



MASSACHUSETTS
**Department of
Early Education and Care**

Financial Assistance Policy Guide

EFFECTIVE DATE: Updated February 1, 2022

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Commissioner



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EFFECTIVE DATE AND WAIVER OF REGULATIONS

(Updated as of January 2022)

Throughout the COVID-19 Pandemic, EEC has supported families and the field through amended policies that would enable increased health and safety measures while alleviating constraints that might limit programs' ability to sustain high quality services for children and families. This period yielded critical lessons that have informed policy-making, with an eye toward decreased administrative burden, ensure high quality services among programs, [and maximize affordability and access for families.](#)

As we move [through pandemic recovery](#), EEC continues to review our Financial Assistance Policies to ensure that we are responsive to the changing needs of families and providers. The updates in this Financial Assistance Policy Guide reflect needed changes as we enter a [new calendar year](#). This policy guide is effective as of the date listed on the front of the guide and is effective until a new policy guide is issued.

EEC's regulations regarding subsidized child care can be found at 606 CMR 10.00 et seq. and are located on EEC's [website](#). [As outlined in this guide, and as part of EECs commitment to support families, EEC will continue to exercise its discretion to refrain from enforcing the following regulations until further notice:](#)

- 606 CMR 10.02 as follows
 - Abandonment of Subsidy
 - Approved Break in Care
 - Excessive Explained Absences
 - Provisional Authorization
 - Temporary Change
- 606 CMR 10.03(1)(g), paragraph 2 pertaining to provisional authorizations
- 606 CMR 10.03(1)(i) pertaining to Parent responsibility to pay for absences exceeding 45 days
- 606 CMR 10.03(1)(i)1
- 606 CMR 10.03(2)(e)(4) pertaining to balances in excess of three weeks;

waived in part to allow balances up to four weeks

- 606 CMR 10.04(2)(b)(1)(b)
- 606 CMR 10.04(2)(b)(2)
- 606 CMR 10.04(2)(b)((5)(a)-(c)
- 606 CMR 10.05(4)(a)
- 606 CMR 10.09(4)
- 606 CMR 10.10(5)(b)
- 606 CMR 10.11(1)(a) pertaining to denials based on failure to submit timely documentation not being eligible for review
- 606 CMR 10.12(1) and the non-payment of fee language in sections 2-5

As indicated above, future enforcement of the listed regulations may resume at EEC's discretion. Notice of resumed enforcement may be announced through the issuance of a new Financial Assistance Policy Guide no less than two weeks prior to the effective date.

CHAPTER 1

Definitions *(Updated as of January 2022)*

The words listed below shall have the following meanings unless the context otherwise requires:

Abandonment of Subsidy. *(Updated as of September 2021)* A Family's failure to have an active child care placement for more than 60 consecutive Days during the 12-month Authorization period, unless the Family has requested an Approved Break in Care.

Absence. Any Day that a Child is authorized to attend an early education and care program but is not in attendance.

Approved Break in Care. *(Updated as of January 2022)* A written request, approved by EEC or Subsidy Administrator, to place a child care placement in inactive status for up to 90 consecutive Days.

Assets. Valuables including, but not limited to, all houses or other buildings, real property, vehicles, cash, bank accounts, cash value of life insurance policies, trusts, stocks, bonds, and overall business value, including equipment, jewelry, livestock, or other goods.

Authorization/Reauthorization. An assessment/reassessment and provision of financial assistance benefits to a Family in accordance with regulations and policies defined by the Department of Early Education and Care.

Caregiver. A person who lives with, supervises and cares for a Child or Children whose Parents do not live in the home, such as a foster Parent or legal guardian (temporary or permanent).

CCFA. Refers to the Child Care Financial Assistance, which is the system used to capture families authorized for subsidized child care and process payments to providers for these families.

Child. A person younger than 13 years old, or 16 years old if such person has special needs.

Child Care Educator/Provider. A licensed or exempt center-based child care program, including out of school time programs, or a licensed, family-based child care program located within the Commonwealth of Massachusetts.

Child Care Resource and Referral Agency (CCRR). An agency that contracts with the Department of Early Education and Care (EEC) to provide child care resource information, referral services, and/or subsidy management.

Child Care Subsidy. Financial assistance given to eligible Parents for child care provided by a Child Care Educator/Provider pursuant to a contract or agreement with EEC, CCRR or a Contracted Child Care Educator/Provider.

Contracted Child Care Educator/Provider. A licensed, or license exempt, child care program or family child care system that holds a contract with EEC for the provision of subsidized child care services.

Days. Calendar Days, unless otherwise specified.

DCF. Massachusetts Department of Children and Families, or successor agency.

Dependent Child. A person younger than 18 years old, or a person younger than 24 years old if that person is a full time student.

Dependent Relative. A Relative of the Child receiving care who resides in the household with the Child and is financially dependent on the Child's Parent(s), as certified through the Parent(s)'s most recent tax returns.

DHCD. Massachusetts Department of Housing and Community Development, or successor agency.

DTA. Massachusetts Department of Transitional Assistance, or successor agency.

EEC. Massachusetts Department of Early Education and Care, or successor agency.

Eligible Family. A Family that qualifies for a Child Care Subsidy based on criteria determined by EEC in regulation and policy.

ESOL. English for Speakers of Other Languages, an English language training program for people whose primary language is not English.

Excessive Explained Absence. *(Removed as of July 2020)*

Excessive Unexplained Absence. Failure to attend a subsidized child care program for more than three consecutive Days without contacting the provider.

Explained Absence. *(New as of July 2020)* An Absence where the Parent has been in contact with the Child Care Educator/Provider. Explained Absences shall include, but not be limited to, Absences due to Child illness, death in the Family, emergency circumstances, religious holidays, and vacation Days.

Family. Countable household members that make up a Family are:

- a. Parent(s) and their Dependent Child(ren) and any Dependent Relative(s) who reside in the same household; or
- b. A Young Parent and his/her Child(ren) who reside in the same household. Parents of Young Parents may only include the Young Parent and his/her Child(ren) in the Family composition if the Young Parent is NOT receiving an EEC Child Care Subsidy for his/her Child(ren).

Full Documentation for Income Eligible. *(Updated as of June 2021)* Documentation that would be acceptable to issue a 12-month Authorization. For Initial Authorization this includes documentation for proof of: identity; Massachusetts residency; citizenship or immigration status of any Child seeking a Child Care Subsidy; gross household income including all required documentation; service need including all required documentation; relationship of the Parent to all Children and Dependent Relatives; and all required signed forms. For Reauthorization, this includes documentation for proof of: Massachusetts residency; gross household income including all required documentation; service need including all required documentation; and all required signed forms.

Full Time Child Care. Care for more than 30 hours but not more than 50 hours per week at any one placement, unless otherwise approved by EEC.

Full Time Service Need. Participation in an approved activity for at least 30 hours per week.

Guardian Child. A non-biological Child of a Caregiver.

Homeless Family. A Family meeting the requirements established under the McKinney-Vento Act (42 U.S.C. 11434a) and certified in accordance with EEC policy.

Informal Child Care Provider. An individual who meets Informal Child Care Provider standards and requirements established by EEC and is exempt from EEC licensure because the individual either provides care in the Child's own home or is a Relative of the Child.

Intentional Program Violation (IPV). *(Updated as of July 2020)* A Parent's failure to adhere to EEC's subsidy requirements, including: failing to report a Non-Temporary Change within 30 Days from the date the change occurred; failing to accurately report income at eligibility Authorization/Reauthorization; failing to respond to an EEC request for more information; and non-payment of fees.

Non-Temporary Change. A change to a Parent's circumstances, including: increases in total household income exceeding 85% SMI; changes in Family contact information; changes in household composition for more than 30 total Days in a 12-month Authorization; changes in Child custody arrangements; any out of state change in address; or any change or cessation of a Parent's work, training, or education participation that lasts more than 12 weeks.

Parent. A biological or adoptive Parent or step-parent who resides in the household with his or her Dependent Child(ren), or a Caregiver.

Parent Fee (also referred to as Parent Co-Pay). Amount of money a Parent may be required to contribute to the cost of early education and care services based on the Family's income and household size.

Part Time Child Care. Child care for up to 30 hours per week (i.e. 3 full Days or 5-part Days).

Part Time Service Need. Participation in an approved activity for at least 20 but less than 30 hours per week.

Protective Services. Any Parent authorized for a Child Care Subsidy based on a clinical decision by DCF, including foster care, or any Parent who is unable to provide child care for any portion of a 24 hour Day due to a situation of domestic violence or homelessness; a physical, mental, emotional or medical condition; or participation in a drug treatment or drug rehabilitation program.

Provisional Authorization. *(Updated as of July 2020)* An Authorization 26 weeks in length that may be granted to Parents who are unable to qualify for a 12-month Authorization. This includes Parents who do not have an approved activity, Parents on medical leave, including maternity or paternity leave, Parents enrolled in a non-approved training program, Parents unable to certify employment, Parents who are unable to provide full documentation for reauthorization, or Parents seeking to qualify with a Service Need of Incapacity of Parent.

Referral. A written or electronic notice that a Family is eligible for child care funding issued by DTA, DCF, or DHCD.

Relative. Sibling, aunt, uncle, or grandparent, whether by birth, marriage or adoption.

Seasonal Employment. Employment whose regular work season totals no less than 8 months of the year. See Policy Guide Chapter 3.7.1 and Procedures Manual Chapter 3.3.1 for examples of qualified industries.

State Median Income (SMI). The dollar amount which represents the midpoint in a rank ordering of the incomes of all Families of the same size in Massachusetts.

Subsidy Administrator. A person or organization authorized or designated by EEC to conduct eligibility determinations for Child Care Subsidies, subject to EEC oversight and review. Current authorized entities include Contracted Child Care Educators/Providers and CCRRs.

Substantiated Fraud. Providing false or misleading information or documentation to EEC or a Subsidy Administrator for the purpose of establishing or maintaining eligibility or increasing the level of child care assistance that has been verified as false or misleading by EEC or a Subsidy Administrator; or the concealing or withholding of information for the purpose of establishing or maintaining eligibility or increasing the level of child care assistance as determined by the Bureau of Special Investigations (BSI), or successor agency.

TAFDC. Transitional Aid to Families with Dependent Children.

Temporary Change. *(Updated as of June 2021)* A change to a Parent's circumstances, including: any time-limited absence from a Parent's approved activity due to an illness or need to care for a Family member; any interruption in work for a seasonal worker who is not working between regular industry work seasons; any semester or holiday break for a Parent participating in education or training; any reduction in work, training or education hours, as long as the Parent is

still working or attending training or education; any cessation of a Parent's approved activity due to the COVID-19 pandemic; any other cessation of a Parent's approved activity that does not exceed 12 weeks; and any change in residency within the Commonwealth.

Vocational Training Program. An approved program other than graduate, medical or law school, which is intended to teach a specific skill leading to employment.

Voucher Child Care Educator/Provider. A program or individual who provides child care services pursuant to an EEC voucher services agreement.

Young Parent. A biological Parent who is younger than 20 years old, and who resides in the household with his or her Dependent Child(ren). This shall include Young Parents who attain the age of 20 years old during their third trimester of pregnancy.

CHAPTER 2

Waitlist Policies *(Updated as of Sept. 2021)*

The EEC centralized waitlist for financial assistance is the only waitlist for EEC financial assistance. As a general rule, placement on the EEC waitlist is the first step in the process for Families to access EEC financial assistance.

2.1 Placing Families on the EEC Centralized Waitlist

- A. **HOW TO ACCESS THE WAITLIST:** Families may access the waitlist by contacting any waitlist administrator, including Mass 211; any CCRR; or an EEC Contracted Child Care Educator/Provider.
- B. **REQUIREMENT PRIOR TO ENROLLMENT:** Families who seek EEC financial assistance (e.g., through vouchers or contracts) must be placed on the EEC centralized waitlist to access EEC financial assistance.
 - Exceptions to the waitlist requirement:
 1. Families who have received a DTA Referral;
 2. Families who have received a DCF Referral for Supportive Child Care;
 3. Families who have received a DCF Referral for Homeless Child Care, unless no appropriate openings are available; and
 4. Families who have received a DHCD Referral for Homeless Child Care, unless no appropriate openings are available.
- C. **CHILD STATUS CODES:** All Children placed on the waitlist must be assigned one or more Child status codes, regardless of access point.
- D. **VERBAL CONFIRMATION OF ELIGIBILITY:** All Families entered onto the EEC centralized waitlist must declare that they meet EEC income eligibility and residency requirements.
- E. **DATE CHILD CARE NEEDED:** Families seeking child care financial assistance in Massachusetts may either have an immediate need for services or a need for services in the future. Circumstances in which a Family may need care in the future include:
 1. Pregnancy; or
 2. Family member currently caring for Child will be unable to care for the Child at a future date.

2.2 Waitlist Child Priority Codes *(Updated as of June 2021)*

EEC uses codes to better understand the population of Families seeking Child Care Subsidy in Massachusetts. All Children placed on the EEC centralized waitlist should receive one or more of the following Child status codes.

Waitlist Priority Codes	
CHILD PRIORITY CODE	DEFINITION
Child in Foster Care	A Child receiving temporary substitute parental care under the auspices of the Department of Children and Families (DCF)
General Priority	A Child who does not meet any of the specific Child status criteria listed in this chart.
Child of Homeless Family	A Child whose Family is homeless, and residing in a Department of Housing and Community Development (DHCD) or DCF shelter, or at risk of homelessness based on the Child's Family's participation in a DHCD diversion or stabilization program.
Child of Military Personnel	A Child with one or both Parents who is a member/are members of the U.S. military, including the National Guard, who is/are deployed or activated to a combat zone, a hazardous duty zone, or venue for preparation for deployment to a combat or hazardous duty zone.
Child of Teen Parent	A Child with a Parent who is younger than 20 years of age.
Child in Legal Guardianship	A Child who is in the legal temporary or permanent custody of a grandparent or other adult.
Exhaustion of Families in Need in Area	Code to be used by Subsidy Administrators who add a Child to the waitlist for immediate enrollment after the Subsidy Administrator has offered funding to all other children on the waitlist.
Parent with Special Needs	A Child of a Parent with a documented special need who is unable, due to the special need, to care for the Child during the time for which early education and care financial assistance is being requested.
Child with Special Needs	A Child with a documented special need who would benefit from access to early education and care.
School Closure Only	A Child who only requires care on school closure Days.

Please review the Variances section contained in Policy Guide Chapter 4.4 or e-mail EECSubsidyManagement@mass.gov if a Family presents extraordinary circumstances above and beyond those reflected by these Child status codes who you believe would warrant immediate access to EEC financial assistance.

2.3 Enrolling Families From the Waitlist *(New as of July 2020)*

Subsidy Administrators must follow the policy detailed in this section for offering funding for Income Eligible Child Care.

A. OFFERING FUNDING TO ELIGIBLE FAMILIES.

1. Subsidy Administrators must search the centralized waitlist to identify Families seeking subsidized child care and offer those Families care first.

- a. When funding becomes available, Subsidy Administrators must first issue Funding Availability Letters (FAL) to Families on the waitlist on a first-come, first-serve basis in descending order (starting with the earliest date).
 - b. Subsidy Administrators must follow the instructions in Procedures Manual Chapter 2 for the running, sending, and processing of FALs from the centralized waitlist.
 - c. FALs issued by one Subsidy Administrator shall not be used for a child care subsidy at another Subsidy Administrator.
 - d. Families must contact the Subsidy Administrator that issued the FAL within 15 Days of the date of the letter to schedule an appointment.
 - i. Failure to respond in a timely manner will result in Families' removal from the waitlist.
 - ii. Families who initially respond to a FAL but who do not complete the eligibility process may be considered non-responsive and may be removed from the waitlist.
 - e. In addition to issuing FAL, Subsidy Administrators may also call Families after sending a FAL in order to expedite the process.
 - f. Families who have been offered EEC financial assistance but have been unable to find care within 30 Days may continue to look for care, but funding is not guaranteed to be available. Families in this situation may be placed back on the EEC centralized waitlist using their original waitlist date.
- #### 2. If a Subsidy Administrator has offered funding to all Families on the waitlist and still has funding available, a Subsidy Administrator may recruit Families who are not on the centralized waitlist.
- a. Subsidy Administrators may create flyers and do outreach within their community to recruit new Families onto the waitlist.
 - i. Subsidy Administrators may also survey private pay Families for interest in being added to the waitlist.
 - ii. Such Families, once added to the centralized waitlist, may be offered funding through the same process detailed above where the Family is sent a FAL.
 - b. Once a Subsidy Administrator exhausts the number of Families within their area on the waitlist, they can enroll Families that walk in and/or call seeking child care subsidy. Families shall be placed on the waitlist, sent a FAL, and placed on pending status until enrolled.

- i. Contracted Child Care Educators/Providers are encouraged to share the status of openings with CCRRs to ensure that the CCRR and Mass211 can provide that information with parents interested in care.
 - c. Subsidy Administrators must follow the instructions in Procedures Manual Chapter 2 for the adding of Families to the centralized waitlist. Families that are going to be offered funding immediately must be listed with the priority code “Exhaustion of Families in Need in Area”.
- B. **TARGETED FUNDING OPPORTUNITIES.** From time to time, EEC may ask Subsidy Administrators to prioritize a particular population to be served. Prioritization of Families shall not happen without separate instructions by EEC.
 - 1. **IDENTIFYING PRIORITY POPULATIONS.** To target Families who are eligible for immediate access, a Subsidy Administrator will perform a search for Families with one or more of the Child status codes identified for immediate access. Before a FAL is issued to any Family with an immediate access category, the Family must be added to the EEC centralized waitlist and immediately marked as placed. The step of adding the Family to the waitlist is critical for EEC to monitor caseloads and available funding.
 - 2. **INCORRECT CHILD STATUS CODES.** If a Subsidy Administrator issued a FAL to a Family that no longer qualifies for, or the original child status code used was incorrect, the Family will be placed back on the waitlist with the appropriate Child status code and the Family’s original waitlist date.

2.4 Communicating with Families on the Waitlist *(Updated as of July 2020)*

To ensure accuracy of the data on the waitlist and the continued need for child care services, the Parent will receive several written communications from EEC once the Parent has been placed on the waitlist.

- A. **CONFIRMATION LETTERS.** EEC issues confirmation letters to all new Families on the waitlist. These letters instruct Families to review the information and verify its accuracy, and to contact a waitlist administrator to declare any changes.
Parent responsibility for accuracy. Families are responsible for ensuring the accuracy of the information they provide when they place their name on the income eligible waitlist. When changes occur, updates shall be made promptly by the Parent.
- B. **RENEWAL LETTER(S).** Renewal letters are sent to Families on the waitlist whose application has not been updated in the previous 12 months. Families may contact Mass 211, any CCRR, OR any Contracted Child Care Educator/Provider. Failure to respond to Renewal Letter(s) will result in the Family being terminated from the waitlist.
- C. **FUNDING AVAILABILITY LETTERS (FAL).** FALs are issued to Families to offer funding as described in Policy Guide Chapter 2.3.

2.5 Removing Families from the Waitlist

It is essential that waitlist administrators remove Families from the EEC centralized waitlist and terminate the Families’ or Children’s records to ensure accurate data.

- A. **REASONS FOR REMOVAL FROM THE WAITLIST.** Families will be removed from the centralized waitlist under any of the following circumstances:
1. **FAILURE TO MAINTAIN ACCURATE CONTACT INFORMATION.** A letter is returned to sender via mail as undeliverable;
 2. **OVER INCOME.** Family does not meet EEC income requirements;
 3. **OVER AGE LIMITATIONS.** Any Child on the waitlist age 13 or older will be removed from the waitlist, unless the Family has identified the Child as special needs. If the Child is identified as special needs, any Child aged 16 or older will be removed from the waitlist;
 4. **CARE NO LONGER NEEDED.** Family indicates that they are no longer waiting for care or financial assistance;
 5. **CARE REFUSED.** Families who are offered access to financial assistance on 3 occasions, and refuse to accept the offer, will be removed from the waitlist after the third refusal; or
 6. **FAILURE TO RESPOND TO FAL.** Families must contact the Subsidy Administrator that issued the FAL within 15 Days of the date of the letter to schedule an appointment. Failure to respond in a timely manner will result in the Families' removal from the waitlist.
 7. **FAILURE TO RESPOND TO RENEWAL LETTER.** Families must update their continued eligibility and interest in the waitlist once per year. Failure to update information, including responding to an annual renewal letter, within 15 Days of the date of the letter will result in the Families' removal from the waitlist.
- B. **NOTICE OF REMOVAL REQUIRED.** Families removed from the EEC centralized waitlist must be sent a letter informing them of their removal and explaining the reinstatement process. Families terminated for Failure to Respond to FAL or Failure to Respond to Renewal Letter do not require a separate notice. If no valid contact information is available, a notation shall be made in EEC's centralized waitlist.

2.6 Reinstating Waitlist Records *(Updated as of September 2021)*

If a Family that has been removed from the waitlist contacts an administrator within 30 Days of their removal, the Family may be placed back on the waitlist using their last waitlist application date provided that information that the Family provides demonstrates eligibility for child care financial assistance.

If a Family has been removed from the waitlist due to exceeding the income requirements, the Family may be reactivated on the waitlist upon a reduction of income. The Family must be given a new waitlist application date based on the date that they request reactivation and the Family declares that they now meet the income requirements.

If a Family has been removed from the waitlist due to refusing care on 3 occasions, the Family may be reactivated on the waitlist immediately but must be given a new waitlist application date.

Parents who left the subsidized child care program owing a Parent Fee balance incurred between March 2019 and February 2021¹ **shall be allowed** to re-access the waitlist and be eligible for subsidized care no matter the status of the outstanding balance. Parents with a Parent Fee balance incurred at any other time may re-access the waitlist and be eligible for subsidized care if the Parent is current with the terms of an active Repayment Agreement under Policy Guide Chapter 11.6.4.

¹ Please note that EEC [waived](#) collection of Parent Fees [from](#) March 23, 2020 [through January 31, 2022](#) and that no parent fee balances should have been incurred between [March 23, 2020](#) and February 2021.

CHAPTER 3

General Requirements for Child Care Subsidies *(Updated as of January 2022)*

This chapter explains the general steps a Parent needs to take in order to receive child care financial assistance from the state. The provisions of this chapter apply to all child care subsidies administered by EEC, unless otherwise exempted in Policy Guide Chapters 6 or 7.

3.1 Application for a Child Care Subsidy *(Updated as of January 2022)*

After receiving a funding availability letter or a referral for child care services from DCF, DTA, or DHCD, Parents may apply for a Child Care Subsidy by contacting the appropriate Subsidy Administrator.

- A. **APPLICATION AND FEE AGREEMENT.** Each Parent must complete an Application and Fee Agreement upon initial Authorization for an EEC Child Care Subsidy, at each subsequent Reauthorization, *and anytime a Temporary or Non-Temporary Change is completed.*² The Parent must verify the information provided through documentation, as required by the regulations and policies of the Commonwealth.
- B. **CONTACT INFORMATION.** Each Parent who receives EEC Child Care Subsidies is responsible for maintaining current contact information (i.e., address, telephone number, or e-mail) with his/her Subsidy Administrator.

NOTE: EEC requests certain information from Parents seeking Child Care Subsidies to assist the Commonwealth in establishing a longitudinal data system; however, no Parent will be denied access to Child Care Subsidies for failure to provide social security numbers, city of birth, or middle names.

- C. **ACCURACY OF APPLICATION.** Substantiated Fraud committed during Authorization or Reauthorization may result in denial or termination of the subsidy, ineligibility for any further EEC Child Care Subsidy, an obligation to repay the cost of child care, and/or the assessment of a civil fine.

3.2 Documentation Requirements

All documentation that verifies eligibility will be maintained in each Family's file. Parents must provide all applicable documentation at the time of application. For convenience, EEC provides lists of acceptable documentation throughout this guide.

