the Hearing Officer to the appellant within 90 days from the date the appeal was filed.

POLICY AMENDMENT

Delaware Department of Health and Social Services
 Division of Social Services
 Policy and Program Development Unit

~~11002.5.1 Responsibility for Direct Administration of Delaware's Child Care Subsidy Program~~

~~Within DSS, direct responsibility for Delaware's Child Care Subsidy Program rests with the Policy and Program Development Unit, DCIS, and the Employment and Training Unit.~~

~~The Policy and Program Development Unit assumes primary responsibility for integrating all child care grants into one uniform child care program. This integration includes the development of common policies and practices to ensure continuity of services for all families participating in Delaware's Child Care Subsidy Program.~~

~~DCIS through the CCMIS assumes primary responsibility for the development and maintenance of systems designed to support the information needs of both field and administrative personnel. DCIS does this through the recording of client and child care provider data. In addition, the CCMIS provides administration with needed case management and administrative reports for management decision making and to meet federal reporting requirements.~~

~~The Employment and Training Unit assumes responsibility for the day-to-day operation of Delaware's Child Care Subsidy Program. These responsibilities include:~~

- ~~A. referring children to Head Start and other profit/non-profit facilities for service,~~
- ~~B. coordinating wrap-around services for Head Start eligible children,~~
- ~~C. coordinating with Delaware Early Childhood Center and others to screen and evaluate disability services,~~
- ~~D. coordinating with local school districts for before and after school care for children eligible for services,~~

- ~~E. providing information to families and others on the availability of subsidized funding for persons in need of child care,~~
- ~~F. soliciting and contracting with child care providers,~~
- ~~G. monitoring child care providers,~~
- ~~H. developing strategies for improving the availability and quality of child care services, and~~
- ~~I. determining eligibility.~~

POLICY AMENDMENT

Delaware Department of Health and Social Services
Division of Social Services
Policy and Program Development Unit

11002.10 Establishing Program Integrity in Child Care

Statutory Authority

45 CFR 98.68

This policy establishes guidelines to ensure integrity and accountability in Delaware's Child Care Subsidy Program.

1. DSS will support child care program integrity by:
 - A. Collaborating and sharing data with other agencies;
 - B. Verifying eligibility for families;
 - C. Verifying attendance standards for children served;
 - D. Monitoring providers; and
 - E. Reviewing quality assurance.
2. DSS will provide training to eligibility staff in an effort to reduce and prevent administrative and improper payment errors.
3. DSS will cooperate with other agencies to share information when appropriate and allowable by federal and state laws to reduce, detect, and prevent improper payments and fraud.
4. DSS will educate families receiving child care subsidy on program rules including reporting requirements for household changes.

25 DE Reg. 537 (11/01/21) (Final)