² As a part of the implementation of a new Parent Fee Scale, Parents with active Authorizations will receive a new Application and Fee Agreement in early January 2022 that lists the Parents' new Parent Fee value. Parents will not need to sign this special Application and Fee Agreement.

Documents in foreign languages must be translated into English prior to submission. Alternatively, Subsidy Administrators may translate the document if the Subsidy Administrator has translation resources available, or if their contract with EEC specifies that they must do so. Such translation must be kept in the Parent’s subsidy file.

- A. For the **INITIAL APPLICATION**, Parents must submit documentation that verifies each of the following data elements, unless the regulations or policies of the Commonwealth specifically state an exception:
 - 1. Identity of the applicant(s);
 - 2. Massachusetts residency;
 - 3. Citizenship or immigration status of any Child seeking Child Care Subsidies;
 - 4. Total gross household income;
 - 5. Service need for each Parent on the application; and
 - 6. Relationship of the Parent to all Children and Dependent Relatives in the household.
- B. For each **REAUTHORIZATION**, Parents must submit documentation that verifies their continued eligibility for Child Care Subsidy, unless the regulations or policies of the Commonwealth specifically state an exception:
 - 1. Massachusetts residency;
 - 2. Current total gross household income; and
 - 3. Ongoing service need for each Parent on the Reauthorization.

3.3 Family Composition and Relationship Requirements *(Updated as of June 2021)*

Parents applying for Child Care Subsidies must list all countable Family members, as included in the definition of “Family” in Chapter 1, residing in the household and attest to the accuracy of this list when they complete and sign an Application and Fee Agreement. All subsidy applicants are subject to the general eligibility requirements regardless of whether they were referred or received a FAL letter. Parent(s) shall complete Household Composition Form at initial Authorization and shall be informed that they must report any changes in countable household members that last more than 30 total Days of the 12-month Authorization.

- A. **DEFINITION OF FAMILY.** See Policy Guide Chapter 1.
- B. **DEFINITION OF PARENT.** See Policy Guide Chapter 1.
 - 1. **TWO-PARENT FAMILIES.** If a household includes two Parents, both Parents will be included when determining Family size and eligibility. Examples of two-Parent Families include:
 - a. Two biological or adoptive Parents residing in the same household with their Child(ren) who are receiving subsidy, even if the Parents are not married;
 - b. A biological or adoptive Parent who is married, even if the Child(ren) in care are not related to the spouse; or
 - c. A Caregiver who is married, even though only one Caregiver is listed on custody paperwork.

2. **YOUNG PARENT FAMILIES.** A Young Parent is a Parent younger than 20 years old. The applicant must submit adequate documentation to verify the Young Parent's age. Examples of acceptable documentation include:
 - a) Birth certificate;
 - b) Driver's license; **OR**
 - c) Other government issued identification (e.g., state identification card, military dependent's card, or passport).
- C. **RELATIONSHIP TO MINORS IN FAMILY.** Parents must provide documentation to verify their relationship to each Child under the age of 18, or under the age of 24 if the Child is a full-time student and is financially dependent on the Parent(s) applying for child care financial assistance. Examples of acceptable documentation include:
 1. Birth certificates;
 2. Hospital birth records;
 3. Social security benefits records;
 4. Court orders establishing custody or guardianship;
 5. Completed EEC Caregiver Affidavit Form; **OR**
 6. School records verifying the address of the Child, as well as the name and relationship of the Relative responsible for the Child.
- D. **RELATIONSHIP TO DEPENDENT RELATIVES IN FAMILY.** Relatives may be included as Dependent members of the Family if they have been claimed as Dependents on the applicant's most recent federal income tax return. Relatives, as defined in Policy Guide Chapter 1, are the sibling, aunt, uncle, or grandparent **of the Child**, whether by birth, marriage, or adoption. The Parent must submit a copy of his/her most recent federal income tax transcript to verify the Dependent status of the Relative(s).
- E. **ADDITIONAL DOCUMENTATION REQUESTS.** Subsidy Administrators **MUST** request additional documentation if they have reason to believe that a Parent has not accurately reported his/her Family composition and size. Documentation must also be requested for families with young children who are new to Income Eligible Child Care (i.e., new enrollment from the waitlist) to ensure that an accurate household size is being reported. Documentation must also be requested for families transitioning to Income Eligible Child Care (i.e., from DCF or DTA-Related care) if there is reason to believe that household composition was not previously reported accurately.

Documentation should only be requested once, *unless* a discrepancy resurfaces, or another triggering event occurs. Examples of situations wherein a Subsidy Administrator must request additional documentation include, but are not limited to, the following:

1. Marital status noted on supporting documentation, but no second Parent reported on the application;
2. Contradictory Family composition identified in data matches with other government agencies;
3. Reports of new births; **OR**
4. Data from the child care program contradicts information reported on the Parent's Application and Fee Agreement.

See Procedures Manual Chapter 3.1.5 for further guidance on when additional documentation must be requested. Documentation linking an individual to a specific address may also be requested. **All documentation from foreign countries MUST be sent to EEC for review and approval.** Any other document provided by the Parent but not included on this list may be sent to EEC on a case-by-case basis for review and approval. EEC will review other public databases prior to the approval of documentation not on the list below and prior to approval of documentation from foreign countries. The following is a list of acceptable documentation to link an individual to a specific address.

- Utility bills (electric, gas, water, oil, landline phone, cable/internet) issued within the most recent 45 Days;
- Property tax bills;
- Individual Record of Account tax transcript for the most recent year;
- W2 for the most recent tax year;
- Tax Form 1095-HC, 1095-A, or 1095-B (or subsequent tax form number) documenting health insurance coverage;
- Tax Form 1098-E (or subsequent tax form number) documenting student loan payments;
- Other IRS Approved Tax Forms;
- Current mortgage statement or current homeowner insurance documents;
- Evidence of current vehicle registration;
- Residential rental or lease agreements signed by the lease holder and the owner of the property, or the owner's legally designated agent (acceptable only if signed within one year from when document is submitted to the Subsidy Administrator);
- Letters from shelter or treatment programs confirming residence in a shelter or treatment program;
- Documentation of domestic violence in the form of a police report dated within the last 45 Days or an unexpired abuse prevention order (older or expired domestic violence documentation may be sent to EEC for approval);
- Documentation of legal separation (unless documentation shows both living at the same address);
- Documentation of filing for divorce (unless documentation shows both living at the same address);
- Documentation of incarceration; or
- Active Order of Probation Conditions.

3.4 Identity of Parent(s)

Subsidy Administrators will verify the identity of each Parent applying for subsidized child care. Documentation of identity must include original, valid, and unexpired documents at time of submission. Proof of Identity only needs to be submitted once during the course of a Parent's Child Care Subsidy, even if the Parent changes programs or has a break in Authorizations. Documentary evidence must contain a photo of the applicant. Examples of acceptable documentation include:

- U.S. passports;
- Certificates of naturalization;
- U.S. Work Authorization cards;
- Driver's licenses;
- Permits or state identification cards;
- U.S. military cards;
- Non-U.S. passports; **OR**
- School identification cards.

3.5 Massachusetts Residency and Location of Child Care *(Updated as of July 2020)*

A. **HOUSEHOLD RESIDENCY.** Child care applicants must be residents of the Commonwealth of Massachusetts. Documentation of residency must be updated at each Reauthorization. Acceptable proofs of residency must show that the applicant's current primary address is located within the Commonwealth. Post Office Box addresses and 911 emergency residence verifications will not be accepted as proof of residency. A list of acceptable documentation to verify Massachusetts residency is included below. Any other document provided by the Parent but not included on this list may be sent to EEC (via email to eeccsubsidymanagement@mass.gov) on a case-by-case basis for review and approval. EEC will review other public databases prior to the approval of documentation not on the list below.

- Utility bills (electric, gas, water, oil, landline phone, cable/internet) issued within the most recent 45 Days;
- Property tax bills;
- Individual Record of Account tax transcript for the most recent year;
- W2 for the most recent tax year;
- Tax Form 1095-HC, 1095-A, or 1095-B (or subsequent tax form number) documenting health insurance coverage;
- Tax Form 1098-E (or subsequent tax form number) documenting student loan payments;
- Other IRS Approved Tax Forms sent to Parent by a 3rd party;
- Current mortgage statement or current homeowner insurance documents;
- Evidence of current vehicle registration. If the Parent is leasing a vehicle, Parent may submit a copy of the vehicle registration and a car lease bill issued within the last 45 Days;
- Car loan bill issued within the last 45 Days;
- Residential rental or lease agreements signed by the lease holder and the owner of the property, or the owner's legally designated agent (acceptable only if signed within one year from when document is submitted to the Subsidy Administrator);
- Rent statement or verification of child care expenses from Local Housing Authority, so long as Parent's address is listed on the document and the document was issued within the most recent 45 Days;
- Public school enrollment letter for School Age Child issued within the last 45 Days;
- Jury duty notice or proof of jury duty service issued within the last 6 months;

- Student loan bill issued within the last 45 Days;
 - Supplemental Security Income (SSI) award letter (most recent available letter must be provided);
 - MassHealth documentation issued within the last 6 months, limited to an approval letter, a plan enrollment letter, or another letter showing current beneficiaries. General health reminders or renewal letters are not acceptable.
 - Letter confirming enrollment in Address Confidentiality Program run by the Secretary of the Commonwealth of Massachusetts;
 - Letters from shelter or treatment programs confirming residence in a shelter or treatment program; OR
 - Certification as homeless under the McKinney-Vento Act (42 U.S.C. 1434 a) as detailed in Policy Guide Chapter 9.1.
- B. **LOCATION OF CARE.** Child Care Subsidies administered by EEC may only be used for child care provided within the Commonwealth of Massachusetts, unless exempted in accordance with Policy Guide Chapter 12.5.

3.6 Citizenship and Immigration Status of Children

To determine eligibility for child care financial assistance in Massachusetts, the citizenship and/or immigration status of each Child for whom care is requested must be verified.³ These verifications are not required for the Parent(s) and/or Caregiver(s) because the Child is considered the primary beneficiary of Child Care Subsidy.⁴ To qualify, the Child must be a U.S. citizen, a non-U.S. citizen national, or a qualified alien. Applicants who cannot provide verification of citizenship or immigration status for the Child are not eligible. Examples of acceptable documentation include:

- U.S. passports;
- Birth certificates; OR
- Reports of birth abroad.

The law regarding U.S. citizenship and nationality is complex and constantly changing; therefore, if Parent presents documentation that Subsidy Administrator does not think is acceptable to show immigration status under Policy Guide Appendix A or Policy Guide Appendix B, the Child shall not be denied child care financial assistance based solely on an applicant’s failure to demonstrate citizenship or immigration status without final review by EEC. If the Parent presents no documentation to establish immigration status, Subsidy Administrator may issue a denial.

³ Child Care Subsidies in Massachusetts are funded, in whole or in part, by the federal Child Care Development Fund (CCDF). CCDF is a federal block grant that is considered a “federal public benefit” under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).

⁴ The Administration for Children and Families (ACF) confirmed that CCDF is a “federal public benefit” within the meaning of PRWORA and that the Child is the primary beneficiary of the benefit. See ACYF-PI-CC-98-08. Based on this designation, federal law and policy requires that states verify the citizenship and immigration status of the Child as a condition of eligibility for child care financial assistance programs funded, in whole or in part, by the CCDF program.

For additional guidance, please refer to Appendices A (Evidence of United States Citizenship, United States National Status, or Immigration Status) and B (Desk Guide to Non-Citizen Eligibility for Child Care Financial Assistance).

3.7 Reporting Temporary and Non-Temporary Changes *(Updated as of Sept. 2021)*

All Parents are responsible for reporting changes that might affect their eligibility. Temporary and Non-Temporary Changes must be reported immediately, but no later than 30 Days after the change. Changes may be reported in advance by the Parent. Subsidy Administrators cannot require Parents to report any Temporary or Non-Temporary Changes in person. Subsidy Administrators must make all forms of reporting available (fax, email, mail) to Parents. **Parents must report Temporary and Non-Temporary Changes during all Authorizations, but the actions detailed below only apply if the change occurs during a 12-month Authorization.**

Temporary Changes are defined as changes to a Parent's circumstances, including:

1. Any time-limited absence from a Parent's approved activity due to an illness or need to care for a Family member;
2. Any interruption in work for a seasonal worker who is not working between regular industry work seasons;
3. Any semester or holiday breaks for a Parent participating in education or training;
4. Any reduction in work, training or education hours, as long as the Parent is still working or attending training or education;
5. Any cessation of a Parent's approved activity due to the COVID-19 pandemic, including furlough, layoff, or termination of employment;
6. Any other cessation of a Parent's approved activity that does not exceed 12 weeks; and
7. Any change in residency within the Commonwealth.

Non-Temporary Changes are defined as changes to a Parent's circumstances, including:

1. Increases in total gross household income exceeding 85% SMI;
2. Change in Family contact information;
3. Changes in household composition for more than 30 total Days in a 12-month Authorization;
4. Changes in Child custody arrangements;
5. Any out of state change in address; or
6. Any change or cessation of a Parent's work, training, or education participation that lasts more than 12 weeks.

Subsidy Administrators must notify Parents of the requirement to report both Temporary and Non-Temporary Changes. Failure to report Non-Temporary Changes may result in an Intentional Program Violation (IPV). Parents shall be informed that reporting of Temporary Changes shall not result in any change to the level of subsidized child care

being received; however reporting of a Non-Temporary Change may impact the level of subsidized child care being received. Please see specific requirements detailed below for how subsidized child care may be affected in particular situations. Please see Procedures Manual Chapter 3.3 for instructions on how to process each of these changes.

3.7.1 Requirements for Temporary Changes *(Updated as of June 2021)*

Below are details on the documentation requirements for each Temporary Change, as well as details on the impact of each change on a Parent's Child Care Subsidy. For all categories, Subsidy Administrators **shall not** issue a Notice of Termination for failure to report a Temporary Change.

A. Parent's time-limited absence from an approved activity due to an illness or need to care for a Family member:

1. General Guidance:

- a. The absence may be from any approved activity, including education/training.
- b. There is no limit to how long a Parent may be out from the approved activity, however, the Parent must be able to document an approved activity by the next Reauthorization unless the Parent is otherwise eligible for a Provisional Authorization at Reauthorization as detailed in Policy Guide Chapter 5.
- c. Situations that fall under this category include, but are not limited to:
 - i. Maternity/Paternity Leave, including any medical leave prior to the birth of a Child;
 - ii. Family Medical Leave Act related break in employment;
 - iii. Short-term or long-term disability;
 - iv. Workers' compensation; and
 - v. Parents taking leave from approved activity to care for a sick Family member or themselves.

2. Documentation Required:

- a. Completed Temporary Change Form. Parents **do not** have to complete a Special Need of Parent form. Parents may complete the Temporary Change Form at Authorization/Reauthorization if dates are known (such as for an upcoming maternity/paternity leave).
- b. Any reduction in income requires the documentation listed in Policy Guide Chapter 11.5 in order to process a reduction in Parent Fees.

3. Impact on Authorization: Parent's 12-month authorization and level of subsidized child care will not be affected and Parent Fee will be adjusted if allowed under Policy Guide Chapter 11.

B. Any interruption in work for a seasonal worker who is not working between regular industry work seasons

1. General Guidance:

- a. Parents **must** be able to document an approved activity by the next Reauthorization. Interruption in work cannot cross over Authorizations unless the Parent is otherwise eligible for a Provisional Authorization at Reauthorization as detailed in Policy Guide Chapter 5.

- b. Employment that qualifies as seasonal includes:
 - i. Parent who works for a school department or for a company contracted by the school department to provide services (works about 10 months a year);
 - ii. Parent who works as a snow plow driver and also as a landscaper (works most of the year with a few breaks between two seasons);
 - iii. Parent who works in construction but who can't work in winter (works about 9 months a year);
 - iv. Parent who is a farmer or farm worker (works March through October – 8 months a year); or
 - v. Generally any Parent whose regular work lasts at least 8 months of the year.
- c. Employment that **does not** qualify as seasonal includes:
 - i. Parent who works only about 3-4 months a year, such as only working as a snow plow driver or only working as a landscaper;
 - ii. Parent who only works during the holiday retail season (only 2 months);
 - iii. Parent who only works summer Seasonal Employment (about end of May through around Columbus Day – 4 months at most); or
 - iv. Parent who only works for the ski season (about 3-4 months a year).
- 2. Documentation Required:
 - a. Completed Temporary Change Form. Parents may complete the form at Authorization/Reauthorization if dates are known.
 - b. Any reduction in income requires the documentation listed in Policy Guide Chapter 11.5 in order to process a reduction in Parent Fees.
- 3. Impact on Authorization: Parent's 12-month authorization and level of subsidized child care will not be affected and Parent Fee will be adjusted if allowed under Policy Guide Chapter 11.
- C. **Any semester or holiday break for a Parent participating in education or training.**
 - 1. General Guidance:
 - a. Parents are **not** required to report semester or holiday breaks as long as the Parent is enrolled in the following semester/term.
 - b. This Temporary Change definition includes all semester and holiday breaks, including the full summer break.
 - c. Time limit is no longer limited to only breaks of 6 weeks or less.
 - 2. Documentation Required:
 - a. No documentation required at time of reporting.
 - b. Parents will have to provide documentation at the next Reauthorization that the Parent returned to the education/training program following the break.
 - 3. Impact on Authorization: Parent's 12-month Authorization and level of subsidized child care will not be affected and Parent Fee will be adjusted if allowed under Policy Guide Chapter 11.
- D. **Any reduction in work, training, or education hours, as long as the Parent is still working or attending training/education:**
 - 1. General Guidance:

- a. As long as the Parent is still working or in training/education for at least one hour per week, the reduction in work, training, or education hours qualifies as a Temporary Change.
 - b. Parents **must** be able to document an approved activity of at least 20 hours, or at least 30 hours for full time care, by the next Reauthorization unless the Parent is otherwise eligible for a Provisional Authorization at Reauthorization as detailed in Policy Guide Chapter 5.
 - 2. Documentation Required:
 - a. Completed Temporary Change Form.
 - b. Any reduction in income requires the documentation listed in Policy Guide Chapter 11.5 in order to process a reduction in Parent Fees.
 - 3. Impact on Authorization: Parent's 12-month Authorization and level of subsidized child care will not be affected and Parent Fee will be adjusted if allowed under Policy Guide Chapter 11.
- E. Any cessation of a Parent's approved activity due to the COVID-19 pandemic:**
- 1. General Guidance:
 - a. Any loss of a service need due to the COVID-19 pandemic, including but not limited to, furlough, layoff, or termination of activity will be counted as a temporary change.
 - b. Parents **must** be able to document an approved activity by the next Reauthorization unless the Parent is otherwise eligible for a Provisional Authorization at Reauthorization as detailed in Policy Guide Chapter 5.
 - 2. Documentation Required:
 - a. Completed Temporary Change Form.
 - b. Any reduction in income requires the documentation listed in Policy Guide Chapter 11.5 in order to process a reduction in Parent Fees.
 - 3. Impact on Authorization: Parent's 12-month Authorization and level of subsidized child care will not be affected and Parent Fee will be adjusted if allowed under Policy Guide Chapter 11.
- F. Any other cessation of a Parent's approved activity that does not exceed 12 weeks:**
- 1. General Guidance:
 - a. If a Parent has a new service need at the time of reporting and it has been less than 12 weeks since the end of the last service need, the Subsidy Administrator shall deem the change a Temporary Change.
 - b. If a Parent has left work, education, or training program and does not have a new service need at the time of reporting, the Subsidy Administrator shall deem the change a Non-Temporary Change. Please see Policy Guide Chapter 3.7.2(F) for further guidance.
 - 2. Documentation Required:
 - a. To Process Change:
 - i. Signed Temporary Change Form AND Preliminary documentation of new service need (i.e. EVF, hire letter, enrollment documentation).

- ii. Any reduction in income requires the documentation listed in Policy Guide Chapter 11.5 in order to process a reduction in Parent Fees.
 - b. Parents must be informed that they will have to present documentation at next Reauthorization to show that the break in service need was less than 12 weeks. Subsidy Administrators shall advise Parents that they may wish to obtain that documentation (such as last day of work letter) immediately following the change in service need.
 - 3. Impact on Authorization: Parent's 12-month Authorization and level of subsidized child care will not be affected and Parent Fee will be adjusted if allowed under Policy Guide Chapter 11.
- G. Any change of residency within the Commonwealth:**
- 1. General Guidance: A change of residency within the Commonwealth is a Temporary Change that will not affect a Parent's subsidized child care. Parents must report any change in contact information as detailed in Policy Guide Chapter 3.7.2. A change in contact information is considered a Non-Temporary change.
 - 2. Documentation Required: Please see Policy Guide Chapter 3.7.2, Change in Family contact information.
 - 3. Impact on Authorization: Please see Policy Guide Chapter 3.7.2, Change in Family contact information.

3.7.2 Requirements for Non-Temporary Changes *(Updated as of Sept. 2021)*

- A. Increases in total gross household income exceeding 85% SMI:**
- 1. General Guidance: If a Parent reports an increase in gross household income exceeding 85% SMI, Subsidy Administrator shall keep documentation on file.
 - 1. Documentation Required: When reporting the change in income that the Parent thinks may be over 85% SMI, Parent shall submit:
 - a. Paystubs or other proof of income, and
 - b. Completed Household Income Statement.
 - 2. Impact on Authorization: Parents shall not be terminated but shall be advised that if the income remains above 85% SMI at the subsequent Reauthorization, the Parent will not be eligible for Reauthorization.
- B. Changes in Family contact information:**
- 1. General Guidance: While a change of residency within the Commonwealth is a Temporary Change, any change in contact information is considered a Non-Temporary Change.
 - 2. Documentation Required: Parent must submit a completed Parent Contact Information Form.
 - 3. Impact on Authorization: Parent's 12-month Authorization and level of subsidized child care will not be affected. If needed, Parent may transfer the subsidized child care to another Child Care Educator/Provider as detailed in Policy Guide Chapter 12.
- C. Changes in household composition for more than 30 total Days in a 12-month Authorization:**

1. Documentation Required to **ADD** a person to the household, the Parent must provide all of the following documents:
 - a. New Household Composition Form;
 - b. Relationship documentation as required under Chapter 3.3(C); and
 - c. If the new household member would be required under Chapter 4 of the Financial Assistance Policy Guide to report income and service need, documentation must be provided by the Parent(s), including an updated Household Income Statement.
 - d. If the new household member is a new Child, the Child may be added to the household pending receipt of any additional documentation required under Policy Guide Chapter 3.3(E), but the Child shall not be eligible for sibling access under Policy Guide Chapter 5.4 until such documentation is received.
2. Documentation Required to **REMOVE** a person from the household:
 - a. To remove a Child from the household, the Parent must provide the following:
 - i. Custody documentation that shows change in custody; or
 - ii. If custody documentation is not available, self-reporting of removal of Child may be accepted in the form of a new, signed Household Composition Statement.
 - b. To remove a foster Child from the household, the Parent must provide the following:
 - i. Documentation from DCF showing Child has been placed elsewhere; or
 - ii. If DCF documentation is not available, self-reporting of removal of a foster Child may be accepted in the form of a new Household Composition Statement.
 - c. To remove a Dependent Relative or Child over the age 18, the Parent must provide the following:
 - i. A new, signed Household Composition Statement to self-report the change.
 - d. To remove a second Parent, the Primary Parent must provide one of the following documents. Any item not listed below **must** be approved by EEC:
 - i. Proof of residency for second Parent that meets the guidelines in Policy Guide Chapter 3.3;
 - ii. Documentation of domestic violence, including a police report and/or an abuse prevention order;
 - iii. Documentation of legal separation (unless documentation shows both living at the same address); or
 - iv. Documentation of filing for divorce (unless documentation shows both living at the same address).
3. Impact on Authorization: Child care will continue at authorized level until the end of the current 12-month authorization. Parent Fee may be adjusted if the conditions in Policy Guide Chapter 11.5 are met.

D. Change in Custody Arrangements:

1. Documentation Needed: Custody documentation or DCF Referral showing change in custody.
 2. Impact on Authorization: Child may be eligible for child care at the same level of care for the remainder of the original 12-month period, regardless of the new Parent's eligibility. Parent Fee may be adjusted if the conditions in Policy Guide Chapter 11.5 are met. See Procedures Guide Chapter 3.3.2 for a comprehensive list of the impact on Authorizations after custody changes.
- E. **Any out of state change in address:**
1. General Guidance: A Parent must be a resident of the Commonwealth to remain eligible for subsidized child care.
 2. Documentation Required: Parent must submit a completed Parent Contact Information Form.
 3. Impact on Authorization: Parents will be issued a Notice of Termination in accordance with Policy Guide Chapter 13.
- F. **Any change or cessation of a Parent's work, training, or education participation that has been deemed a Non-Temporary Change:**
1. General Guidance:
 - a. Any change or cessation of a Parent's service need that lasts more than 12 weeks will be considered a Non-Temporary Change. Please see Policy Guide Chapter 3.7.1 and Procedures Guide Chapter 3.3.1 for what changes in service need will be deemed a Non-Temporary Change.
 2. Documentation Required:
 - a. If a Parent is leaving a place of employment, the Parent must provide one of the following:
 - i. Last day of work letter on the prior employer's letterhead and signed by the prior employer. The Subsidy Administrator must contact the employer to confirm the accuracy of the letter. If the Subsidy Administrator cannot confirm, the Parent should present one of the other options below.
 - ii. If a last day of work letter is not available, the Parent may present his/her last paystub. The Subsidy Administrator must then verbally confirm with the prior employer the last day of work.
 1. If the Subsidy Administrator is unable to obtain verbal confirmation of the last day of work, the Parent shall submit the W2 for that employment at next Reauthorization to prove that the paystub was the final paystub.
 - iii. If neither of the first two options can be completed, an Employer Certification of Last Day of Employment form may be filled out and signed by the employer. The Subsidy Administrator must contact the employer to confirm accuracy of the form.
 - iv. If none of the above options can be completed, the Parent Certification of Last Day of Employment form shall be filled out by the Parent confirming the last day of work. Subsidy Administrator must attempt to contact the

employer and must sign the form to either verify contact or to confirm that the employer could not be reached. The Parent will be informed that tax information (tax return, Record of Account tax transcript, and W2 forms) shall be required at next Reauthorization to document change of employment.

- b. If a Parent is ending an education/training program, the Parent must provide one of the following:
 - i. Transcript, or other documentation (such as Certificate, etc.), showing completion of coursework;
 - ii. Transcript or other documentation showing withdrawal from coursework; or letter from education/training program, on program letterhead, documenting the date the Parent un-enrolled.
 - iii. If the Parent is not able to get the above documentation because of a hold by the education/training program, the Parent must resolve the hold and obtain documentation.
 - iv. The Subsidy Administrator must call the education/training program to confirm the accuracy of any documentation provided.
3. Impact on Authorization:
 - a. Parent(s) will be issued a Seeking Approved Activity Period to find a new service need, effective the Day after the Parent reports and provides all documentation of the change.
 - i. Subsidy Administrators must ensure that Parents are notified within 45 days of their subsidy expiration date. In these instances, Subsidy Administrators must track Families that will not be issued a Reauthorization letter from CCFA because the Seeking Approved Activity will end prior to the end of the Master Authorization. Methods that can be used include, but are not limited to:
 - Using an Excel spreadsheet;
 - Using a tracking folder;
 - Reviewing Expiring Placements (Tab is located on the CCFA Home Page); or
 - Any other way that will ensure Parents are notified timely.
 - b. The Seeking Approved Activity Period is limited to 26 weeks or the end of the Parent's 12-month Authorization, whichever is sooner.
 - c. The Parent may be allowed multiple Seeking Approved Activity Periods during a 12-month Authorization.
 - d. At the end of a Seeking Approved Activity, one of the following shall occur:
 - i. If the Parent presents Full Documentation of a service need, the 12-month Authorization will continue until the original end date at the same level of care previously authorized. This applies even if the Parent is not working the required number of hours.

- ii. If the Parent presents preliminary documentation of a service need, the Parent may receive an additional Seeking Approved Activity Period, as described above in 3.7.2(F)(3)(a-b), to provide full documentation. The end date will be either 26 weeks later *or* the end of the Parent's 12-month authorization, whichever is sooner.
- iii. If the Parent does not present Full Documentation, or preliminary documentation, of a service need at the end of the Seeking Approved Activity period, the parent may request and be granted an additional Seeking Approved Activity time due to the COVID pandemic as detailed in Policy Guide Chapter 4.3(B)(1)(b). The end date will be either 26 weeks later *or* the end of the Parent's 12-month authorization, whichever is sooner.

3.8 Voluntary Reporting of Any Changes *(Updated as of July 2020)*

Parents may report changes that benefit the household, such as an increase in the level of care or a reduction in the Parent Fee.

- A. If a Parent is authorized for Part Time Child Care, reports a change in service need that would allow Full Time Child Care, **AND** wishes to change to full time care:
 - 1. A 12-month authorization **shall not** be shortened for anything less than the issuance of a new 12-month authorization. For example, a 12-month Part Time Authorization shall not be shortened to issue a 26-week Full Time Provisional Authorization.
 - 2. The Parent must present Full Documentation showing a Full Time Service Need as well as **all** other documents required for Reauthorization as detailed in Policy Guide Chapter 5.
 - 3. Once all required Full Documentation has been received, the Subsidy Administrator will complete a full Reauthorization of the household and issue a new 12-month Authorization.
 - 4. Parent Fee is established as a part of the Reauthorization process.
- B. If Parent reports and provides documentation of a change in income that will reduce the Parent Fee, fee adjustments shall be made in accordance with Policy Guide Chapter 11.5.

CHAPTER 4

Income Eligible Program

Requirements *(Updated as of Feb. 2022)*

This chapter outlines the financial and participation requirements for Families who wish to receive subsidized child care.

4.1 Income Eligible Program Requirements

- A. **ELIGIBILITY CRITERIA** – In addition to the requirements for Child Care Subsidies detailed in Chapter 3, Parents must establish both:
 - 1. Financial eligibility; and
 - 2. Service need/approved activity requirements.
- B. **ELIGIBLE PROGRAMS.** Income Eligible Child Care Subsidies are available to eligible Parents for early education and care programs that are contracted with EEC to provide Income Eligible services or voucher agreements with CCRR agencies.

4.2 Financial Eligibility *(Updated as of February 2022)*

- A. **INCOME THRESHOLDS.** Total gross household income must not exceed the eligibility thresholds established by federal and state law. Please refer to the current income eligibility table published by EEC.
 - 1. **GENERAL RULE.** Families seeking EEC Child Care Subsidies satisfy the financial requirement by demonstrating a total gross household income at or below 50% of the SMI. Families may remain eligible for Child Care Subsidies if the total gross household income remains at or below 85% of the SMI.
 - 2. **FAMILIES WITH SPECIAL NEEDS/DISABILITIES.** Families with a Child with a documented special need satisfy the income requirement by demonstrating a total gross household income at or below 85% of the SMI. However, Families only remain eligible for care at Reauthorization if the total gross household income remains at or below 85% of the SMI.
- B. **RELEVANT INCOME.** Families need to submit documentation of income for all required individuals from all relevant sources, as detailed below.
 - 1. **ASSETS.** Families seeking child care financial assistance shall not have assets that exceed \$1 million dollars. Assets are defined as valuables including, but not limited to, all houses or other buildings, real property, vehicles, cash, bank accounts, cash value of life insurance policies, trusts, stocks, bonds, and overall business value, including equipment, jewelry, livestock, or other goods.
 - a. **Asset limit applies to all households, including those headed by guardians and Caregivers.**
 - b. **Asset limit is waived for all Families meeting the EEC definition for a Homeless Family.**
 - 2. **HOUSEHOLD MEMBERS.** The Subsidy Administrator must obtain documentation verifying the **earned and unearned** income from Parents (biological, adoptive, or

stepparent) and **unearned** of each other member of the Family, including Dependent Relatives and all Dependent Children.

- a. **NON-REQUIRED ADULT HOUSEHOLD MEMBERS.** Income from legal guardians, foster Parents, Caregivers or other household members (i.e., Relatives or unmarried partners that do not share a common child) will not be included in the total household income calculation.
Income verification will be required for households headed by guardians, foster Parents, or Caregivers in order to determine a service need of paid employment.
- b. **DEPENDENT CHILDREN.** Earned income from Dependent Children shall not be included in the total household income calculation.
3. **INCOME SOURCES.** Parents must complete and sign a Household Income Statement and submit documentation of all relevant sources of earned income, including salaries/wages, self-employment income, business income, tips and commissions, as well as any unearned income, unless income is excluded below.

C. VERIFYING INCOME

Unless excluded below, any earned and unearned income for all required household members shall be reported to the Subsidy Administrator. Verification of income sources is dependent on the nature and type of the income source, as detailed below.

1. **EARNED INCOME FROM PAID EMPLOYMENT (NOT SELF-EMPLOYED).** Parents must submit one of the following:
 - a. **EXISTING/ESTABLISHED EMPLOYMENT.**
 - i. **PAY STUBS.** Pay stubs representing 4 out of the 6 most recent weeks of employment.
PERSONAL CHECKS/MONEY ORDERS. Copies of cancelled checks or money orders reflecting payment for 4 weeks out of the 6 most recent weeks, submit the completed Employment Verification Form (EVF), as well as copies of their most recent federal tax returns (including W2 forms and Record of Account tax transcript).
 - ii. **CASH.** Applicants must submit the completed Employment Verification Form (EVF) as well as copies of their most recent federal tax returns and Record of Account tax transcript. The purpose of collecting the Record of Account tax transcript (which the Parent can obtain by submitting IRS Form 4506-T to the IRS or by creating an online account at www.IRS.gov/individuals/get-transcript to access Record of Account tax transcript immediately) is to verify that the income tax returns submitted to EEC are consistent with those submitted to the IRS. Please refer to Appendix A, *Self-Employment*, of the EEC Financial Assistance Procedures Manual for further guidance.
 - iii. **INDEPENDENT CONTRACTORS.** An individual who works exclusively for one employer as an independent contractor but has no business expenses and is treated by that employer as an employee in every respect, except for the withholding of taxes, is not required to submit the Report of Self-Employment Earnings form. These individuals shall provide EEC with copies

of pay stubs, paychecks, or other documentation of their income for one month (4 weeks within the most recent 6 week period) along with a signed copy of their most recent federal income tax return, including form 1099, and a Record of Account tax transcript for their most recent federal income tax returns. The purpose of collecting the Record of Account tax transcript (which the Parent can obtain by submitting IRS Form 4506-T to the IRS or by creating an online account at www.IRS.gov/individuals/get-transcript to access Record of Account tax transcript immediately) is to verify that the income tax returns submitted to EEC are consistent with those submitted to the IRS. Please refer to Appendix A, *Self-Employment*, of the EEC Financial Assistance Procedures Manual for further guidance.

- b. **NEWLY EMPLOYED.** Applicants who have been employed for less than 4 weeks and, as a result, cannot submit the required pay stubs must submit preliminary proof of employment, such as a completed EVF or signed hire letter on company letterhead.
 - i. Families who are new to the Income Eligible program who present preliminary proof of employment will be authorized under the 26-week Provisional Authorization to complete the eligibility documentation with actual pay stubs.

2. **EARNED INCOME FROM SELF-EMPLOYMENT.** Self-employment is the earning of income directly from one's own business, trade, or profession, minus allowable expenses as detailed in the Financial Assistance Procedures Manual, Appendix A, *Self-Employment*. A self-employed individual exercises control over how the business is conducted, (i.e., the methods and means of performing services or making/selling goods to others). An individual is self-employed if he/she:

- Earns income directly from his/her own business;
- Is responsible for obtaining or providing a service or product;
- Cannot be discharged from their employment by someone else;
- Is not required to have federal income tax, Social Security tax, and Medicare tax payments withheld from their earnings; or
- Is not required to complete an IRS W-4 form for an employer.

Please see the Financial Assistance Procedures Manual, Appendix A, *Self-Employment* for details on self-employment income and eligibility.

3. **INCOME FROM OTHER SOURCES.** In addition to income from paid employment or self-employment, applicants must report income from each of the following sources. If documentation is not readily available at the Parent's Authorization or Reauthorization, parent may self-certify amounts through the Household Income Statement. Subsidy Administrators must assist parents to understand the values that should be listed on the Household Income Statement (such as gross versus net income). Self-certification of the following income types will be considered full documentation for the purposes of Authorization or Reauthorization:

- a. **ALIMONY.** Any formal or informal spousal support received shall be included in the total household income. Applicants who pay spousal support may deduct

those payments from his/her total household income. Spousal support must be verified by one of the following:

- i. Self-Declaration, in writing and signed;
 - ii. Copy of court order; **OR**
 - iii. Copies of check from payer.
- b. **CHILD SUPPORT.** Any formal or informal child support, including in-kind support, received shall be included in the total household income. Applicants who pay child support may deduct those payments from his/her total household income. Child support must be verified by one of the following:
- i. Self-Declaration, in writing and signed;
 - ii. Copy of court order;
 - iii. Copies of check from payer; **OR**
 - iv. Documentation from the Department of Revenue's Child Support Enforcement Division.
- c. **LOTTERY EARNINGS.** Lottery earnings must be verified by a statement from the state Lottery Commission indicating the amount of awards, as well as the number and amount of installment payments.
- d. **RETIREMENT INCOME.** For Parents aged 65 and claiming retirement, any pension or other retirement related income must be verified by submitting copies of award letters or retirement pay stubs.
- e. **SOCIAL SECURITY INCOME.** Social Security Income, including, but not limited to, survivor's benefits, SSI, or SSDI, shall be verified by submitting copies of the current year's award letters.
- f. **UNEMPLOYMENT BENEFITS.** Unemployment benefits shall be verified by submitting copies of current award letters. Note: As detailed under the list of Excluded Income below, extra weekly benefits provided under the Federal Pandemic Unemployment Compensation program shall not be counted. All other unemployment income must be counted.
- g. **VETERANS DISABILITY BENEFITS.** Veterans Disability Benefits that are not listed as excluded income below shall be verified by submitting copies of the current year's award letters or a recent payment statement.
- h. **WORKER'S COMPENSATION.** Worker's compensation income must be verified by submitting copies of current award letters.
- i. **TAFDC CASH BENEFITS RECEIVED FOR A CHILD IN THE APPLICANT'S CARE.** TAFDC income must be verified by submitting copies of current award letters.
- j. **NET RENTAL INCOME.** Net rental income is determined by taking the total rental income less the cost of utilities, mortgage, and taxes paid. If a Parent has an owner-occupied rental property, their personal living expenses (portion of mortgage, utilities, etc.) cannot be deducted from the total rental income. Documentation must be submitted, including the current lease/rental agreement and any deductions claimed.
- k. **DIVIDENDS OR INCOME FROM TRUSTS/ESTATES.** Trust or estate income must be verified by submitting copies of checks or current interest statements.

4. **EXCLUDED INCOME.** Income that is excluded from income eligibility determination is listed below:
- a. Government Assistance Earnings
 - i. Payments from the Low Income Home Energy Assistance Program;
 - ii. DCF foster care support payments;
 - iii. The value of the allotment under the Supplemental Nutrition Assistance Program (SNAP);
 - iv. Subsidized adoption payments from the Commonwealth of Massachusetts;
 - v. Rental allowance made to any welfare recipients (TAFDC), Emergency Aid to the Elderly, the Disabled and to Children (EAEDC), or funds from the Refugee Resettlement Program (RRP);
 - vi. Other rental assistance or housing stabilization funds issued through federal, state, local, or private programs including, but not limited to, Section 8 Housing Choice Voucher Program, HomeBASE, Massachusetts Rental Voucher Program (MRVP), Alternative Housing Voucher Program (AHVP), Residential Assistance for Families in Transition (RAFT), or other similar programs.
 - vii. Recurring monthly payments from CambridgeRISE or any other Guaranteed Income Programs;
 - viii. Payments credited to an escrow account under the Family Self-Sufficiency Program administered by the Department of Housing and Urban Development;
 - ix. [Transitional Support Services \(TSS\) Stipends paid by DTA to former TAFDC recipients; and](#)
 - x. Extra weekly benefits provided under the Federal Pandemic Unemployment Compensation program.
 - b. Restitution Payment Earnings
 - i. Payments to eligible individuals of Japanese ancestry or their survivors under the Civil Liberties Act of 1988 and payments to eligible Aleuts (who were former residents of the Aleutian and Pribilof Islands) or their survivors under the Aleutian and Pribilof Islands Restitution Act, Public Law 100-383;
 - ii. Payments made to individuals because of their status as victims of Nazi persecution in accordance with Public Law 103-286;
 - iii. Veterans Benefits Payments to a female Vietnam veteran made on behalf of a Child with birth defects or spina bifida;
 - iv. Agent Orange Settlement Fund payments made to Vietnam veterans or their survivors in accordance with public law 101-201, January 1, 1989; and
 - v. Any payment received under the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
 - c. Earnings from Legal Actions, Contracts, or Agreements
 - i. TAFDC cash benefits resulting from a correction of an underpayment or a fair housing decision, in the month of receipt and in the following month;

- ii. Any portion of a Workers' Compensation, property damage, personal injury, Compensation to Victims of Violent Crimes Act, or death settlement or award that is spent for the purpose for which it was originally earmarked and is not compensation for lost wages;
 - iii. Per capita payments to or funds held in trust for any individual in satisfaction of a judgment of the Indian Claims Commission or the Court of Claims; and
 - iv. Money received from the sale of property, such as stocks, bonds, a house, or a car (unless the person was engaged in the business of selling such property, in which case the net proceeds would be counted as income from self-employment).
- d. Employment or Training Related Earnings
- i. Training stipends including, but not limited to, payments from the Employment and Training Administration (ETA) or the Massachusetts Rehabilitation Commission (MRC). The balance of the stipend is treated as unearned income, which is countable unless specified as non-countable under another provision of these regulations;
 - ii. YouthBuild, AmeriCorps, or CommonwealthCorps allowances, earnings, or payments to individuals participating in those programs;
 - iii. Additional income received by a member of the Armed Forces deployed to a combat or hazardous duty zone, in accordance with Public Law 108-447;
 - iv. Any grant or loan to an undergraduate student for education purposes made or insured under any program administered by the U.S. Department of Education;
 - v. Loans and grants, such as scholarships, obtained and used under conditions that preclude their use for current living costs;
 - vi. Military Housing Allowance;
 - vii. Employer's Benefit Dollars, unless the employee elects not to spend the dollars on benefits;
 - viii. Travel or Telework Expense Reimbursement; and
 - ix. COVID-19 Related Hazard Pay, Bonus, Stipends, or Incentive pay. If the payment is not clearly noted on the Parent's paystub, the Parent should provide supporting documentation from their HR department indicating the value that is a COVID related bonus/incentive pay.
- e. Exempted Personal Earnings
- i. Withdrawals from bank accounts;
 - ii. Money borrowed;
 - iii. Tax refunds and capital gains, including, but not limited to, Child Tax Credit, Federal Stimulus Payments, etc;
 - iv. Income earned by Dependent Children;
 - v. Gifts and lump sum inheritance; and
 - vi. Lump sum insurance payments.

4.3 Service Need and Approved Activities *(Updated as of September 2021)*

- A. **SERVICE NEED.** Service need is defined as the amount of time a Parent is participating in an approved activity. Each Parent residing in the household can establish a Full-Time or a Part-Time Service Need for Child Care Subsidy by demonstrating participation in one of the approved activities, as defined below.
1. **PART-TIME SERVICE NEED.** Applicants who participate in an EEC approved activity for at least 20 but less than 30 hours per week, are eligible to receive up to 30 hours of early education and care services per week.
 2. **FULL-TIME SERVICE NEED.** Applicants who participate in an EEC approved activity for at least 30 or more hours per week are eligible to receive up to 50 hours of care per week at any one placement.
- B. **APPROVED ACTIVITIES AND VERIFICATION REQUIREMENTS.** Activities acceptable for establishing a service need, including verification requirements, are outlined below.
1. **PROVISIONAL AUTHORIZATION.** Parent(s) who do not have an approved activity at time of **initial Authorization** may be granted a Provisional Authorization of 26 weeks to seek and certify an approved activity. This includes Parent(s) on maternity/paternity leave at Authorization, Parent(s) enrolled in a non-approved training program, newly employed Parent(s) unable to certify employment in full at eligibility assessment, Parent(s) unable to certify employment or participation in education/training program in full at eligibility assessment, or Parent(s) seeking to qualify with a service need of Incapacity of Parent.
 - a. **DOCUMENTATION REQUIRED.**
 - i. Parent(s) Who Do Not Have an Approved Activity: Parent(s) who are seeking an approved activity do not need to submit evidence of search activity.
 - ii. Parent(s) on Maternity/Paternity Leave from Employment: Parent(s) who are on maternity/paternity leave from employment at time of initial Authorization must present documentation from the employer of maternity/paternity leave.
 - iii. Parent(s) on Maternity/Paternity Leave from Other Service Need: Parent(s) who are on maternity/paternity leave at time of initial Authorization from a service need that does not provide maternity/paternity leave documentation (i.e. education, temp agency) must provide a signed self-declaration of maternity/paternity leave.
 - iv. Parent(s) Enrolled in a Non-Approved Training Program: Parent(s) must present enrollment information for the non-approved training program.
 - v. Newly Employed Parent(s): Newly employed Parent(s) who are unable to certify employment in full must submit completed Employment Verification Form (EVF) or signed hire letter on company letterhead.
 - vi. Parent(s) unable to certify employment or participation in education/training program in full: Parents who are employed or enrolled in an education/training program but cannot provide full proof for Authorization should present as much documentation as is available. If the Parent has submitted incomplete income documentation, income must be

based on a combination of submitted documentation and a Parent's self-declaration on a Household Income Statement.

- vii. Parent Seeking to Qualify with a Service Need of Incapacity of Parent: To initiate the seeking approved activity period, Parent seeking to qualify with a service need of Incapacity of Parent does not need to present documentation. However, Parent must provide all required Incapacity of Parent documentation detailed below to EEC for approval within 4 weeks of the start date of the Provisional Authorization.

b. **END OF SEEKING APPROVED ACTIVITY PERIOD:**

- i. Parent(s) who present Full Documentation of an approved activity by the end of the 26-week Provisional Authorization period may be granted a 12-month Authorization.
- ii. Parent(s) who cannot provide Full Documentation but who request additional Seeking Approved Activity time due to the COVID pandemic may be granted another 26-week Provisional Authorization. Parents do not need to submit documentation showing that their request is due to the COVID pandemic.
- iii. If the Parent(s) provides full documentation within 60 Days of the last Day of care, a 12-month Authorization may be granted, and the subsidy may resume.
- iv. If the Parent(s) failed to reauthorize but requests additional time within 60 Days of the end of the original 26-week Provisional, the Parent may be granted another 26-week Provisional Authorization.

2. **PAID EMPLOYMENT.** The following activities meet the service need requirement of paid employment:

- a. **EXISTING EMPLOYMENT.** Employment is defined as a work activity in which Parent earns at least minimum wage in the state wherein the employment takes place.

DOCUMENTATION REQUIRED. Parents must submit copies of pay stubs for at least 4 weeks within the most recent 6-week period. If employed for less than 4 weeks, the Parent should be treated as newly employed as detailed in Seeking Approved Activity above.

- b. **SELF-EMPLOYMENT.** All self-employed Parents must work no less than an average of 20 hours per week for Part Time Child Care and no less than an average of 30 hours per week for Full Time Child Care and show income equivalent to minimum wage in the state wherein the employment takes place. Service need hours will be verified by dividing the gross income reported, minus allowable deductions, by the minimum wage to determine the number of hours for which the Parent is eligible to use towards establishing a service need for Child Care Subsidy.

LIMITATIONS ON SELF EMPLOYMENT. For Parents engaged in home-based self-employment activities, the self-employment activity shall not qualify as an approved activity, unless:

- The type of work performed entails a clear and present danger to Children; or

- The primary work performed consists of face-to-face or virtual meetings/appointments with clients, or other work such as recording video presentations, preventing direct supervision of Children.
- The primary work is not allowed in public spaces due to a pandemic, a company's in-person work limitations, and/or a stay-at-home order determined by the Governor.

DOCUMENTATION REQUIRED. Parents must complete EEC's Report of Self-Employment Earnings Form, copies of most recent federal tax returns, including all applicable schedules, and the federal Record of Account tax transcript. A Family new to the Income Eligible program whose most recent federal tax returns do not show sufficient income to meet minimum service need requirements may be treated as newly self-employed (more than 3 months). Please see the Financial Assistance Procedures Manual, Appendix A, *Self-Employment* for additional details.

- c. **ACTIVE MILITARY DEPLOYMENT:** Parents serving in the U.S. military, including the National Guard, deployed or activated to a combat zone, hazardous duty zone, or venue for preparation for deployment to a combat or hazardous duty zone.
- TWO PARENT FAMILIES WHERE ONE PARENT IS DEPLOYED.** In a two Parent Family where one of the Parents is in the military and is deployed or activated, the second Parent must be participating in at least one EEC approved activity for at least 20 hours per week to be eligible for Part Time Child Care, and at least 30 hours per week to be eligible for Full Time Child Care.
 - ALL PARENTS DEPLOYED.** In a single Parent Family where the Parent is a member of the military and is deployed or activated; or in a two Parent Family where both Parents are members of the military and are deployed or activated, the person responsible for the care of the Child(ren) in the absence of the Parent(s) must be participating in at least one EEC approved activity for at least 20 hours per week to be eligible for Part Time Child Care, and at least 30 hours per week to be eligible for Full Time Child Care.

DOCUMENTATION REQUIRED. A copy of military orders.

- d. **RETIREMENT.** Parent(s) aged 65 or older may consider retirement as a valid service need.

DOCUMENTATION REQUIRED. Verification of age and, if applicable, documentation of retirement income.

3. **EDUCATION/TRAINING.** Parents will qualify for a service need of education or training if they are enrolled in and attending any of the following:
- Full-time high school program;
 - An accredited college or university, leading to an Associate's or a Bachelor's degree. **Be advised that graduate, medical, or law school activities are not approved activities.**

- A high school equivalency program (e.g., GED or HlSet), vocational training program, or an ESOL program, provided that the program meets one of the following criteria:
 - Is on the Executive Office of Labor and Workforce Development’s (EOLWD) MassHire Eligible Training Provider List (ETPL) (currently found at <https://jobquest.dcs.eol.mass.gov/jobquest/Training.aspx> or subsequent EOLWD website).
 - Is in the Department of Elementary and Secondary Education’s (DESE) Adult Education Program Directory (directory may be found at www.doe.mass.edu/acls/directory.html);
 - Is offered by an accredited college or university;
 - Is offered through the Department of Transitional Assistance’s (DTA) Employment Services Program. The status as a DTA Employment Services Program must be confirmed through a letter from the education/training program or from DTA;
 - Is offered through the Learn to Earn Program, administered by the Executive Office of Labor and Workforce Development through the Commonwealth Corporation. The status as a Learn to Earn Program must be confirmed through a letter from the education/training program.
 - Is a Nurse Aide Registry Program approved by the Division of Health Care Facility Licensure and Certification (list of programs may be found at www.mass.gov/info-details/learn-how-to-become-a-certified-nurse-aide-in-massachusetts#training-)
 - Is an EMT training institution accredited by the Department of Public Health’s Office of Emergency Medical Services (list of programs may be found at www.mass.gov/service-details/find-an-accredited-emt-training-institution);
 - Is a vocational training program approved by the Division of Professional Licensure (www.mass.gov/orgs/division-of-professional-licensure); **OR**
 - Is an apprenticeship program monitored by the Division of Apprentice Standards (www.mass.gov/how-to/apply-to-become-an-apprentice).
- a. **HIGH SCHOOL.** The service need for Parents participating in high school programs will be considered full time, regardless of the program schedule.
DOCUMENTATION REQUIRED. Written statement from the school verifying enrollment.
- b. **COLLEGE COURSEWORK.** The service need for Parents participating in college coursework with 12 credit hours or more will be considered full time. For Parents participating in college coursework with less than 12 credit hours, the actual credit hours shall be multiplied by 2.5 to establish service need.
 - i. **Accelerated Semester Coursework.** Accelerated Semester Coursework is coursework at an accredited college or university that will lead to an Associate's or a Bachelor's degree that requires longer classroom hours but for a shorter length of time (i.e., class schedule reflects eight hours per week or more for 5 weeks).

- a. Parents who present with an accelerated semester classroom schedule reflecting twelve hours or more per week of classroom time will be determined to have a Full Time Service Need.
 - b. Parents with an accelerated semester class schedule of at least eight hours, but less than twelve hours per week of classroom time will be determined to have a Part Time Service Need.
 - c. For Parents enrolled in online courses, the Parent’s coursework may be eligible to be calculated based on the accelerated semester coursework. To qualify, the Parent’s schedule must reflect the number of hours a Parent is required to actively participate in the class to count as accelerated semester coursework. If the number of hours is not clear on the class schedule, the Parent must present documentation from the school detailing the number of hours the Parent is required to actively participate in the class. If the Parent is not able to document the number of class participation hours, the online course must be calculated using the normal college coursework credit hour standard to calculate service need hours.
- ii. **WORK STUDY, INTERNSHIPS AND CLINICAL PROGRAMS.** Work study hours, required practical internships, and clinical experiences (including student teaching) will be calculated as hours of employment to determine service need. For example, if a Parent is engaged in a 2-credit course, which requires 10 hours of practical experience, this “course” alone would qualify for 15 hours of service need per week. This activity may only be included for those Parents seeking an undergraduate degree.
- a. YouthBuild, AmeriCorps, and CommonwealthCorps may be used for a service need in the same way as an internship program.

DOCUMENTATION REQUIRED. Written statement from the administration of the college/university program, specifically noting the number of credits for which the student is enrolled.

- c. **QUALIFIED HIGH SCHOOL EQUIVALENCY PROGRAM (E.G., GED OR HISET), VOCATIONAL TRAINING PROGRAM, OR AN ESOL PROGRAM – SERVICE NEED CALCULATION.** The service need for Parents participating in a qualified GED, vocational, or ESOL is 2.5 hours of service need for each hour spent in the education or training program per week.

DOCUMENTATION REQUIRED. A written statement from the school or training program verifying enrollment and the number of hours per week is required for using one of these programs as a service need. If the Parent does not provide confirmation that the program falls into one of the approved categories above, the Subsidy Administrator must confirm the program is in one of the approved categories before completing the authorization. Documentation that the program is in one of the approved categories must be kept in the Parent’s file by the Subsidy Administrator.

4. **INCAPACITY OF PARENT.** A Parent with a documented physical or mental disability may be eligible for either Part Time or Full Time Child Care as allowed under EEC’s definition of Protective Services.
 - a. **All approvals for the use of Incapacity of Parent must be approved in writing by EEC prior to the issuance of a subsidy.**
 - b. Service need based on the physical or mental disability of a Parent may not be authorized for more than 2 years, unless the Parent(s) present acceptable justification for why the condition persists and why it requires a waiver of the two-year limit, as approved by EEC on a case-by-case basis.
 - c. **The denial of Incapacity of Parent requests are not subject to EEC’s appeals process under Policy Guide Chapter 14.**
 - d. **DOCUMENTATION REQUIRED.**
 - i. During Initial Two Years: Parents must complete the Verification of Disability/Special Need of Parent form. At Initial Authorization or Reauthorization, this form must be submitted to EEC within 4 weeks of the start date of the Parent(s)' Provisional Authorization.
 - ii. For Extension Beyond Two Years: Parents must complete the Special Need of Parent Extension form, as well as the Verification of Disability/Special Need of Parent form. Parents must submit the forms within 4 weeks of the start date of Parent(s)' Provisional Authorization.
5. **HOMELESS FAMILIES.** Refer to Chapter 9.2 for guidance on Homelessness as a service need.

DOCUMENTATION REQUIRED. Documentation as required under Chapter 9.2.

C. SERVICE NEED DETERMINATIONS

1. **SPECIAL NEEDS/DISABLED – CHILDREN.** A Parent seeking a Child Care Subsidy on behalf of his/her Child must establish at least a Part Time Service Need. Even if the Parent does not establish an independent Full Time Service Need, these Children may be eligible for Full Time Child Care, if the supporting documentation recommends it.

DOCUMENTATION REQUIRED: Parents must complete a Verification of Disability/Special Need of Child form.

- D. **COMBINING SERVICE NEED ACTIVITIES.** Parents receiving a Child Care Subsidy may claim one or more approved activities, to demonstrate a Full Time or Part Time Service Need, provided that the combination of activities is not contradictory.

1. **SERVICE NEED COMBINATIONS – ALLOWED.** Work and approved education or training may be combined to meet service need requirements.
2. **SERVICE NEED COMBINATIONS – NOT ALLOWED.**
 - a. Incapacity of Parent may not be combined with any other approved activity to establish a service need.
 - b. A Parent may not claim seeking approved activity, if he/she has established a Part Time Service Need of employment, education, or training. The Parent must be authorized for Part Time Child Care.
 - i. **At Initial Authorization Only,** if a Parent has documented proof of a Part Time Service Need but plans to seek a Full Time Service Need, the Parent(s)

may be granted a 26-week Provisional Authorization to certify a Full Time Service Need.

1. If the Parent(s) can provide Full Documentation of a Full Time Service Need at the end of the 26-week Provisional Authorization, a 12-month Authorization of Full Time Child Care will be granted.
 2. If the Parent(s) can only provide Full Documentation of a Part Time Service Need at the end of the 26-week Provisional Authorization, a 12-month Authorization for Part Time Child Care will be granted.
- ii. At **Reauthorization Only**, if a Parent was previously approved for Full Time care, but only has documented proof of a Part Time Service Need at Reauthorization, the Parent(s) may be granted a 26-week Provisional Authorization to certify a Full Time Service Need.
1. If the Parent(s) can provide Full Documentation of a Full Time Service Need at the end of the 26-week Provisional Authorization, a 12-month Authorization of Full Time Child Care will be granted.
 2. If the Parent(s) can only provide Full Documentation of a Part Time Service Need at the end of the 26-week Provisional Authorization, a 12-month Authorization for Part Time Child Care will be granted unless the Parent is eligible for an additional Provisional Authorization as detailed in Policy Guide Chapter 4.2.
- c. If a Parent has **not** established a valid service need of at least 20 hours, a Seeking Approved Activity may be combined with another approved activity to establish a service need. Subsidy Administrator shall enter the service need hours and income and enter remaining hours as Seeking Approved Activity (i.e. Parent is working 10 hours; CCFA entry is 10 hours of employment and 20 hours of Seeking Approved Activity).
- E. **USE OF TRAVEL TIME TO INCREASE SERVICE NEED.** Before travel time may be added to a Parent's service need, the Parent must establish a minimum of at least 20 hours in an EEC approved activity.
1. **TRAVEL TIME.** If eligible, up to 5 hours of travel time per week may be added to a Parent's service need provided that the travel is related to the necessary time to/from the child care program and the Parent's service need activity.
 2. **RESTRICTIONS ON THE USE OF TRAVEL TIME.** If Children are transported to/from the early education and care program by someone other than the Parent, including the program, travel time is not allowed.
 3. **DOCUMENTATION REQUIRED.** At Authorization or Reauthorization, Subsidy Administrator must use Google Maps to confirm the time required for the Parent(s) to travel from the child care program to the Parent(s) service need activity location and back to the child care program, based on the Parent(s) mode of transportation. The amount of travel time added to the Authorization cannot be greater than the documented amount of time it takes to complete the roundtrip travel (i.e. if round trip travel totals 2 hours a week, only 2 hours of travel time shall be added to the

Authorization). Printout from Google Maps showing required travel time must be kept on file.

- a. In a two Parent household, travel time must be calculated based on which Parent is transporting the Child(ren). If the Parents alternate Days, or alternate drop-off and pick-up, the travel time calculation must take that into account.

F. **ENROLLMENT OF CHILDREN PRIOR TO THE START OF A SERVICE NEED.** To optimize transitions for Children and Families, Families may enroll their Child(ren) in care up to 2 weeks prior to beginning a new job, school, or training program or between activities (e.g., going from school to employment). However, Parents who choose to start their Child(ren) in care prior to beginning a new service need and who have not provided Full Documentation of service need and are granted a Provisional Authorization will not have additional time to provide Full Documentation.

Example: If a Parent is granted a 26-week seeking approved activity period to provide Full Documentation of new employment (i.e. pay stubs) and chooses to start child care 2 weeks prior to the start of employment, Parent will only have 24 weeks after the start of employment to provide Full Documentation.

4.4 Requesting Policy Variances

EEC Financial Assistance policies govern eligibility and administration of early education and care subsidy funds distributed by the department. These policies address the majority of circumstances that occur in the routine implementation of the program. From time to time, however, unusual circumstances require individual resolution.

Requests for variances are limited to extenuating circumstances where lack of access to or loss of EEC financial assistance would result in extreme hardship for the Family or would place an already at-risk Child in greater harm. EEC will weigh the circumstances, and in its sole discretion, may allow a variance to policy.

Variances from financial assistance policy are not intended to address circumstances that present as a result of the routine application of policy, such as the presentation of alternative documentation, or the inability to secure employment within EEC's mandated time frame.

Types of Variances

- Extraordinary circumstances include but are not limited to: Death, severe illness of an immediate Family member, or other Family crisis that impacts the Family's ability to comply with EEC standard financial assistance policy;
- Extenuating circumstances where loss of EEC financial assistance would jeopardize a Child's kinship care arrangement who otherwise would be in the care and custody of the Department of Children and Families; or
- An unforeseen catastrophic event or natural disaster, such as flood or fire, that results in a Family's immediate need for temporary financial assistance to assist in stabilizing the Family; or comply with EEC financial assistance policy.

Variance Process

General requests for variances shall be submitted, in writing, to EEC. The final decision to grant a general variance will be made by the EEC General Counsel, or his/her designee, within 14 calendar Days of receiving the completed request. **The denial of variance requests are not subject to EEC's appeals process under Policy Guide Chapter 14.**

CHAPTER 5

Reauthorization *(Updated as of Jan. 2022)*

This chapter explains what a Family can expect when their eligibility for an Income Eligible Child Care Subsidy status is reauthorized.

5.1 Eligibility Reauthorization *(Updated as of January 2022)*

Parent will be required to present the following documentation at Reauthorization:

- A. Family's income as detailed in Policy Guide Chapter 4.2;
- B. Service need as detailed in Policy Guide Chapter 4.3;
- C. Family composition as detailed in Policy Guide Chapter 3.3. This will be documented through a Household Composition Form and documentation submitted previously. New documentation will be required to add or remove a household member.
- D. Residence as detailed in Policy Guide Chapter 3.5. A Parent may also complete the Residency Confirmation Form if the Parent is unable to provide one of the documents listed in Policy Guide Chapter 3.5; and
- E. If applicable, any documentation required under Policy Guide Chapter 3.7 that a change in service need was less than 12 weeks.

For each Reauthorization, Families must demonstrate that their income does not exceed 85% SMI and that they continue to meet all other requirements detailed in Chapter 4.

Reauthorization may occur in person or may occur virtually at the discretion of the Parent. In addition to completing the Reauthorization, Subsidy Administrators shall educate and counsel Parents regarding program requirements.

- Subsidy Administrators must create a process to exchange documents in a way that can be flexible for different Parents' needs and may include, but not be limited to, email, fax, and no-touch drop off. Subsidy Administrators must create a process to track documentation to ensure that items are not missed or lost.
- For virtual Reauthorizations, documentation may be exchanged in advance, but EEC expects Subsidy Administrators to make every effort to meet with Parents by video or phone appointment to counsel Parents and answer any questions. Subsidy Administrators must be sensitive to the different technology capabilities of Parents and make accommodations as needed.

Parents may request an [Approved Break in Care at Reauthorization](#) as detailed in Policy Guide Chapter 10.5.

5.2 Reauthorization Period *(Updated as of January 2022)*

If a Parent provides all documentation required in Section 5.1, the Parent shall be issued a 12-month Reauthorization, except in the following situations where a Provisional Authorization may be granted. For all circumstances where a Provisional Authorization is

granted, all restrictions, extensions, and requirements detailed in Policy Guide Chapter 4.3 apply.

- Parent(s) who lost their service need or had their hours reduced before Reauthorization may be granted a 26-week Provisional Authorization.
- Parent(s) who changed service need before Reauthorization and cannot provide Full Documentation of the new service need may be granted a 26-week Provisional Authorization.
- Parent(s) who cannot provide Full Documentation of a service need or income before Reauthorization may be granted a 26-week Provisional Authorization to provide Full Documentation. If the Parent has submitted incomplete income documentation, income must be based on a combination of submitted documentation and self-declaration on a Household Income Statement.
- Parent(s) who are on medical leave, including maternity/paternity leave, at the time of Reauthorization may be granted a 26-week Provisional Authorization. If the medical condition will last beyond the 26 weeks, the Parent should submit Incapacity of Parent paperwork to EEC within four weeks of the start of the Provisional Authorization as detailed in Policy Guide Chapter 4.3.

If Parent(s) cannot document attempted outreach to the Subsidy Administrator to complete Reauthorization prior to the last date of subsidy, then care will end, and the Authorization will expire. No extensions will be granted. If the Parent(s) provides documentation required for Reauthorization within 60 Days of the last Day of care, Parent may be Reauthorized, and the subsidy may resume.

- Parents who do not Reauthorize prior to the last Day of care but who request an Approved Break in Care within 60 days of the last Day of care may be granted an Approved Break in Care. The start date of the Approved Break in Care would be backdated to the last day of the prior placement and the total length of the Approved Break in Care may not exceed 90 days.

5.3 Notification of Reauthorization

Parents must be notified in writing 45 Days before the end date of the current Authorization to inform them that Reauthorization is required to verify continued eligibility for EEC financial assistance, and that failure to submit documentation required to determine their continued eligibility will result in the expiration of the subsidy.

5.4 Continuity of Care *(Updated as of July 2020)*

Continuity of Care refers to the continuation of EEC financial assistance services for a Child already receiving EEC financial assistance in the form of an EEC contracted slot or voucher if the household remains eligible.

Parent(s) who have a change in activity, income, or Family size or composition (including DTA authorized Families who lose their Authorization or Children who experience a

change in Child custody) upon Reauthorization will continue to be eligible for financial assistance, as long as they continue to meet EEC income and activity requirements.

Parent(s) who are receiving subsidized child care for one Child may be eligible for sibling access for any other Child(ren) in the household. Sibling access does not apply to foster Children or other Children temporarily placed in the household, unless approved by EEC. If the Parent is seeking sibling access for a new Child, the Parent must provide any additional documentation required under Policy Guide Chapter 3.3(E) prior to the issuance of subsidized child care for the new Child.

5.4.1 **Continuity of Care for Older School Age Children** *(Updated as of July 2020)*

Children enrolled in a Child Care Educator/Provider or Informal Child Care Provider through EEC financial assistance will have continuity of care after they turn 13, or after they turn 16 if they have a documented special need, under the following circumstances:

When a Child who is enrolled in a Child Care Educator/Provider or Informal Child Care Provider turns 13 years old (or 16 years old with a documented special need) during the current Authorization, that Child may remain in care until the end of the household's Authorization, including any automatic extensions processed by EEC.

CHAPTER 6 Department of Transitional Assistance (DTA) Related Child Care Program Requirements *(Updated as of Sept. 2021)*

This chapter explains how a Family can seek a DTA-Related Child Care Subsidy if a Parent is participating in DTA's Employment Services Program.

6.1 Priority Access for Transitional Aid for Dependent Children (TAFDC) Families *(Updated as of September 2021)*

DTA may issue a Referral to an active TAFDC Parent seeking Child Care Subsidy to support his/her participation in DTA's Employment Services Program, in accordance with the General Provisions for subsidized child care described in Policy Guide Chapter 3, unless otherwise noted.

- A. **REFERRAL REQUIRED.** Referrals from DTA are required for Parents to obtain prioritized access to child care. There are three types of child care Referrals based on the Family's TAFDC status:
1. **TAFDC FAMILIES.** Parents who currently receive TAFDC cash assistance, participate in the employment services program, and receive a Referral from DTA.
 - a. Referrals issued by DTA will be valid for 90 Days from the date of issue. Parents must complete the process with the CCRR to issue a voucher prior to the end of the 90 Day period. Prior to denying a Parent who has an expired Referral, the CCRR shall make every effort to contact the DTA Office to get written confirmation that the Parent remains eligible for the Referral.
 2. **TRANSITIONAL FAMILIES.** Parents who received TAFDC benefits within the 12 months prior to their application for a Child Care Subsidy and who obtain a written or electronic child care Referral from DTA will have priority access to a Child Care Subsidy, provided they meet EEC eligibility guidelines detailed in Policy Guide Chapters 3 and 4.
 - a. Referrals issued by DTA will be valid for 90 Days from the date of issue.
 - b. Parents who left the subsidized child care program owing a Parent Fee balance incurred between March 2019 and February 2021⁵ **shall be allowed** to access a DTA Transitional Child Care Subsidy no matter the status of the outstanding balance. Parents with a Parent Fee balance incurred at any other time may re-access the waitlist and be eligible for subsidized care if the Parent is current with the terms of an active Repayment Agreement under Policy Guide Chapter 11.6.4.
 3. **POST-TRANSITIONAL FAMILIES.** Parents who seek eligibility following the Parent's DTA Transitional Child Care Authorization may receive priority access to a Child Care

⁵ Please note that EEC [waived](#) collection of Parent Fees [from](#) March 23, 2020 [through](#) [January 31, 2022](#) and that no parent fee balances should have been incurred between [March 23, 2020](#) and February 2021.

Subsidy for one additional 12-month period, provided they meet EEC eligibility guidelines detailed in Policy Guide Chapters 3 and 4.

- a. Parents who left the subsidized child care program owing a Parent Fee balance incurred between March 2019 and February 2021⁶ **shall be allowed** to access a DTA Post-Transitional Child Care Subsidy no matter the status of the outstanding balance. Parents with a Parent Fee balance incurred at any other time may re-access the waitlist and be eligible for subsidized care if the Parent is current with the terms of an active Repayment Agreement under Policy Guide Chapter 11.6.4.
- B. **INFORMATION AND REFERRAL.** If a Family is eligible for either type of Referral, DTA will provide Parents with the name and contact information of the appropriate CCRR to identify and finalize the Child's enrollment.
- C. **PARENTAL RESPONSIBILITY.** After receiving the Referral from DTA, Parents shall contact the CCRR to obtain a voucher.
- D. **SUBSIDY ADMINISTRATOR RESPONSIBILITY.** The CCRR will help the Parents identify a Child Care Educator/Provider.

6.2 Eligibility Criteria and Duration of Eligibility *(Updated as of June 2021)*

- A. **ELIGIBILITY CRITERIA.** CCRRs will conduct an eligibility Authorization of Families with DTA Referrals, as described below:
 1. **TAFDC FAMILIES.** CCRRs will review the DTA Referral and verify the identity of the Parent(s). The written or electronic child care Referral is sufficient documentation for the Parents to be eligible for a subsidy for each Child included on the Referral.
FEE ASSESSMENT. TAFDC Families with written or electronic child care Referrals from DTA shall not be charged a Parent Fee. This fee exemption shall continue until the end of the DTA-Related Child Care Authorization.
 2. **TRANSITIONAL FAMILIES AND POST-TRANSITIONAL FAMILIES.** The child care Referral is evidence of Family relationship for all Children included on the Referral. CCRRs will verify the identity of the Parent(s) listed on the child care Referral issued by DTA, in accordance with 606 CMR 10.03(b). Parents must submit evidence of their income, service need, residence, and relationship to Children or Dependent Relatives not included on the Referral in accordance with Policy Guide Chapters 3 and 4.
FEE ASSESSMENT. Parent(s) authorized for DTA Transitional and Post-Transitional Child Care shall be charged a Parent Fee in accordance with Policy Guide Chapter 11.
- B. **ELIGIBILITY PERIOD.** CCRRs will approve the length of time for subsidized child care based on the Parent's TAFDC status, as described below. The CCRR will notify Families, in writing, no less than 45 Days before the period is due to end.
 1. **TAFDC FAMILIES.** CCRR will approve the subsidized child care based on the DTA Referral as detailed below, provided that the Family continues to receive TAFDC cash assistance.

⁶ Please note that EEC **waived** collection of Parent Fees **from** March 23, 2020 **through** January 31, 2022 and that no parent fee balances should have been incurred between **March 23, 2020** and February 2021.

- a. For TAFDC Families determined by DTA to be seeking an approved activity or otherwise ineligible for full child care, DTA may refer a Parent for up to one initial 26-week Provisional Authorization.
- b. For TAFDC Families determined by DTA to be participating in an approved activity, DTA may refer Parents for a 12-month Authorization.
- 2. **TRANSITIONAL FAMILIES.** CCRRs shall approve the subsidized child care in accordance with Policy Guide Chapters 4 and 5, not to exceed 12 months from the date the Family's TAFDC case closed. Further clarification on dates for DTA Transitional Child Care may be found in Procedures Manual Chapter 6.
- 3. **POST-TRANSITIONAL FAMILIES.** Following the Family's Transitional Child Care Authorization, CCRRs shall approve the subsidized child care, in accordance with Policy Guide Chapters 4 and 5, not to exceed 24 months from the date the Family's TAFDC case closed. Further clarification on dates for DTA Post-Transitional Child Care may be found in Procedures Manual Chapter 6.
- 4. **REPORTING OF TEMPORARY AND NON-TEMPORARY CHANGES.** DTA or the Parent shall notify the Subsidy Administrator of applicable Temporary and Non-Temporary Changes detailed in Policy Guide Chapter 3.7, particularly changes in Child custody arrangements and changes in Parent contact information.
 - a. Changes being reported by DTA to the Subsidy Administrator may be reported by email. A new DTA-Related Child Care Referral is only needed for changes in Child custody arrangements.
 - b. Changes being reported by the Parent shall follow all requirements of Policy Guide Chapter 3.7 and Procedures Manual Chapter 3.
 - c. Parents who are authorized under DTA Transitional or DTA Post-Transitional Child Care are required to report all changes. DTA will not be responsible for reporting changes after the closure of a Parent's TAFDC case.
 - d. The Subsidy Administrator shall follow the guidelines detailed in Policy Guide Chapter 3.7 and Procedures Manual Chapter 3 to process the Temporary or Non-Temporary Change.

6.3 Reauthorization *(Updated as of July 2020)*

A. TAFDC Families.

- 1. To Reauthorize DTA-Related Child Care, DTA shall issue a new Referral to the Parent(s). After receiving the Referral from DTA, Parent(s) shall contact the CCRR to Reauthorize the voucher.
- 2. Reauthorization of the DTA-Related Child Care, including meeting with the CCRR, must be completed prior to the end date of the current Authorization. If Reauthorization is not completed prior to the last Day of the current Authorization, care will end. No extensions will be granted.

B. Transitional Families.

- 1. DTA Transitional Referral:
 - a. For Families who have been receiving DTA-Related Child Care, DTA will send notice of TAFDC case closure and the DTA Transitional Referral to the CCRR at the

time of case closure. CCRRs will keep this notice and Referral in the Parent(s) file for the Parent's next Reauthorization.

- b. For Families who have not been receiving DTA-Related Child Care, DTA will issue a DTA Transitional Referral that the Parent(s) will be required to bring to the CCRR, along with additional documentation, for the Authorization of DTA Transitional Child Care. The Referral issued by DTA is valid for 90 Days. Prior to denying a Parent who has an expired Referral, the CCRR shall make every effort to contact the DTA Office to confirm if the Parent's Referral remains valid. The Authorization process with the CCRR must be completed in full, and the DTA Transitional voucher utilized, prior to the end date of the Referral.
2. In addition to the Referral, Parent(s) must submit documentation and meet the requirements detailed in Policy Guide Chapters 6.1 and 6.2.
3. Reauthorization of the DTA Transitional Child Care, including meeting with the CCRR, must be completed prior to the end date of the current Authorization. If a Parent cannot document attempted outreach to the Subsidy Administrator to complete Reauthorization prior to the last Day of the current Authorization, care will end. No extensions will be granted. If the Parent(s) provides Full Documentation within 60 Days of the last Day of care, Parent(s) may be Reauthorized, and the subsidy may resume.
 - a. A Parent who meets one of the requirements for Provisional Authorizations at Reauthorization detailed in Chapter 5.2 may also be granted a Provisional Authorization.

C. Post-Transitional Families.

1. After the completion of a Parent(s) DTA Transitional Child Care, Parent(s) must submit documentation and meet the requirements detailed in Policy Guide Chapters 6.1 and 6.2 for Reauthorization under DTA Post-Transitional Child Care.
2. Reauthorization of the DTA Post-Transitional Child Care, including meeting with the CCRR, must be completed prior to the end date of the current Authorization. If a Parent cannot document attempted outreach to the Subsidy Administrator to complete Reauthorization prior to the last Day of the current Authorization, care will end. No extensions will be granted. If the Parent(s) provides Full Documentation within 60 Days of the last Day of care, the Parent may be Reauthorized, and the subsidy may resume.
 - a. A Parent who meets one of the requirements for Provisional Authorizations at Reauthorization detailed in Chapter 5.2 may also be granted a Provisional Authorization.

6.4 Continuity of Care – Post TAFDC Closure

Parents seeking to continue eligibility at the end of the Family's DTA-Related Child Care Referral period or termination of TAFDC benefits may continue to receive child care financial assistance through the Income Eligible Child Care program if the Family meets the requirements described in Policy Guide Chapters 3, 4, and 5.

6.5 Appeal Rights – DTA Fair Hearing Process

Parents whose child care Referral has been denied or terminated by DTA may appeal through the DTA Fair Hearing Process.

CHAPTER 7 Department of Children and Families (DCF) Related Child Care Program Requirements *(Updated as of Sept. 2021)*

This chapter outlines how Families that are referred by the Department of Children and Families (DCF) for a Child Care Subsidy can access the care they need. Please refer to Policy Guide Chapter 9 for child care for Children in DCF funded shelters.

7.1 Access for DCF Referred Families *(Updated as of Sept. 2021)*

DCF may issue Referrals for Children with active cases at DCF or during a transitional period following their case closure through the DCF-Related Child Care Program, in accordance with the General Provisions for subsidized child care described in Policy Guide Chapter 3, unless otherwise exempted below.

- A. **REFERRAL REQUIRED.** Parent(s) must obtain a Referral from DCF to access DCF-Related Child Care.
 - 1. **REFERRAL ESTABLISHES RELATIONSHIP.** The written child care Referral is sufficient documentation for the Child(ren) listed on the Referral to be eligible for DCF-Related Child Care.
 - 2. **IDENTIFICATION OF APPLICANT REQUIRED.** Subsidy Administrators will verify the identity of the Parent(s) listed on the child care Referral issued by DCF, in accordance with Policy Guide Chapter 3.4 of this guide.
 - 3. **REFERRAL EXPIRATION:** Referrals issued by DCF will be valid for 90 Days from the date of issue. Parents must complete the process with the Subsidy Administrator to issue a DCF-Related Child Care Authorization prior to the end of the 90 Day period. Prior to denying a Parent who has an expired Referral, the Subsidy Administrator shall make every effort to contact the DCF Office to confirm if the Parent's Referral remains valid.
 - 4. No other documentation detailed in Policy Guide Chapters 3 or 4 is required from Parents to access DCF-Related Child Care.
- B. **SUBSIDY ADMINISTRATOR RESPONSIBILITY.** When a Family is declared eligible for a Referral, DCF must provide the Subsidy Administrator with a complete Referral form, including the Parent(s)'s name and contact information. If the Referral form is not complete, the Subsidy Administrator shall follow-up with DCF to request a complete form. The Subsidy Administrator must make initial outreach to the Parent to provide assistance identifying a Child Care Educator/Provider and to complete the child care Authorization process.
- C. **PARENT RESPONSIBILITY.** After outreach by the Subsidy Administrator, Parents are required to respond to the Subsidy Administrator and complete the enrollment process. Children should not be enrolled before the DCF-Related Child Care Authorization is issued.

7.2 Eligibility Criteria and Duration of Eligibility *(Updated as of July 2020)*

- A. **ELIGIBILITY CRITERIA.** DCF or its designee shall determine eligibility of its clients for DCF-Related Child Care, in accordance with DCF regulations and policy. The written or electronic child care Referral is sufficient documentation that the Child listed on the Referral is eligible for DCF-Related Child Care. Subsidy Administrators shall verify the identity of the Parents listed on the child care Referral issued by DCF, in accordance with Policy Guide Chapter 3.4

FEE ASSESSMENT. DCF Families with a written child care Referral who currently receive DCF-Related Child Care shall not be charged any Parent Fees.

B. **ELIGIBILITY PERIOD.**

1. **DCF-RELATED CHILD CARE.** Upon receipt of the Referral and completion of the Referral process, the DCF-Related Child Care Subsidy shall be Authorized by the Subsidy Administrator for 12 months from the first Day of care.
2. **DCF-RELATED TRANSITIONAL CHILD CARE (TCC).** Subject to appropriation, DCF may refer Children for DCF-Related Transitional Child Care to continue beyond the closure of the DCF case for no less than 12 months. A Child is eligible to receive TCC even if the Child has not previously received DCF-Related Child Care.
 - a. If a DCF case closes during a Child's 12-month Authorization and DCF has decided to *not* Authorize TCC, child care will continue until the original Authorization end date. No change shall be made to the Authorization in CCFA. Parent may be assessed for Continuity of Care as detailed in Policy Guide Chapter 7.4.
 - b. If DCF case closes during a Child's 12-month Authorization and DCF is Authorizing TCC, the Subsidy Administrator shall end the current Authorization and shall issue a new 12-month Authorization with a service code of 9T Transitional. The 12 Month TCC Authorization shall start no earlier than the Day after DCF Authorizes TCC, not the Day after the case closes. DCF may also request a TCC start date in the future. At the end of the TCC Authorization, Parent may be assessed for Continuity of Care as detailed in Policy Guide Chapter 7.4.
 - c. During the TCC period, DCF is no longer involved with the Family and any issues should be brought to the attention of the Parent and not the DCF Area Office.
 - d. Children referred by DCF who are placed in homes outside of the Commonwealth of Massachusetts shall not be eligible for Transitional Child Care.
3. **REPORTING OF TEMPORARY AND NON-TEMPORARY CHANGES.** DCF shall notify the Subsidy Administrator of applicable Temporary and Non-Temporary Changes detailed in Policy Guide Chapter 3.7, particularly changes in Child custody arrangements and changes in Parent contact information. Temporary or Non-Temporary Changes during Transitional Child Care are the responsibility of the Parent.
 - a. Changes shall be reported by DCF to the Subsidy Administrator by email. A new DCF-Related Child Care Referral is only needed for changes in Child custody arrangements. Child care should not be interrupted while notification is pending.
 - b. The Subsidy Administrator shall follow the guidelines detailed in Policy Guide Chapter 3.7 and Procedures Manual Chapter 3 to process the Temporary or Non-Temporary Change.

4. **ATTENDANCE POLICIES.** DCF-Related Child Care, including Transitional Child Care, shall be subject to the Attendance policies and procedures detailed in Policy Guide Chapter 10, except for the exemptions detailed in Policy Guide Chapter 10.4.1.
5. **NOTICE OF EXPIRATION.** The Subsidy Administrator shall notify Families, in writing, that their eligibility period is ending no less than 45 Days prior to the end of the eligibility period. Subsidy Administrators shall notify DCF of expiring Authorizations.

7.2.1 Eligibility for DCF Referred Children Placed Outside the Commonwealth of Massachusetts *(New as of July 2020)*

EEC subsidy regulations and policies states that subsidies administered by EEC are available only to residents of the Commonwealth of Massachusetts. However, the Interstate Compact on the Placement of Children states that when Children are placed out of state, the sending agency shall retain jurisdiction over the Child. See M.G.L. c. 119 App. 2-1. Therefore, when DCF places a Child out of the Commonwealth of Massachusetts, DCF shall retain custody of the Child, and that Child shall remain a resident of the Commonwealth for the duration of the Child's DCF case. The following requirements shall apply for access to DCF-Related Child Care in such cases:

- A. In order for a Child placed outside the Commonwealth to be eligible, the Child must be in the custody of DCF. The Subsidy Administrator shall confirm this through the DCF Referral.
- B. The Child must be enrolled in a Child Care Educator/Provider located within the Commonwealth of Massachusetts. The Child shall not be eligible for transportation, even if enrolled through a contract slot, and must be transported to the Child Care Educator/Provider by the Parent or another approved person.
- C. DCF-Related Child Care can only continue as long as the DCF case remains open. Once the DCF case has closed, the Child will not be eligible to finish any existing Authorization, to move to DCF-Related Transitional Child Care, or to move to Income Eligible Child Care.
- D. DCF must notify the Subsidy Administrator as soon as the DCF case closes. Upon receipt of the notice from DCF about the closure of the case, the Subsidy Administrator shall issue a two-week Notice of Termination to the Parent.
- E. Subsidy Administrators must follow the guidance detailed in Procedures Manual Chapter 7.3 on how to enter and Authorize a Child placed outside the Commonwealth.

7.3 Reauthorization *(Updated as of July 2020)*

- A. **DCF-RELATED CHILD CARE RENEWALS.** DCF-Related Child Care Referrals may be renewed by DCF for additional 12-month periods as needed. Unless approved by the DCF social worker and DCF supervisor, in coordination with DCF Child Care Coordinators, Referrals for DCF-Related Child Care may not be renewed more than once.
 1. DCF-Related Child Care renewals shall be completed via email between DCF and the Subsidy Administrator. A new Referral will not be required unless the Family's placement was terminated for any reason or unless the Child has a new Parent.
 2. Parents do not need to Reauthorize in person and do not need to complete any documentation at renewal.

- a. If a Child's Parent changes at renewal, the new Parent will be required to present proof of identification in accordance with Policy Guide Chapter 3.4. To ensure continuity of care, the Subsidy Administrator will issue the Reauthorization under the new Parent and then follow up with the new Parent to provide proof of identification.
 - b. DCF renewals must be received prior to the authorization end date to avoid a break in care.
- B. DCF-RELATED TRANSITIONAL CHILD CARE.**
- 1. DCF may refer Children for DCF-Related Transitional Child Care to continue beyond the closure of the DCF case for no less than 12 months, even if the Child has not previously received DCF-Related Child Care.
 - 2. Children referred by DCF who are placed in homes outside of the Commonwealth of Massachusetts shall not be eligible for Transitional Child Care.
 - 3. Referrals for DCF-Related Transitional Child Care shall be completed via email between DCF and the Subsidy Administrator. A new Referral will not be required unless the Family's placement was terminated for any reason or unless the Child has a new Parent.
 - 4. As long as the Child has been Authorized previously under DCF-Related Child Care, Parent(s) do not need to Reauthorize in person and do not need to complete any documentation at the issuance of DCF-Related Transitional Child Care. If the Child has not been previously Authorized for DCF-Related Child Care, the Parent must follow the enrollment process in Policy Guide Chapter 7.1 prior to the start of DCF-Related Transitional Child Care and have all documents listed in Procedures Manual Chapter 7.4.

7.4 Continuity of Care *(Updated as of July 2020)*

Parents seeking to continue eligibility at the closure of the Family's DCF-Related Child Care may continue to receive financial assistance through the Income Eligible Child Care program if the Family meets income eligibility requirements described in Policy Guide Chapters 3, 4, and 5. Children referred by DCF who are placed in homes outside of the Commonwealth of Massachusetts shall not be eligible for Continuity of Care.

7.5 Appeal Rights – DCF Fair Hearing Process

Denial or termination of a Referral. DCF-Related Child Care Services will end when the protective case closes, or when DCF determines that services are no longer appropriate, whichever comes first. Parents in the middle of a 12-month child care Authorization will be allowed to continue until the end of the Authorization period. Parents who wish to appeal the termination of services may do so through the DCF Fair Hearing Process.

CHAPTER 8

Young Parent Child Care Services

Program Requirements *(Updated June 2021)*

This chapter explains how a Young Parent can get the child care services they need. EEC has updated the terminology to Young Parent, however the provisions of this section remain applicable to the Teen Parent Contract.

Young Parents may be eligible to receive subsidized child care through the Young Parent Child Care Services Program, in accordance with the General Provisions for subsidized child care described in Policy Guide Chapter 3, if they meet the following requirements:

- A. **DEFINITION OF YOUNG PARENT.** A Young Parent is a Parent younger than 20 years old. The applicant must submit adequate documentation to verify the Young Parent's age. Examples of acceptable documentation include:
 - 1. Birth certificate,
 - 2. Driver's license, **OR**
 - 3. Other government issued identification (e.g., state identification card, military dependent's card, or passport).
- B. **APPLICATION AND REFERRAL.** Young Parents may apply for Child Care Subsidies at a CCRR, a program that holds a Teen Parent Contract, a local DTA office, or any other location authorized by EEC. Parents must complete a Child Care Application and Fee Agreement at Authorization and at each Reauthorization. They also must submit documentation that verifies their income, service need, residence, and Family relationships. If a Young Parent has a current child care Referral from DTA, the Referral is sufficient documentation of their income, service need, residence, and Family relationships.
- C. **REFERRAL.** Eligible Parents will be referred to and/or enrolled, in a program that holds a Teen Parent Contract. Parents unable to enroll in a program that holds a Teen Parent Contract due to a lack of available funding will be placed on EEC's centralized waitlist.
- D. **ELIGIBILITY CRITERIA.** Unless referred for a Child Care Subsidy through DTA-Related Child Care or the DCF-Related Child Care Program, Young Parent(s) who seek subsidized child care through the Young Parent Child Care Services Program must comply with the financial and service need requirements of the Income Eligible Child Care program, unless exempted below.
 - 1. **SERVICE NEED REQUIREMENTS.** Unless authorized by DTA or DCF, Young Parent(s) must participate in a full-time high school or high school equivalency (GED) program or must have received a GED or high school diploma and be participating in an approved higher education, training, and/or work activity, as specified in 606 CMR 10.04(2)(b). If existing Young Parents are either (1) a full-time high school or (2) participating in a high school equivalency program, any break in service need during the summer months would be considered a Temporary Change under Policy Guide Chapter 3.7. If the Young Parent(s) already has a high school diploma or GED, the

Young Parent(s) would need to comply with the regular income eligible service need requirements at the end of the current Authorization.

2. **AGE REQUIREMENTS.** Young Parents, including Young Parents in their third trimester of pregnancy are eligible to participate in the Young Parent Child Care Services Program until they reach their 24th birthday. Enrolled Young Parent(s) who turn 24 during their 12-month Authorization may continue through the end date of their Authorization.
- E. **ELIGIBILITY PERIODS.** Eligibility is determined for periods no less than 12 months. Eligibility may also be determined through a 26-week Provisional Authorization if allowed under Policy Guide Chapter 4 or Chapter 5. The Subsidy Administrator is required to notify Young Parents, in writing, 45 Days before their eligibility period is due to end.
- F. **PARTICIPATION REQUIREMENTS.** Young Parents participating in the Young Parent Child Care Services Program must comply with the following requirements:
 1. Participation in at least 8 hours per month of structured social service support activities through the Young Parent Child Care Services Program, unless they are receiving equivalent services from other sources.
 2. Participation in child care activities in their Child’s classroom or family child care home at least 1 hour each month.
- G. **REAUTHORIZATION.** Young Parent(s) are required to Reauthorize in accordance with the provisions of Policy Guide Chapter 5.
- H. **CONTINUITY OF CARE.** Parents seeking to continue eligibility at the end of the Family’s Young Parent Child Care services may continue to receive child care financial assistance through the Income Eligible Child Care program if the Family meets the requirements set forth in Policy Guide Chapters 3, 4, and 5.
- I. **DENIAL OR TERMINATION OF SERVICES.** All denials or, terminations related to the Young Parent Child Care Services Program shall comply with the provisions outlined in Policy Guide Chapter 13.

CHAPTER 9

Child Care for Homeless Families

(Updated as of September 2021)

This chapter explains how Homeless Families can access a Child Care Subsidy

9.1 Certification of Homelessness *(Updated as of July 2020)*

The following documentation is required for a Subsidy Administrator to certify a Family as homeless:

- A. A homeless Referral from DHCD issued within the last 90 Days that the Family is residing in a DHCD shelter, residing in temporary housing at a motel/hotel, or participating in a DHCD funded homeless stabilization or diversion program;
- B. A homeless Referral issued within the last 90 Days from the Department of Children and Families (DCF) that the Family is residing in a DCF funded shelter;
- C. A Referral letter issued within the last 90 Days from a shelter provider/program, other than those that fall into the two shelter categories above. The letter must be on the shelter provider/program's letterhead and include the following information:
 1. Date of Referral;
 2. Name of shelter agency;
 3. Shelter type:
 - a. Residential treatment programs funded by the Bureau of Substance Abuse Services (BSAS) within the Department of Public Health (DPH);
 - b. Emergency Domestic Violence (DV) Shelters;
 - c. Emergency Assistance (EA) Shelters, including temporary housing at a hotel/motel and homeless stabilization or diversion programs, under DHCD; and
 - d. Privately funded homeless shelter programs.
 4. Name and contact information of person making referral;
 5. Names and dates of birth of Parent(s);
 6. Names and dates of birth of all household members;
 7. Names and dates of birth of all Children who need child care; or
- D. Certification by the Child's public school district or by a CCRR issued within the last 90 Days that the Family meets the following criteria to be considered homeless under Subtitle VII-B of the McKinney-Vento Homeless Assistance Act:

"(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and

(B) includes—

 - (i) Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;**

(ii) Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));
(iii) Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
(iv) migratory Children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the Children are living in circumstances described in clauses (i) through (iii).”

9.2 Homelessness as a Service Need *(Updated as of July 2020)*

- A. **Service Need Requirements.** Families certified as homeless under Policy Guide Chapter 9.1 may qualify for a Child Care Subsidy using a service need of homelessness as allowed under EEC’s definition of Protective Services.
1. A Parent who qualifies for a Child Care Subsidy with a service need of homelessness will be considered to have a Full Time Service Need.
 2. The service need of homelessness shall be limited to two consecutive 12-month Authorization periods, unless approved by EEC in writing on a case by case basis.
 3. Homelessness as a service need may be used in all Child Care Subsidy programs that require a service need. However, Parent(s) using a service need of homelessness must meet all other requirements of those programs as detailed in Policy Guide Chapters 3, 4, 5, and 11.
 - a. The asset requirements in Policy Guide Chapter 4.2 shall be waived for all Families meeting the homelessness service need.
 4. A homeless service need does not guarantee immediate access to a Child Care Subsidy, unless the Parent(s) meets the requirements for entry into a Homeless Child Care Contract detailed in Policy Guide Chapter 9.3 or unless EEC releases targeted funding.
- B. **Verifications for Homeless Families.** EEC will allow Families who are seeking to use a homelessness service need additional time if the homeless Parent(s) is unable to submit complete income verifications. For example, if a Parent(s) is unable to submit four out of the most recent six pay stubs at the time of the initial Authorization, a Subsidy Administrator shall allow access to a homeless child care slot based on self-reported income. In such instances, the Subsidy Administrator must work with the applicant to complete the first three sections of the Employment Verification Form, then provide the applicant with a 26-week Provisional Authorization to complete the Authorization process.
- C. **ELIGIBILITY PERIOD.** The length of the child care Referral shall be no less than 12 months.
1. **Exception to 12-month eligibility period.** If a Homeless Family needs additional time to submit complete documentation as described in item B, eligibility period shall be for no more than 26 weeks under a Provisional Authorization. All rules of Policy Guide Chapter 4.3, Provisional Authorization, shall apply.

9.3 Homeless Child Care Contracts *(Updated as of September 2021)*

Homeless Families who are receiving services through a DHCD or DCF shelter may receive immediate access to a Child Care Subsidy through a Homeless Child Care Contract slot.

- A. **REFERRAL.** To document eligibility for a Homeless Child Care Contract slot, DHCD and/or DCF shall issue a written child care Referral for a Family seeking to enroll a Child in the Homeless Child Care Services contract. Referrals issued by DHCD or DCF will be valid for 90 Days from the date of issue. Examples of Families that would qualify include those residing in an emergency assistance shelter, domestic violence shelter, Family substance abuse treatment shelter; residing in temporary housing at a motel/hotel; or participation in a homeless stabilization or diversion program.
- B. **REFERRAL AND WAITLIST.** The Family will be referred, by DHCD, DCF, or their designees, to a Contracted Child Care Educator/Provider with homeless child care openings appropriate to the age and needs of the Child. If no appropriate openings are available, the Family may be placed on EEC's centralized waitlist.
- C. **ELIGIBILITY CRITERIA.** Homeless Families seeking subsidized child care through this program must comply with the requirements of Policy Guide Chapter 9.2.
 - 1. Parent(s) eligible for a Child Care Subsidy through the DTA-Related Child Care Program (Policy Guide Chapter 6) or through DCF-Related Child Care Program (Policy Guide Chapter 7) shall be enrolled through those programs.
- E. **ENROLLMENT.** The Parent must work with the Contracted Child Care Educator/Provider to complete the eligibility process and complete the child's enrollment at a location of care.

9.4 Reauthorization

- A. **Referred by DHCD or DCF:** Homeless Child Care services will end when the Family is no longer homeless or when DHCD or DCF determines that child care services are no longer appropriate and does not renew the Referral, whichever occurs first. Parents in the middle of a 12-month child care Authorization will be allowed to continue until the end of the Authorization period unless terminated in accordance with EEC's reasons for termination in Policy Guide Chapter 13.
- B. **Other Homeless Families:** Families who wish to be Reauthorized with a service need of Homelessness must present certification detailed under Chapter 9.1 at each Reauthorization, in addition to any documentation required under Policy Guide Chapters 3, 4, and 5.
- C. **Families who have reached the 2-year limit:** Families who have reached the two-year limit for homelessness as a service need, **including Families Referred by DHCD or DCF**, but who wish to seek a variance request must complete the Homeless Variance Request Form and submit the form to EEC. Parents must submit the form no less than 8 weeks prior to the end date of the Parent(s)' current Authorization. Denials of an extension for homelessness as a service need fall under EEC's variance policy and are not eligible for appeals under Policy Guide Chapter 14.

1. Parents Authorized with a service need of homelessness prior to March 1, 2019, will begin the count towards the 2-year limit at the Parent's next Authorization if the Parent continues under a service need of homelessness.

9.5 Continuity of Care

Parents seeking to continue eligibility upon the closure of the Family's Homeless Child Care services may continue to receive child care financial assistance through the Income Eligible Child Care program if the Family meets the requirements set forth in Policy Guide Chapters 3, 4, and 5.

9.6 Denial or Termination of Services

All denials or terminations related to this program will comply with the regulations described in Policy Guide Chapter 13.

CHAPTER 10

Attendance and Approved

Break in Care *(Updated as of February 2022)*

10.1 General Attendance Guidelines *(Updated as of February 2022)*

All Children who receive EEC Child Care Subsidies are expected to attend the early education and care program in accordance with the terms of the child care Authorization. Child care providers are required to make every effort to ensure that each child care slot is filled or each voucher is used at all times.

- A. **PROVIDERS WILL TAKE THE FOLLOWING ACTIONS TO ENSURE MAXIMUM ATTENDANCE:**
1. Upon Authorization and Reauthorization, Subsidy Administrators must explain the attendance policy to Parents and have them sign the attendance provision of the Financial Assistance Agreement at each Authorization and Reauthorization.
 2. When Absences occur, the Child Care Educator/Provider will follow all applicable EEC Licensing requirements. Additionally, Child Care Educator/Provider must track if an Absence is Explained or Unexplained according to the guidelines detailed in policy Guide Chapter 10.2.
 3. All Child Care Educators/Providers must have processes in place to collect and accurately record attendance in CCFA.
 4. When frequent Absences occur, the Child Care Educator/Provider or the Subsidy Administrator will contact the Parent to discuss the Child's placement, if any placement adjustments are needed, [if the Parent wants to switch to being enrolled but not attending](#), and/or verify the need for continued subsidized care.
 5. Child Care Educators/Providers shall discuss the importance of attending care and of the Parent notifying the Child Care Educator/Provider when the Child is going to be absent. The Parent shall be reminded that Excessive Unexplained Absences may result in the termination of the Child Care Subsidy as detailed in Policy Guide Chapter 10.2.
 6. If a Child will not attend care due to an event more than two weeks in length, including, but not limited to, an extended vacation, a medical procedure that will cause an absence of longer than 3 weeks (15 billable Days), extended illness that will cause an absence of longer than 3 weeks (15 billable Days), or a visit to the non-custodial Parent, Child shall be placed on an Approved Break in Care of up to 90 Days in accordance with Policy Guide Chapter 10.6, unless the Parent refuses the Approved Break in Care in writing.
 7. Children may be Authorized for early education and care on Days they are regularly scheduled to be absent (i.e., every Friday, homework clubs, etc.) as long as such Days do not exceed two Days per week.

B. PAYMENT FOR CHILD CARE ABSENCES.

1. Child Care Educators/Providers will not be paid for more than two occurrences of 3 consecutive Unexplained Absences during a 12-month Authorization. Please see details in Policy Guide Chapter 10.2.
2. EEC will waive all limits on Explained Absences during child care Authorizations. However, Child Care Educators/Providers will take efforts to maximize attendance as detailed above.
3. Child Care Educators/Providers will be paid for no more than two weeks (10 billable Days) from when the program becomes aware that a child will not be returning to a program, unless the [Parent chooses to hold the child's enrollment](#) as detailed in Policy Guide Appendix C.
4. Providers will not be paid for more than two Days per week that a Child is regularly scheduled to be Absent.

- C. **LATE ARRIVAL.** Child Care Educators/Providers will establish policies for Children's arrival and departure times. These policies will be provided to Parent(s) in writing prior to implementation. **Child Care Educators/Providers shall not exclude Children from care who arrive late and will not be paid for any Days Children are excluded from care.** However, Child's placement at the Child Care Educator/Provider may be terminated (following a 2-week Advance Notice of Termination) if Parents consistently fail to follow the provider's policies. Such termination may result in loss of placement at a particular program but will not result in the loss of Authorization for subsidized care.

10.2 Unexplained Absences *(Updated as of July 2020)*

- A. An Unexplained Absence occurs when a Child does not attend on a scheduled Day without any contact from the Parent.
1. If the Child Care Educator/Provider is able to communicate with a Parent on a Day the Child does not attend, even if the communication is initiated by the Child Care Educator/Provider, the Absence may be considered Explained.
 2. If the Child Care Educator/Provider attempts outreach to a Parent but receives no response, then the Absence shall be considered Unexplained.
 3. If there is communication between the Parent and Child Care Educator/Provider during a series of Unexplained Absences and the Parent explains why the Child has been Absent on prior Days, the Day on which the Parent makes contact may be marked as an Explained Absence. However, all prior Day(s) must remain marked as Unexplained Absence(s).
- B. Excessive Unexplained Absence is defined as more than 3 consecutive Unexplained Absences. Holidays, closure Days, or any Day the program is not open in the middle of consecutive Unexplained Absences will not reset the count.
1. *Example:* Child is absent on Monday, July 2nd and Tuesday, July 3rd then on Thursday, July 5th and Friday, July 6th. Wednesday, July 4th is listed as a holiday. Child would be considered to have Excessive Unexplained Absences on July 6th as the Child exceeded three consecutive Days.

- C. Upon the first occurrence of Excessive Unexplained Absences during a 12-month Authorization, the Child Care Educator/Provider or the Subsidy Administrator will issue the Family an Excessive Unexplained Absence Warning Notice that any subsequent occurrence of Excessive Unexplained Absences may result in the termination of child care.
- D. Upon the second occurrence of Excessive Unexplained Absences during a 12-month Authorization, the Child Care Educators/Provider or the Subsidy Administrator may terminate care for the Child for Excessive Unexplained Absences in accordance with Policy Guide Chapter 13.4.
 - 1. **If the Child Care Educator/Provider or Subsidy Administrator chooses to not terminate for Excessive Unexplained Absences, EEC will not pay for any additional occurrences of Excessive Unexplained Absences for the Child (EEC will pay for three consecutive unexplained but not the fourth or more Days).**
 - 2. **Parents may not be charged for Excessive Unexplained Absences that are not paid by EEC.**
- E. Number of occurrences of Excessive Unexplained Absences will reset each time a new 12-month Authorization is issued to the Family.

10.3 Explained Absences *(Updated as of February 2022)*

- A. Explained Absences occur when a Child does not attend, and the Parent has been in communication with the Child Care Educator/Provider as detailed in Policy Guide Chapter 10.2. Reasons for an explained absence shall include, but not be limited to:
 - 1. Child Illness
 - 2. [Child exposure to COVID-19⁷](#)
 - 3. Death in the Family
 - 4. Emergency Circumstances
 - 5. Religious Holidays
 - 6. Vacation
 - 7. Other reasons as explained by the Parent
- B. Subsidy Administrators shall code Explained Absences in CCFA and discuss any frequent absences with Parents as detailed in Policy Guide Chapter 10.1.
- C. EEC has eliminated the Medical Absence Waiver process for Children with a medical condition since EEC has waived the absence limit. However, EEC recommends that Child Care Educators/Providers be aware of any medical issues that will require children to be out regularly.

10.4 DCF-Related and DTA-Related Child Care *(Updated as of July 2020)*

10.4.1 DCF-Related Child Care *(Updated as of July 2020)*

⁷ Refer to EEC’s “COVID-19 Mitigation Protocols and Guidelines for Child Care” found on EEC’s website (<https://www.mass.gov/info-details/eec-covid-19-resources-and-information>) for guidance on how to respond to a Child’s exposure to COVID-19.

Children in DCF-Related Child Care are NOT automatically exempt from the Unexplained Absence limit described in Policy Guide Chapter 10.2.

- A. Process for Unexplained Absences:
 - 1. The Subsidy Administrator or Child Care Educator/Provider shall follow the Excessive Unexplained Absence process detailed in Policy Guide Chapter 10.2.
 - 2. The Excessive Unexplained Absence warning issued to a Parent under Policy Guide Chapter 10.2 shall be sent to the DCF Social Worker, Supervisor, and Child Care Coordinator via email.
 - 3. If the Subsidy Administrator or Child Care Educator/Provider issues a termination under Policy Guide Chapter 10.2, the termination notice must be sent to the DCF Social Worker, Supervisor, and Child Care Coordinator:
 - a. If DCF wishes DCF-Related Child Care to continue beyond the termination date, DCF must email the Subsidy Administrator Reauthorizing the Child. A new Referral form is not needed, only the email confirmation.
 - b. Upon receiving the Reauthorization from DCF, the Child will resume care under the prior Authorization. A new 12-month Authorization shall not be issued.
 - 4. If the Child is enrolled through DCF-Transitional Child Care, DCF is unable to provide approval to continue care after Unexplained Absences since they are no longer in communication with the Family. Therefore, the termination proceeds.
- B. Process for Explained Absences:
 - 1. The Child Care Educator/Provider or the Subsidy Administrator must keep DCF informed of frequent Absences, and any other attendance issues, for Children receiving DCF-Related Child Care.
 - 2. DCF does not need to be kept informed for Children receiving DCF Transitional Child Care.
- C. All other EEC attendance policies apply to Children Authorized for DCF-Related Child Care, including the requirement that Children will not be Authorized for early education and care on Days they are regularly scheduled to be absent, unless such Days are two or fewer Days per week.

10.4.2 DTA-Related Child Care *(Updated as of July 2020)*

- A. **Children in DTA-Related Child Care are NOT exempt from the Unexplained Absence limit described in Policy Guide Chapter 10.2.** Subsidy Administrators shall follow the process detailed in Policy Guide Chapter 10.2 for situations of Excessive Unexplained Absences for DTA-Related Child Care.
- B. The Child Care Educator/Provider or Subsidy Administrator shall make every effort to discuss frequent Absences with the Parent and follow the guidelines in Policy Guide Chapter 10.1 to ensure maximum attendance.
- C. All other EEC attendance policies apply to Children Authorized for DTA-Related Child Care, including the requirement that Children will not be Authorized for early education and care on Days they are regularly scheduled to be Absent, unless such Days are two or fewer Days per week.

10.5 Approved Break in Care *(Updated as of February 2022)*

EEC allows Parents to request an Approved Break in Care for up to 90 Days. An Approved Break in Care will allow Parent(s) to suspend financial assistance for child care for up to 90 Days without having to place their name back on EEC's income eligible waitlist. If the Parent returns from an Approved Break in Care during a Parent's 12-month Authorization, the Parent will not need to be Reauthorized to return to care. [Parents who requested and started an Approved Break in Care to start prior to January 1, 2022 shall be allowed an Approved Break in Care for up to 365 days as allowed under prior policies.](#)

If a Child will not attend care due to an event of more than two weeks in length, including, but not limited to, an extended vacation, a medical procedure that will cause an absence of longer than 3 weeks (15 billable Days), an extended illness that will cause an absence of longer than 3 weeks (15 billable Days), or a visit to the non-custodial Parent, the Child shall be placed on an Approved Break in Care of up to 90 Days. Parent(s) have the right to opt out of an Approved Break in Care. In all circumstances, the Approved Break in Care Form, or other request in writing, must be completed by the Parent to start, or opt out of, a break.

Guidelines to Approved Break in Care:

- An Approved Break in Care shall not be used for Families [who](#) wish to remain enrolled as detailed in the Reimbursement Policies section of Policy Guide Appendix C.
- An Approved Break in Care must be for more than two weeks (10 billable Days) in length.
- An Approved Break in Care shall not be Authorized for two-week vacations, including vacations out of the country.
- An Approved Break in Care does not need to occur during a 12-month Authorization period [and may also be requested at Reauthorization. An Approved Break in Care may also be requested during a Provisional Authorization.](#)
- If a Parent is returning from an Approved Break in Care prior to the end date of the Parent's 12-month Authorization [or Provisional Authorization](#), the Parent shall not be required to Reauthorize under Policy Guide Chapter 5 to resume the Authorization:
 - The Subsidy Administrator shall return the Parent to care using the same service need and income on the Authorization prior to the Approved Break in Care.
 - The Parent must report all Temporary or Non-Temporary Changes from the prior service need, as required under Policy Guide Chapter 3.7, upon the Parent's return from an Approved Break in Care. Failure to report may be an IPV.
- If a Parent is returning from an Approved Break in Care and the Parent's 12-month Authorization [or Provisional Authorization](#) has expired, the Parent must Reauthorize under Policy Guide Chapter 5 to return to care.
 - Parents needing to Reauthorize after returning from an Approved Break may be allowed a 26-week Provisional Authorization.

- Child Care Educator/Providers are not required to hold a Child’s slot at the program during an Approved Break in Care. If a slot is no longer available at the Parent(s)’s provider of choice, the Parent(s) will be allowed to transfer the subsidy to a new location of care.
- Two-week notice must be provided and an Approved Break in Care Form, or other written notice, must be completed prior to the start of an Approved Break in Care. If an Approved Break in Care is needed following an emergency situation, the Approved Break in Care will begin two weeks after the Parent notifies the provider of the emergency situation.
- Parents who left the subsidized child care program owing a Parent Fee balance incurred between March 2019 and February 2021⁸ **shall be allowed** to return from an Approved Break in Care no matter the status of the outstanding balance. Parents with a Parent Fee balance incurred at any other time may return from an Approved Break in Care if the Parent is current with the terms of an active Repayment Agreement under Policy Guide Chapter 11.6.4.

10.6 Abandonment of Subsidy *(Updated as of September 2021)*

Abandonment of Subsidy is a Family’s failure to have an active child care placement for more than 60 consecutive Days during the 12-month Authorization period unless the Family has requested an Approved Break in Care.

- Parents who end care at a Child Care Educator/Provider but who do not have care at a new location must be advised of the Abandonment of Subsidy policy and informed of the option for an Approved Break in Care.

⁸ Please note that EEC waived collection of Parent Fees from March 23, 2020 through January 31, 2022 and that no parent fee balances should have been incurred between March 23, 2020 and February 2021.

CHAPTER 11

Parent Fees *(Updated as of Feb. 2022)*

This chapter explains how Parent Fees work and the possible exemptions from the assignment of Parent Fees.

Effective January 1, 2022, EEC is reinstated the collection of parent fees under the new parent fee scale approved on February 9, 2021, and June 8, 2021, by the Board of Early Education and Care. While the parent fee scale and the policies outlined in this chapter took effect on January 1, 2022, EEC recognized that Subsidy Administrators needed adequate time to notify parents of the new fee scale. To allow for this notification process, parents are not responsible for payment of the fee until February 1, 2022, which is the earliest date that collection of payments can begin.

EEC strongly suggests that Child Care Educators/Providers be flexible with unpaid Parent Fee balances. EEC encourages all Child Care Educators/Providers to allow Parents reasonable repayment agreements as detailed in Policy Guide Chapter 11.6.4.

11.1 Requirement to Establish Parent Fees

Most Families who receive EEC financial assistance are required to contribute to the cost of early education and care services through a Parent Fee, unless exempted below.

11.2 Determination of Parent Fees *(Updated as of January 2022)*

A. DETERMINATION OF PARENT FEES.

1. **FOR 12-MONTH AUTHORIZATIONS.** A Parent's Fee is based on the Family's income and household size as entered in the Authorization in CCFA. CCFA uses the Parent Fee Table to determine the Parent Fee once the Family is determined eligible and is being enrolled in an early education and care program. The same process is followed at each Reauthorization and whenever a change is reported as detailed in Policy Guide Chapter 11.5. So that Subsidy Administrators and Families may understand how Parent Fees are set, instructions on how to use the Parent Fee Table are included with a copy of the Parent Fee Table on EEC's website: <https://www.mass.gov/guides/early-education-and-care-financial-assistance-for-Families>. EEC has also provided a Parent Fee Calculator on the same webpage that may be used to estimate a Parent's Fee.
2. **FOR PROVISIONAL AUTHORIZATIONS:** Parent Fees during Provisional Authorizations for all categories will be processed as follows, in accordance with guidance from ACF:
 - a. No matter the Family's income level, the base Parent Fee value will be set at the maximum level possible for the Family's household size, using 85% of the State Median Income (SMI) as the income value for the family.
 - b. Collection of the Parent Fee will then be waived, and the Parent Fee value will be paid by EEC on the Parent's behalf for the duration of the Provisional

Authorization. The Parent will resume payment once reauthorized at the end of the Provisional Authorization period with a new fee value under a 12-month Authorization with updated income.

3. **PART-TIME PARENT FEES.** The Parent Fee for a Child who attends a program for a half day (i.e., care provided for 6 or fewer hours per Day), is half of the full day Parent Fee.
4. **IF PARENT FEES EXCEED THE COST OF SUBSIDY.** The amount of the Parent Fee may not exceed the stated daily reimbursement rate for subsidized care. If the total household income results in a Parent Fee that exceeds the daily reimbursement rate, the Parent will be responsible for 100% of the [daily reimbursement rate](#). The Family will not be deemed ineligible for subsidy [on this basis alone](#).
- B. **PARENT FEE EXEMPTIONS.** The following household types are not charged Parent Fees:
 1. **DTA AUTHORIZED FAMILIES WITH OPEN TAFDC CASES.** Fees will not be charged to Parents who are authorized for care by DTA and have an open DTA case or until the end of the Parent's DTA-Related Child Care Authorization, whichever is later.
 2. **CAREGIVERS.**
 3. **DCF-RELATED CHILD CARE.** Fees will not be charged to Parents who are authorized for DCF-Related Child Care, including for Transitional Child Care, until the end of the Parent's DCF-Related Child Care Authorization.

11.3 Discount of Parent Fees for Siblings *(Updated as of February 2022)*

A discounted daily and/or weekly fee applies to Families who receive EEC financial assistance for more than one Child. The discount will be implemented as follows:

- A. **Youngest** Child receiving EEC financial assistance: full fee;
- B. **Second youngest** Child receiving EEC financial assistance: one [half](#) of full fee; and
- C. **Each additional** Child receiving EEC financial assistance: [one quarter](#) of full fee.

Children enrolled in EEC financial assistance on an [occasional](#) basis (i.e., summer only or school closures only) shall be treated as [an older](#) sibling when determining the Parent Fee discount.

11.4 Verification of Discount of Parent Fees for Siblings

To verify that a Family is eligible to receive a discounted fee for siblings, the enrolling agency (CCRR, Contracted Child Care Educator/Provider or Head Start program) must do the following:

- A. Check in CCFA for placements with other Subsidy Administrators;
 - B. Identify the Subsidy Administrator with whom the sibling is placed;
 - C. Confirm the sibling's enrollment status by contacting the identified Subsidy Administrator directly;
- AND**
- D. Contact other Subsidy Administrators to adjust enrollment order for other Children, if necessary. Add a placement for the new Child with the correct enrollment order. If one Child leaves care, that Child's Subsidy Administrator must inform other agencies from

whom the Parent receives EEC financial assistance so that enrollment orders for other Children are adjusted.

11.5 Changes to Parent Fees *(Updated as of January 2022)*

Changes to Parent Fees may be made during 26-week Provisional Authorizations to record changes in income or household composition, but the parent fee value will not change as detailed in Policy Guide Chapter 11.2. Please follow the instructions below for each kind of Parent Fee change scenario.

A. Loss of Employment and/or Reduction in Income:

1. When a Parent reports loss of employment the Parent may request a reevaluation of their Parent Fee.
2. When a Parent reports a change in income and provides the required documentation, the Subsidy Administrator must enter the Parent's revised income into CCFA and the system will recalculate the new Parent Fee.
3. Changes in Parent Fees take effect the business Day following the Day all documentation is received
4. **Documentation required:**
 - a. Completed Household Income statement
 - b. Documentation of the loss of employment as detailed in Policy Guide Chapter 3.7.2. If the loss of employment is related to the COVID-19 pandemic, the Parent only has to submit a Temporary Change Form and whatever documentation the Parent can provide from the employer about the layoff.
 - c. The Parent does not need to sign a new Application and Fee Agreement for a reduction in Parent Fee.

B. Reduction in Income:

1. When a Parent reports a reduction in income, the Parent may request a reevaluation of their Parent Fee.
2. When a Parent reports the change in income and provides the required documentation, the Subsidy Administrator must enter the Parent's revised income into CCFA and the system will recalculate the new Parent Fee.
3. Changes in Parent Fees take effect the business Day following the Day all documentation is received.
4. **Documentation required:**
 - a. Completed Household Income Statement;
 - b. If income is employment related, last four pay stubs showing the reduced income.
 - c. If reduction is due to maternity/paternity leave, letter from the employer outlining income to be received during the Parent's leave.
 - d. If reduction in income is due to a different Temporary Change, documentation from the employer outlining income to be received during the Parent's leave.
 - e. If income is child support or other unearned income source, the Parent must provide the same documentation required in Policy Guide Chapter 4.1.
 - f. If reduction in income is due to the COVID-19 pandemic, the Parent only needs to complete a Household Income Statement and provide any documentation of the

reduced income (e.g. one paystub or a letter/email from the employer detailing the reduced hours/income).

- g. The Parent does not need to sign a new Application and Fee Agreement for a reduction in Parent Fee.

C. Change of Employment and/or Increase in Income:

1. A Parent may have an increase in their Parent Fee only if the Parent previously had a reduction in their Parent Fee during the 12-month Authorization and is now reporting a change of employment and/or increase in income:
 - a. Example: Parent was assessed in January for a 12-month Authorization with a Parent Fee of \$7.50 per Day. In June, Parent reported loss in income and Parent Fee was reduced to \$5.00 per Day. When Parent reports increase in income in September, Parent Fee shall be increased based on the new income but no higher than \$7.50 per Day.
 - b. Once Parent reports change in income and submits the required documentation, the Subsidy Administrator must enter full income into CCFA and the system will recalculate the Parent Fee not to exceed the original level.
 - c. Changes to Parent Fees take effect the business Day following the Day all documentation is received.
2. **Documentation Required:**
 - a. Completed Household Income Statement;
 - b. If income is employment related, last four pay stubs.
 - c. If the increase is due to a Parent returning from a Temporary Change, the Parent's last income prior to the change shall be restored and the Parent Fee increased to the last level unless the Parent provides documentation of a different income.
 - d. If income is child support or other unearned income source, the Parent must provide the same documentation required in Policy Guide Chapter 4.1.
 - e. The Parent **must** sign a new Application and Fee Agreement for an increase in Parent Fee. Refer to Procedures Guide Chapter 3.1.3 for Signature Requirements.
2. If the Parent did not previously have a reduction in their Parent Fee and reported a change of employment and/or increase in income, the Parent Fee cannot be increased until the next Reauthorization.
 - a. After a Parent reports change in income and provides completed Household Income Statement and required documentation, the Subsidy Administrator must enter updated income into CCFA and the system will confirm that the Parent Fee will not increase.
 - b. **Documentation Required:**
 - i. Completed Household Income Statement;
 - ii. If income is employment related, last four pay stubs showing increase in income.
 - iii. If income is child support or other unearned income source, the Parent must provide the same documentation required in Policy Guide Chapter 4.1.

3. A Parent may report a change in employment or service need that allows an Authorization to be changed from Part Time Child Care to Full Time Child Care. In such cases, if the Parent is requesting to increase to Full Time Child Care, the Parent may be issued a new 12-month Authorization and a new Parent Fee is established.

D. Change in Household Composition:

1. If the change in household composition would result in a reduction of the Parent Fee:
 - a. When a Parent reports a change in household composition and provides the documentation required under Policy Guide Chapter 3.7, the Subsidy Administrator must enter the change in CCFA.
 - b. The Subsidy Administrator must enter the new household member(s) and [process a Non-Temporary Change to add the member](#) and their income, if applicable, into [the sub-authorization in CCFA](#). The system will recalculate the new Parent Fee.
 - c. Changes to Parent Fees take effect the business Day following the Day all documentation is received.
2. If the change in household composition would result in an increase of the Parent's Fee:
 - a. When the Parent reports a change in household composition and provides the documentation required under Policy Guide Chapter 3.7, the Subsidy Administrator must enter the change in CCFA.
 - b. The Subsidy Administrator must enter the new household member(s) and their income into CCFA. The system will confirm that the Parent Fee will not increase.
 - c. The Parent **must** sign a new Application and Fee Agreement for an increase in Parent Fee. Refer to Procedures Guide Chapter 3.1.3 for Signature Requirements.

E. Change in Custody Arrangement

1. A Child is being added to a household's existing Authorization:
 - a. If a Child is going into the custody of the Parent and is being added to an Authorization as a sibling, the Parent Fee reflects the current Authorization. Enrollment order may be adjusted to account for any applicable sibling discounts.
 - b. If a Child is going into the custody of a Caregiver, the Child's original Authorization is recreated into a dual household in CCFA and the Parent Fee for the Guardian Child is zero. Please note that this may result in a change in Parent Fee for the Caregiver's original household. Such change in Parent Fee shall follow steps detailed above for change in household composition.
2. A Child is going to a household that does not have an existing Authorization:
 - a. If a Family is assessed and granted a new 12-month Authorization, the Parent Fee is established during the Authorization process.
 - b. If a Family is assessed and is not granted a new 12-month Authorization, the Child's original Authorization is recreated in the new household for the remainder of the original 12-month period. The Parent Fee from the original Authorization may be adjusted if a reduction in Parent Fee is warranted. Examples for when a reduction is warranted include: a Child is now in the custody of a Caregiver or a Child is now in the custody of a Parent that has a lower income.

11.6 Collection of Parent Fees *(Updated as of February 2022)*

11.6.1 General Provisions *(Updated as of February 2022)*

Collection of the Parent Fee is the responsibility of the early education and care or out-of-school time program, including Informal Child Care Provider, where the Child is placed.

- A. **SCHEDULE OF PAYMENT.** Payments must be made in weekly amounts based on a daily fee. All Parent Fees are to be paid to the provider on a Day determined by the provider, but no later than the first business Day of the week in which care is provided. Parent Fees for newly employed Parents [in a 12-month authorization](#) are due the first date of the Parent's relevant [Sub-Authorization](#), regardless of when the Parent will receive income from new employment.
1. Parents may choose to enter into an alternative payment structure (i.e. monthly, biweekly, alternate payment date, etc.) if offered by the provider so long as a week's payment is received prior to care being given. Any alternative payment structure must be in writing, signed and dated by both parties, and kept on file. Written agreement must be clear that the Parent is voluntarily choosing the arrangement and may choose to revert to the standard weekly arrangement at any time upon written notice.
- B. **FIRST PAYMENT.** An initial deposit, equal to the amount of the weekly Parent Fee, is required prior to the Child's first Day of care. For Parents who receive a combination of full-time and part-time subsidy, the initial deposit is based on their full-time Parent Fee.
1. **Initial deposits shall not be collected while EEC is waiving the collection of Parent Fees.**
 2. [Child Care Educator/Providers shall resume collection of initial deposits February 1, 2022.](#)
 3. [Child Care Educator/Providers shall allow flexibility in the collection of deposits for Parents whose Authorization began prior to February 1, 2022. Such Parents shall be allowed until at least March 31, 2022, to pay the initial deposit at the new fee level. Child Care Educators/Providers should follow the instructions in Policy Guide Chapter 11.6.2 for Parents who fail to pay the initial deposit by that date. EEC encourages providers to be flexible with parents around the collection of the week deposit.](#)
- C. **PARENT FEES FOR CHILD ABSENCES.** Parents must pay the appropriate Parent Fee, for every Day that care is available, for all explained and unexplained Absences [as defined in Policy Guide Chapter 10](#). This includes any day that a program is open and available for care, but a Child scheduled to attend is absent for any reason, including due to exposure to COVID-19.
- D. **PARENT FEES FOR CHILD CARE EDUCATOR/PROVIDER CLOSURES.** EEC will pay the Parent Fee on behalf of the Parent for every Day the program has a full or partial approved closure Day that causes care to be unavailable for the Child, so long as the Day qualifies for payment from EEC. The Parent will pay the Parent Fee on any of the below days that the Child uses a substitute Child Care Educator/Provider paid by EEC. [All closure days must be entered into CCFA as detailed in Procedures Manual Chapter 10.2.](#)

1. **Full Closure Days for Child Care Educator/Providers.** Days when Child Care Educator/Provider is closed completely, including the following situations:
 - a. Holidays in accordance with the schedule approved by EEC on an annual basis;
 - b. Professional Development Days in accordance with the schedule approved by EEC on an annual basis;
 - c. COVID-19 Emergency Closures as detailed in Policy Guide Appendix F; or
 - d. General Emergency Closures, such as for severe weather, as detailed in Policy Guide Appendix F.
 2. **Partial Closure Days for Child Care Educator/Providers.** Days when the Child Care Educator/Provider has a partial closure where a portion of Children do not have access to care. Parent Fees will be paid only for Children that are directly impacted by the partial closure; Children who have care available but who do not attend will be considered absent as defined in Policy Guide Chapter 10.
 - a. Classroom based or partial program COVID-19 Emergency Closures as detailed in Policy Guide Appendix F;
 - b. Classroom based or partial program General Emergency Closures as detailed in Policy Guide Appendix F; or
 - c. Transportation services funded as detailed in Policy Guide Appendix E are unavailable for a Child on a Day and the Child is unable to get to the Child Care Educator/Provider through other means.
- E. **PARENT FEES FOR UNPAID CLOSURES.** Parents are not responsible for Parent Fees for Days when care is not available during a full or partial closure Day that is not eligible for payment by EEC.

11.6.2 Provider Responsibilities *(Updated as of January 2022)*

- A. **COLLECTION OF FEE BY PROGRAM STAFF.** Programs shall designate a trained staff person or persons to be responsible for collecting Parent Fees. Parents and other staff shall be informed whom they shall pay. Receipts must be provided to Parents who pay for Parent Fees in cash.
- B. **Educators/Providers are responsible for collecting Parent Fees in a timely fashion, and must take appropriate action if Parents fail to pay fees as required. Educators/Providers who allow Parents to accrue balances in excess of the value of four weeks' Parent Fee may be responsible for the balance.**
 1. Child Care Educators/Providers who enter into a Repayment Agreement with the Parent following the guidelines in Policy Guide Chapter 11.6.3 may maintain a balance in excess of the value of four weeks' Parent Fees, subject to the limitations detailed in Policy Guide Chapter 11.6.3.
 2. Four week balance limit is related to the value of outstanding Parent Fees only, not other fees such as fees for late pick-up, etc.
- C. **Provider Actions for Late Payment or Non-Payment of Fees:**
 1. **Providers shall establish their own policies to address late payments as follows:**
 - a. Such policies shall be compliant with EEC requirements below.

- b. Such policies shall not include suspension or exclusion of the Child from child care services or additional charges for late payment.
 - c. Child Care Educator/Providers must give Parents a copy of their late payment policy at the time of enrollment, or four weeks before the effective date of a policy change.
 - d. The Child Care Educator/Provider must retain an acknowledgement of the Parent's receipt of the policy with the Parent's original signature in the Parent's file.
 - e. The policy must be implemented consistently with all Parents.
2. EEC allowable actions upon non-payment of Parent Fees are as follows:
- a. Upon the first non-payment of Parent Fees, Child Care Educator/Provider or Subsidy Administrator should issue the Parent a Non-Payment of Parent Fees Warning Notice.
 - i. If a Parent pays the balance after receipt of the Non-Payment of Parent Fees Warning Notice (prior to the next Parent Fee due date) no further action is needed.
Example: Parent Fee is due Friday, March 1st for the week of March 4th. Parent does not pay week's fee on Friday, March 1st. Child Care Educator/Provider or Subsidy Administrator issues a Non-Payment of Parent Fees Warning Notice on Monday, March 4th. Parent pays off balance on Wednesday, March 6th.
 - ii. This process may be repeated multiple times. However, a Child Care Educator/Provider may choose to end the Child's placement at the location of care in accordance with Policy Guide Chapter 13 if the Parent is consistently non-compliant with the Child Care Educator/Provider's payment policies. Such termination may not result in the Parent(s) loss of subsidy.
 - b. If a Parent fails to respond to the Non-Payment of Parent Fees Warning Notice, including paying balance prior to the next Parent Fee Due date and maintaining subsequent week's Parent Fees, Child Care Educator/Provider or Subsidy Administrator may issue a Notice of Termination.
Example: Parent Fee is due Friday, March 1st for the week of March 4th. Parent does not pay week's fee on Friday, March 1st. Child Care Educator/Provider or Subsidy Administrator issues a Non-Payment of Parent Fees Warning Notice on Monday, March 4th. On Friday, March 8th, Parent has not paid prior week's balance and has not paid the Parent Fees for the upcoming week (week of March 11th). Parent is issued a Notice of Termination on Monday, March 11th.
 - i. Notice of Termination shall not be issued if Child Care Educator/Provider intends to enter, or has entered into, a Repayment Agreement with the Parent. See Policy Guide Chapter 11.6.4 for actions if a Parent does not maintain a repayment agreement.
 - ii. A termination notice must be mailed or handed to the Parent 14 calendar Days prior to termination of care and must state that EEC financial

assistance services to the Family will end 14 calendar Days from the date of the notice if they do not pay the amount of overdue Parent Fees. Parent must be provided with a Request for Review form, and Child Care Educator/Provider must follow termination process detailed in Policy Guide Chapter 13.1.

11.6.3 Resolution of Parent Fee Balances *(Updated as of January 2022)*

- A. If the Parent resolves the outstanding Parent Fee balance prior to the end date of the termination notice, the original end date of the Authorization shall be restored **and the Child(ren) may return to care.**
 - 1. **If a parent pays the balance, the termination notice is not rescinded and shall not be removed from the Parent's record.**
 - 2. In such situations, a particular Child Care Educator/Provider may decline to re-enroll a Child following the restoration of the EEC financial assistance. Last Day of care at that particular Child Care Educator/Provider remains the original termination end date. Parent(s) may transfer EEC financial assistance to another qualified Child Care Educator/Provider.
- B. If the Parent files a Request for Review, the Family may continue to receive subsidized care if eligible under Policy Guide Chapter 14.2.3.
- C. If the Parent resolves the outstanding Parent Fee balance within 60 Days of the end date of the termination notice, the Parent may resume the Child Care Subsidy and the original end date of the Authorization shall be restored.
 - 1. EEC will not pay for any child care received between the end date of the termination notice and when the balance was paid in full by the Parent.
 - 2. In such situations, a particular Child Care Educator/Provider may decline to re-enroll a Child following the restoration of the EEC financial assistance. Last Day of care at that particular Child Care Educator/Provider remains the original termination end date. Parent(s) may transfer EEC financial assistance to another qualified Child Care Educator/Provider.
- D. If Parent fails to resolve the Parent Fee balance:
 - 1. The Child Care Educator/Provider may retain the Parent's initial 1-week deposit.
 - 2. Subsidy Administrator shall add a note to CCFA and KinderWait that a balance is owed and the dates during which the balance was incurred.
 - 3. Parents who left the subsidized child care program owing a Parent Fee balance incurred between March 2019 and February 2021⁹ **shall be allowed** to re-access the waitlist and be eligible for subsidized care no matter the status of the outstanding balance. Parents with a Parent Fee balance incurred at any other time may re-access the waitlist and be eligible for subsidized care if the Parent is current with the terms of an active Repayment Agreement under Policy Guide Chapter 11.6.4.

⁹ Please note that EEC **waived** collection of Parent Fees **from** March 23, 2020 **through** January 31, 2022 and that no parent fee balances should have been incurred between **March 23, 2020** and February 2021.

4. Parents who access care through a DCF or DTA Referral (active TAFDC clients only) will be allowed to access care while on the Referral but will be required to pay the balance in full before transitioning to DTA Transitional or Income Eligible Child care, unless one of the conditions under item 3 are met.
5. In instances of Child custody changes, unpaid fee balances do not transfer to the new Parent but remain with the original Parent.

11.6.4 Repayment Agreements *(Updated as of January 2022)*

- A. Child Care Educators/Providers must have written policy in place for the issuance of repayment agreements for Families who may be in arrears.
- B. Child Care Educators/Providers **are not required** to offer repayment agreements but when plans are offered, the agreement must follow the Child Care Educators/Providers written policy. EEC strongly encourages that Child Care Educators/Providers be flexible with unpaid Parent Fee balances, and encourages all Child Care Educators/Providers to allow Parents to enter into agreements.
- C. All repayment agreement policies must include the following guidelines. [Child Care Educators/Providers may also choose to use EEC's template repayment plan:](#)
 1. All Repayment Agreements must be in writing, signed by both parties, and include the following information at a minimum:
 - a. Amount, including a description of the exact fees that are included in the repayment agreement;
 - b. Payment schedule;
 - c. Include an agreement that the Parent must maintain current Parent Fees in addition to the repayment agreement; and
 - d. Provider actions if the Parent does not make payments as agreed, including termination of care.
 2. Value of repayment agreements should not exceed **four** weeks' worth of Parent Fees.
 - a. Additional values above **four** weeks' worth of fees may be included for payment of other allowable fees under Policy Guide Chapter 11.8. However, such values must be detailed in the repayment agreement.
 - i. *Example: A Parent owes **four** weeks of fees as well as one late pick-up fee. The repayment agreement may be for the total of both items.*
 - ii. Additional fees not allowable under Policy Guide Chapter 11.8, including any private pay Days, must be in separate repayment agreements. Such repayment agreements shall not affect the Parent's subsidy.
 - b. Child Care Educators/Providers who enter into agreements for more than **four** weeks of Parent Fees do so at their own risk.
 3. The repayment agreement shall take the place of a Non-Payment of Parent Fees Warning Notice.
 4. If a Parent fails to maintain a repayment agreement, the Child Care Educator/Provider must follow EEC regulations and policies:
 - a. Child Care Educator/Provider **shall not** give a Parent an immediate termination.

- b. Since the repayment agreement replaces a Parent Fee Termination Warning Notice, the Child Care Educator/Provider may issue a Notice of Termination in accordance with Policy Guide Chapter 11.6.2.
- 5. If a Parent leaves the program with an outstanding repayment agreement, the Child Care Educator/Provider can seek **four** weeks' worth of back owed Parent Fees *plus* the value of any repayment agreement (up to the value of another **four** weeks' worth of fees).
 - a. Parents will be allowed to move to another Child Care Educator/Provider **as allowed under Policy Guide Chapter 12.4** once first **four** weeks' worth of Parent Fees is paid plus any balances due to payment of other allowable fees.
 - b. Child Care Educator/Provider may still continue to collect payment on the outstanding repayment agreement.
 - c. If the Child Care Educator/Provider did not enter into a repayment agreement, the Child Care Educator/Provider cannot seek payment of any fees beyond **four** weeks' worth.
 - d. If a Parent has signed a repayment agreement with the first Child Care Educator/Provider, the Parent shall be allowed to move the Child to a new Child Care Educator/Provider and continue in care so long as the Parent remains current on payments under the repayment agreement.
- 6. In instances of Child custody changes, unpaid fee balances do not transfer to the new Parent but remain with the original Parent.

11.7 Parent Fee Refunds

Child Care Educators/Providers may need to issue refunds to Parents in the following circumstances:

- A. If a Parent gives a 14-Day advance notice of a planned withdrawal from the program and pays the Parent Fee for the last week, the initial deposit will be refunded.
- B. If a grievance determination by EEC results in a re-computation of the assessed Parent Fee and it is determined that the Family has been overcharged, a refund will be promptly issued by check or account credit, as agreed to by the Parent, within 5 Days of receiving notice of EEC's decision, or within 5 Days of receiving payment from EEC if the balance is from a calculation error.

11.8 Additional Fees *(Updated as of July 2020)*

Child Care Educators/Providers shall not charge Parents for whom they are receiving EEC financial assistance funding, any additional "registration," waitlist fee, deposit, application, field trip, special activity, food for special events, materials fees for participation in their program, any special COVID19 related surcharges or fees, or surcharges for late payments of Parent Fees.

Providers may not collect fees from Parents receiving EEC financial assistance to supplement their approved EEC reimbursement daily rate.

Additional fees may be charged for services not offered to every Child as part of the regular early education or out-of-school time program, such as transportation¹⁰ and optional meals. At their discretion, Parents may enter into agreements with vendors for services that are made available through the program, and Parents will be expected to pay for such optional services. Examples of optional services include, but are not limited to, extended care over 10 hours per Day, photography/class pictures, etc.

Providers may charge Parents for the care of Children who remain beyond program hours due to late pick-up by Parents, and for bank fees resulting from checks deposited against overdrawn accounts (i.e., bounced checks).

¹⁰ Only providers who have signed a transportation addendum as part of their provider agreement or who hold a transportation contract with EEC are allowed to provide transportation with EEC funding.

CHAPTER 12

Eligible Child Care Subsidy Providers *(Updated as of Sept. 2021)*

This chapter details the kinds of Child Care Educators/Providers Parents can choose when receiving a Child Care Subsidy.

12.1 Parent Choice *(Updated as of September 2021)*

A. General Guidelines:

1. EEC provides subsidies for Children to attend a full-range of early education and care programs within the mixed delivery system, including center based care, family child care, Department of Public Health (DPH) licensed summer camps, public school preschool programs, after school and out of school time programs, Head Start programs, and Informal Child Care Providers.
2. Parents may not be required to enroll their Child(ren) at a particular early education and care program.
3. Subsidized child care covers up to 10 hours of care per Day.
 - a. **The requirement for Contracted Child Care Educators/Providers who hold Priority Populations contracts to offer 10 hours of care is waived during the COVID-19 pandemic.**
4. Subsidized child care is delivered through vouchers that may be used at any Voucher Child Care Provider/Educator and through direct contracts with Contracted Child Care Educators/Providers. As detailed in this section, Parents may choose to change Child Care Educators/Providers and change from vouchers to contracts.

B. Voluntary Termination - Change of Provider:

1. A Parent is allowed to terminate care at one Child Care Educator/Provider and transfer his/her Child to another program. The Parent must give the existing Child Care Educator/Provider at least two weeks' notice of the change and pay all outstanding Parent Fees (in accordance with Policy Guide Chapter 11.6).
2. If the Child is currently enrolled at a Contracted Child Care Educator/Provider, the existing Contracted Child Care Educator/Provider shall assist the Parent in contacting the local CCRR to facilitate the selection of a new Child Care Educator/Provider and to issue a new voucher placement, if needed.
 - a. A Parent whose Child is currently enrolled in an EEC subsidized contract slot may not request the issuance of a voucher to stay in the same program.
3. If the Child is currently enrolled on a voucher, the Parent contacts the local CCRR to change location of care.

C. Voluntary Termination – Termination of Subsidy

1. A Parent may choose to terminate subsidized child care at any time.
2. The Parent must give the existing Child Care Educator/Provider at least two weeks' notice of the change and pay all outstanding Parent Fees (in accordance with Policy Guide Chapter 11.6).

12.1.1 TRANSFER OF A SUBSIDY BETWEEN VOUCHERS AND CONTRACTS *(Updated as of July 2020)*

A. Enrolling a Family that was offered a voucher into a contract slot:

1. After receiving a Funding Availability Letter (FAL) for a voucher placement or after being determined eligible for a voucher by a CCRR, a Parent may choose to enroll his/her Child in a child care program that holds an EEC Income Eligible contract.
2. In such instances, the Contracted Child Care Educator/Provider is not required to accept all voucher referrals or to enroll all voucher referred Families in voucher placements.
3. If the Parent agrees to accept the contract slot, the Parent will technically "forfeit" his/her voucher (or opportunity to receive a voucher if the formal Authorization has not been completed). Once the Child is enrolled in the contract slot, the Contracted Child Care Educator/ Provider shall contact the referring CCRR to confirm the Child's enrollment.
4. Whenever a voucher referred Family forfeits his/her voucher and accepts a contract slot, the Contracted Child Care Educator/Provider must have the Parent complete and sign the Parent Choice Form that fully explains the Parent's right to transfer to another program if they become dissatisfied with the current placement in the future.
5. Voucher Families authorized based on DCF or DTA Referrals or receiving subsidized child care through DCF-Transitional, DTA Transitional or DTA Post-Transitional designations are exempt from this practice. If a Family with a DCF or DTA Referral seeks to enroll their Child in a child care program holding an Income Eligible contract, the Contracted Child Care Educator/Provider cannot offer the Family one of its vacant contract slots.

B. Limitations on voucher access from a contract slot offer:

1. If a Parent refuses to accept a contract slot after receiving a Funding Availability Letter (FAL) from a Contracted Child Care Educator/Provider the Family is not eligible to immediately receive a voucher to attend the child care program of their choice. The Contracted Child Care Educator/Provider must update the waitlist record to record the refusal and ensure that the Child is designated as active on the waitlist.

C. Continuity of Care:

1. If a Child ages up or ages out of an EEC-funded contract slot, the Contracted Child Care Educator/Provider shall refer the Family to the local CCRR to obtain a voucher. Current regulations and policies related to the Child Care Subsidy program allow for Children already receiving subsidized child care to continue in care through a voucher, provided that the Family remains eligible. The continuity of care regulations and policies also allow for Children enrolled in priority populations contract slots to remain in care through an income eligible voucher (or contract), if the Family meets the eligibility requirements.

12.1.2

PARENTS WHO ARE FAMILY CHILD CARE PROVIDERS/ASSISTANTS *(Updated as of Sept. 2021)*

Parents who are Family Child Care Providers or regular/certified assistants will not be eligible to receive EEC financial assistance to care for their own Child or foster Child placed in their Family Child Care home or the home in which they are employed. If inclusion of their own Child or foster Child in their Family Child Care home would result in the home exceeding its licensed capacity, eligible Parents may be issued EEC financial assistance for their Child's placement at another program.

- A. FCC Provider enrollment must be reviewed at Authorization and Reauthorization to ensure a Parent who is an FCC Provider/Assistant is at licensed capacity prior to the issuance of a new Authorization.
- B. 12-month Authorizations shall not be terminated if the FCC Provider enrollment decreases below licensed capacity.
- C. If a new Foster Child is added to the home, enrollment must be checked again before a DCF Authorization is issued.

While this guide is in effect, foster parents who are FCC Providers may opt to not send the child to an outside provider and may choose to keep the child enrolled in their own family child care home. In such cases, EEC will allow the reimbursement for subsidized child care to the Family Child Care Provider through the issuance of a voucher.

12.2 Informal Child Care – Access and Limitations *(Updated as of June 2021)*

- A. **ACCESS.** Parents receiving a voucher for early education and care services may choose care provided by an Informal Child Care Provider - a Relative in either the Relative's home or in the Child's own home or care provided in the Child's own home by a person who is not related to the Child.
 - 1. **SPECIAL NEED/DISABILITY RESTRICTION.** If a Family has a full time Authorization due to a combination of a Part Time Service Need and the Child's identified special need/disability, use of Informal Child Care Providers is prohibited unless approved in writing by EEC.
- B. **LICENSE EXEMPT.** Informal Child Care Providers are exempt from EEC's licensing requirements but are subject to the following requirements in accordance with Federal law.
 - 1. Prior to providing and being reimbursed for subsidized child care, Relative Informal Child Care Providers must:
 - i. Complete a Sex Offender Registry Information (SORI) check and a National Sex Offender Registry (NSOR) check.
 - ii. Complete all applicable pre-service and orientation to child care trainings;
 - iii. Satisfy all applicable health and safety requirements;
 - iv. Sign an agreement to provide subsidized child care; and
 - v. Meet any other requirements detailed below.
 - 2. Prior to providing and being reimbursed for subsidized child care, Non-Relative Informal Child Care Providers must:

- i. Complete EEC's background record check certifying the Informal Child Care Provider has a background free of conduct which, in the judgment of EEC and in accordance with EEC's Background Record Check Regulations at 606 CMR 14.00 et seq., bears adversely upon his or her ability to provide for the safety and well-being of a Child;
- ii. Complete all applicable pre-service and orientation to child care trainings;
- iii. Satisfy all applicable health and safety requirements, including those identified in the EEC Compliance Requirements for Funded Informal Non-Relative Child Care Providers;
- iv. Agree to annual monitoring visits from EEC;
- v. Submit a signed Parental Consent Form authorizing annual monitoring visits from EEC;
- vi. Sign an agreement to provide subsidized child care; and
- vii. Meet any other requirements detailed below.

C. QUALIFICATIONS.

1. **AGE.** Subsidized child care may be provided by an Informal Child Care Provider, either a non-relative in the Child's home or Relative of the Child in a private residence if the Informal Child Care Provider is at least 18 years old;
2. **HOUSEHOLD MEMBERSHIP FOR TAFDC PURPOSES.** The Informal Child Care Provider must not be a member of the Parent's TAFDC assistance unit (unless the Parent is under the age of 18).
3. **RELATIONSHIP RESTRICTIONS.** The Informal Child Care Provider may not be the Child's Parent, stepparent, foster Parent or Caregiver. Relative Informal Child Care Providers, including siblings, aunts, uncles, and grandparents, must submit evidence of the Informal Child Care Provider's age and the Informal Child Care Provider's relationship to the Child receiving care. The evidence may include birth certificates, baptismal certificates, marriage certificates, and/or adoption orders or decrees. Additional documentation may be accepted upon approval by EEC.
4. **LOCATION OF CARE.** Non-relative Informal Child Care Providers must provide care in the Child's own home and may not be residents of the Child's household. Relative Informal Child Care Providers may provide care in their own home or in the Child's own home.
5. **CAPACITY RESTRICTIONS.** If the Informal Child Care Provider is a Relative caring for Children in their own home or in the Child's own home, the total number of their own Children under the age of 13 plus any other Children under the age of 13, present in the home where care is being provided while they are providing care, may not exceed six Children. If the Informal Child Care Provider is a non-relative caring for Children in the Child's own home, the total number of their own Children plus any other Children present in the home where care is being provided while they are providing care must abide by the capacity and age restrictions identified in Section 9.08 of the EEC Compliance Requirements for Funded Informal Non-Relative Providers. Children under the age of 16, who have special needs, shall be included in determining an Informal Child Care Provider's capacity.

6. **ORIENTATION.** All Informal Child Care Providers must attend an orientation provided by the CCRR.
7. All Informal Child Care Providers who complete the requirements and meet eligibility requirements will receive a Certificate of Eligibility from EEC once the process is complete. The CCRR shall not issue any vouchers to the Informal Child Care Provider until the Certificate of Eligibility has been issued.

D HEALTH AND SAFETY REQUIREMENTS AND TRAININGS. All Informal Non-relative Child Care Providers must complete pre-service trainings in each one of the topics listed in Section D below. All trainings must be appropriate to the setting and age of Children served by the Informal Non-relative Child Care Provider and must be completed before Informal Non-relative Child Care Providers are allowed to care for Children unsupervised. All Informal Non-relative Child Care Providers must demonstrate compliance with the following Health and Safety Trainings on an annual basis, or as outlined in EEC's Funded Program policies:

1. The prevention and control of infectious diseases, including immunizations
2. Prevention of sudden infant death syndrome and use of safe sleeping practices;
3. Administration of medication;
4. Prevention and response to emergencies due to food and allergic reactions;
5. Building and physical premises safety, including identification of and protection from hazards, bodies of water, and vehicular traffic;
6. Prevention of shaken baby syndrome, abusive head trauma, and Child maltreatment;
7. Emergency preparedness and response planning for emergencies resulting from a natural disaster or a man-caused event;
8. Handling and storage of hazardous materials and the appropriate disposal of bio contaminants;
9. Appropriate precautions in transporting Children (if applicable to the program);
10. Pediatric first aid and cardiopulmonary resuscitation (CPR); and
11. Recognition and reporting of Child abuse and neglect.

Informal Child Care Provider may also be required to attend trainings on additional topics, such as nutrition, access to physical activity, caring for Children with special needs, or any other subject area necessary to promote Child development or to protect Children's health and safety

E. INSPECTIONS AND VISITS. All Non-relative Informal Child Care Providers are subject to the following monitoring requirements:

1. At least one annual visit, and more if needed, to ensure compliance with all EEC regulations, including health, safety, and fire standards.
2. This requirement for annual visits applies to care being provided by Non-relative Informal Child Care Providers in the Child's own home. EEC will obtain advance written Parental permission for such visits to take place. Such permission must be renewed annually.
3. EEC may develop alternate monitoring requirements for care provided in the Child's home that are appropriate to the setting.

- F. **BACKGROUND RECORD CHECKS (BRC).** All Non-relative Informal Child Care Providers are subject to the following BRC requirements:
1. Annual Consent Form: At the time of initial registration to provide funded Non-relative Informal Child Care, and at each subsequent Reauthorization, all Non-relative Informal Child Care Providers must complete an application form, the Consent form for an EEC Background Record Check, and verify their identity.
 2. The Consent form will be submitted by the CCRR for processing. The individual will receive a Fingerprint Notification letter from EEC with a Unique ID to be used to schedule their fingerprint at an Identogo site. Instructions are included in the letter they will receive. Once the Fingerprint scan has been completed and transmitted for a National Fingerprint check, EEC will conduct the CORI, SORI and DCF checks with Department of Criminal Justice Information Services (DCJIS) for a CORI check, to the DCF Central Registry and Registry of Alleged Perpetrators to check for a supported 51B report, and the Sex Offender Registry Board (SORB) to check if the individual has been required to register as a Sex Offender of any level (SORI). Additional checks may be required as mandated under federal or state law or regulations, including, National Sex Offender Registry (NSOR) and all out-of-state checks mandated by the Child Care and Development Block Grant (CCDBG). Based upon the information provided by the FBI, DCJIS, DCF, SORB, and in accordance with 606 CMR 14.00, Criminal Offender and Other Background Record Checks, EEC will determine if further information is required by the candidate based upon information obtained through one or more of the above checks. Once all requested documentation is received and reviewed EEC will notify the applicant directly of their suitability. Convictions of certain crimes, DCF findings of sexual abuse, and classification as a Sex Offender are mandatory disqualifications with no right to appeal as required by federal or state law or regulations.
 3. CCRRs shall not issue child care vouchers to Non-relative Informal Child Care Providers until EEC has conducted a BRC, the individual has been found suitable by EEC, and that the individual's BRC suitability has been approved.
 4. Any person approved by EEC to provide subsidized child care shall notify EEC if a criminal charge is filed against them in any state, if a DCF 51A report is filed against them, or if they are required to register as a Sex Offender. Pending criminal charges, allegations of abuse or neglect, and/or registration as a Sex Offender may be grounds for immediate disqualification. BRC information is confidential and will be used only for screening and review of an individual's eligibility for approval to provide subsidized child care. Specific BRC information will not be communicated in any form to any person other than the individual about whom the BRC was completed. EEC will notify both the CCRR, and the Parent seeking to utilize the applicant for child care services whether the applicant has been found suitable or not suitable by EEC and is approved or disqualified from receiving funding to provide child care. Willful dissemination of CORI information to unauthorized individuals is punishable by up to one year in jail and/or a \$5,000 fine. Willful dissemination of DCF information to unauthorized individuals is punishable by up to two- and one-half years in jail and/or a \$1,000 fine.

5. In order to minimize the risk that Parents may be unable to receive or retain employment while a BRC is pending, the CCRRs should direct Parents to use licensed child care, if available, while the BRC is pending on the Non-relative Informal Child Care Provider. In this way, if a Parent intends to use a Non-relative Informal Child Care Provider, the BRC check on the Non-relative Informal Child Care Provider will be completed and approved when the Parent is ready to start their Authorization.

12.3 Selection of Provider outside of Service Delivery Area

EEC contracts with CCRRs to manage the voucher child care system for specific service delivery areas. However, sometimes Parents residing in one service delivery area may choose to use care in a service delivery area managed by a different CCRR. In these cases, timely coordination and communication between CCRRs are necessary to allow problem-free access to voucher services for both the Parent and the Child Care Educator/Provider. To facilitate the necessary coordination and communication, the CCRR that manages voucher services in the service delivery where the Child Care Educator's/Provider's regional site is located will be designated as the lead CCRR, while the CCRR that manages voucher services in the service delivery area where the Parents reside will be responsible for managing the Parent voucher.

The lead CCRR will be responsible for:

- Closing enrollment in CCFA to a Child Care Educator/Provider who has been placed on an enrollment freeze by EEC and opening enrollment when the freeze has been lifted.
- Notifying the managing CCRR in the event that a Child Care Educator/Provider closes, drops a program type, or has any other significant change.

The managing CCRR will be responsible for:

- Issuing the Parent voucher once the Child Care Educator/Provider information has been entered into CCFA by the lead CCRR;
- Managing the vouchers for all Children they place who are receiving child care from Child Care Educators/Providers outside their service delivery area; and
- Sharing appropriate information with the lead CCRR regarding the shared Child Care Educator/Provider.

12.4 Change in Early Education and Care Program *(Updated as of Sept. 2021)*

- A. **PARENT DISSATISFACTION – TWO WEEK NOTICE REQUIRED.** If the Parent becomes dissatisfied with his/her early education and care provider, the Parent may choose to withdraw the Child and enroll the Child in another program. After choosing a new Child Care Educator/Provider and making arrangements to enroll the Child, the Parent must give two weeks' notice to the current Child Care Educator/Provider. At the conclusion of the two weeks, the Child may be enrolled in the new program in a contracted slot, or a voucher may be written for the non-contracted provider, provided that the Parent has

paid all fees owed to the previous Child Care Educator/Provider. A new child care placement will not be written for Parents with outstanding Parent Fees. However, a new child care placement may be issued to Parents who have an active Repayment Agreement under Policy Guide Chapter 11.6.4, so long as the Parent is current with the terms of the Repayment Agreement.

- B. **GEOGRAPHIC RELOCATION – TWO WEEK NOTICE REQUIRED.** If the Parent moves or a change in providers is necessary due to a change in job or to the location of an education or training program, the Parent may also change child care by identifying a new Child Care Educator/Provider, and then giving two weeks' notice to the current Child Care Educator/Provider. At the conclusion of the two weeks, the Child may be enrolled in the new program in a contracted slot, or a voucher may be written for the non-contracted provider, provided that funds are available, and the Parent has paid all fees owed to the previous Child Care Educator/Provider (in accordance with Policy Guide Chapter 11.6).
- C. **EMERGENCY EXCEPTION TO TWO WEEK NOTICE REQUIREMENT.** Under limited circumstances a Parent may withdraw a Child from care and enroll the Child in a new program without giving two weeks' notice. If the Child Care Educator/Provider agrees to waive the two weeks' notice, or the Parent has concerns about the health and safety of his/her Child and files a complaint with EEC's Regional Licensing Office, the Parent may withdraw his or her Child immediately. If the Parent holds a voucher for the Child, the Parent must also notify the CCRR of his or her intention to terminate care. If the Child is enrolled in a contract slot, the Parent must notify the EEC Financial Assistance Unit of his/her intention to terminate care. All fees owed to the Child Care Educator/Provider must be paid before a new placement is entered.
- D. **PARENT CONSENT REQUIRED FOR PROGRAM LOCATION CHANGES.** Child Care Educators/Providers may not move Children from one care location to another without the Parent(s)' written consent.

12.5 Providers outside the Commonwealth of Massachusetts

A Child Care Subsidy may only be used for care provided within the Commonwealth of Massachusetts, unless in the following circumstances:

- A. Child Care Educators/Providers who were in operation prior to March 1, 2019, and received prior approval from EEC to utilize a Child Care Subsidy outside of the Commonwealth, so long as the Child Care Educator/Provider maintains compliance with all EEC requirements; or
- B. Any Child Care Educator/Provider who receives written approval from EEC, as reviewed on a case-by-case basis. EEC will review a number of factors to determine whether a Parent may use a Child Care Educator/Provider for a Child Care Subsidy in another state, including, but not limited to:
 - 1. The state wherein the care will take place and whether Massachusetts has a Memorandum of Understanding (MOU) with that state;
 - 2. The state's, or Child Care Educator/Provider's, compliance with requirements with the Child Care Development Block Grant (CCDBG) Reauthorization at 45 U.S.C. 9858 et seq., including, but not limited to, background record checks; annual unannounced

- monitoring visits; and annual health and safety trainings, emergency preparedness plans, and professional development requirements.
- C. None of the above sections modify the requirements for a Parent to meet residency requirements in the Commonwealth of Massachusetts as detailed in Policy Guide Chapter 3.5.

CHAPTER 13

Denials and Terminations

(Updated as of September 2021)

This chapter explains what a Family can expect if their Child Care Subsidy is denied or terminated.

EEC financial assistance Authorizations may be denied under the following circumstances:

- Lack of a service need;
- Lack of financial eligibility, including, but not limited to, exceeding income or asset limits;
- Outstanding, unpaid Parent Fee balance incurred prior to March 2019 or after February 2021¹¹;
- Failure to submit required documentation at Authorization or Reauthorization;
- Substantiated Fraud, including but not limited to submission of false or misleading information or documentation to EEC or the Subsidy Administrator;
- Disqualification under Policy Guide Chapter 15;
- Abandonment of Subsidy; OR
- Residency outside of the Commonwealth.

EEC financial assistance Authorizations may be terminated under the following circumstances:

- Lack of a service need;
- Intentional Program Violation, including non-payment or late payment of Parent Fees incurred prior to March 2019 or after February 2021¹²;
- Substantiated Fraud, including but not limited to submission of false or misleading information or documentation to EEC or the Subsidy Administrator;
- Residency outside of the Commonwealth of Massachusetts;
- Income exceeding 85% SMI;
- Abandonment of subsidy OR
- Excessive Unexplained Absences.

Child's placement at a location of care may be ended under the following circumstances. Such circumstances do not result in the household's loss of financial assistance. Two weeks' notice must be given unless immediate health and safety concerns exist:

- Failure of Parent(s) or Child to comply with the provider's policies; OR
- Health and safety concerns of Parent or Child Care Educator/Provider.

¹¹ Please note that EEC [waived](#) collection of Parent Fees [from](#) March 23, 2020 [through January 31, 2022](#) and that no parent fee balances should have been incurred between [March 23, 2020](#) and February 2021.

¹² Please note that EEC [waived](#) collection of Parent Fees [from](#) March 23, 2020 [through January 31, 2022](#) and that no parent fee balances should have been incurred between [March 23, 2020](#) and February 2021.

Families shall not be issued a denial or termination for the following:

1. Failure to Report a *Temporary* Change; or
2. Parent Fee balances incurred between March 2019 and February 2021¹³.

13.1 Notice of Denial or Termination of Child Care

When EEC or a Subsidy Administrator determines that a Family will be denied child care or will terminate a Child Care Subsidy, a written notice must be given to the Parent immediately upon the decision to deny or at least 14 calendar Days before the effective date of the termination. A Request for Review form must accompany all Notices of Denial or Termination.

All notices are considered served if they are mailed to Parents at their last known address, or if they are mailed or delivered to Parents based on contact information provided by the Parent(s) to the Subsidy Administrator.

The notice must include the following:

- A clear and plain statement of the action to be taken;
- The effective date of the action;
- An explanation of the reason(s) for the action;
- The regulation or other legal authority on which the action is based;
- Contact information to obtain more information related to the action;
- An explanation of the right to request a review and a copy of the Request for Review form (See Policy Guide Chapter 14);
- The circumstances under which child care services may continue pending a review, if applicable;
- A notice of the right to be represented; **AND**
- Contact information to submit an appeal.

EEC or Subsidy Administrators shall use the Notice of Denial Form or the Notice of Termination Form, which can be found on EEC's website. This form must be used consistently with all Parents and in accordance with EEC policy and the educator's policies.

If the Parent files a request for review of the decision to terminate services on or before the termination date, the Family may request to receive subsidized care at the previous level until the outcome of the EEC Review Process (see Policy Guide Chapter 14).

13.2 Service Need or Income Criteria

If an initial eligibility Authorization indicates that a Family does not meet EEC's service need or income eligibility requirements, the Subsidy Administrator must provide written notice of the denial immediately upon the decision. If Reauthorization indicates that the Family no longer meets EEC service need or income requirements, the Subsidy

¹³ Please note that EEC [waived](#) collection of Parent Fees [from](#) March 23, 2020 [through January 31, 2022](#) and that no parent fee balances should have been incurred between [March 23, 2020](#) and February 2021.

Administrator must notify the Family in writing that continued EEC financial assistance has been denied. The last Day of EEC subsidized care will be the end date of the prior Authorization.

13.3 Failure to Pay Required Parent Fees *(Updated as of September 2021)*

Subsidy Administrators shall refer to Policy Guide Chapter 11.6 for the process for termination in instances of the non-payment of Parent Fees. Termination shall not be issued for Parent Fee balances incurred between March 2019 and February 2021¹⁴.

13.4 Excessive Unexplained Absence

Subsidy Administrators shall refer to Policy Guide Chapter 10.2 for the process for termination in instances of Excessive Unexplained Child Absences.

13.5 Failure to Submit Required Documentation at Reauthorization *(Updated as of July 2020)*

Failure to submit the documentation required to establish the Parent's continuing service need and income eligibility will result in denial of further EEC financial assistance, and the Subsidy Administrator will issue a denial notice.

A Notice of Denial of Financial Assistance for Child Care may be issued by handing it to the Parent in person or by sending it by mail, e-mail, or fax. This notice is effective on the date that it is handed to or sent to the Parent and care will terminate on the end date of the original Authorization. It is important that Subsidy Administrators maintain accurate records of issued notices and keep all submitted documents that lead to the denial notice on file.

13.6 Voluntary Termination

Subsidy Administrators shall refer to Policy Guide Chapter 12.1, Parent Choice, for the process for voluntary terminations.

¹⁴ Please note that EEC [waived](#) collection of Parent Fees [from](#) March 23, 2020 [through January 31, 2022](#) and that no parent fee balances should have been incurred between [March 23, 2020](#) and February 2021.

CHAPTER 14

EEC Financial Assistance Complaint, Appeal, and Investigation Process *(Updated as of January 2022)*

This chapter outlines what a Parent, Subsidy Administrator or any other concerned parties can do if they need to file a financial assistance complaint or file an appeal for the loss of subsidized child care.

14.1 Complaints

A complaint is an expression of dissatisfaction or concern communicated to an EEC staff person that alleges a violation of contracting standards, or financial assistance policy or regulations. Complaints may be filed against any program that contracts with EEC or that holds an EEC Voucher Agreement. These programs may include:

- Independent Family child care providers;
- Family child care homes operating through a Family child care system;
- Family child care systems;
- Child care centers or after school programs;
- A CCRR OR
- An Informal Child Care Provider

Complaints may come from Parents, Relatives, concerned citizens, program or system staff/administrators, CCRRs, or EEC staff.

Subsidy Administrators shall report any financial assistance complaints directly to the EEC Financial Assistance Unit at EEC's Central Office. Subsidy Administrators shall report any licensing complaints directly to the appropriate EEC Regional Office.

14.2 Request for Review Process *(Updated as of September 2021)*

A Parent may file a request for review with EEC when EEC or a Subsidy Administrator:

- Denies the Parent's EEC financial assistance;
 - Please note that a Parent who is denied for failing to submit documentation on time for Reauthorization under Policy Guide Chapters 5, 6.3, 7.3, or 9.4 will not be eligible for review
- Terminates the Parent's EEC financial assistance;
- Assesses a Parent Fee that the Parent believes is not in accordance with EEC financial assistance policy;
- Acts, or fails to act, in a way that the Parent believes violates EEC financial assistance policy; or
- Imposes a sanction under Policy Guide Chapter 15.

A Parent may not challenge the legality of state or federal law or EEC regulation in the review process. The scope of the review shall be limited to determining if EEC or the

Subsidy Administrator acted in accordance with state or federal law or EEC regulations and policy. The denial of variance requests are not subject to EEC's appeals process.

14.2.1 Filing a Request for Review

If a Parent wishes to appeal a decision, the Parent is required to submit a written, signed, and dated request for review form to EEC within 30 Days of:

- Notice that their child care is being denied or terminated; or
- An action or determination by the Subsidy Administrator that the Parent has violated EEC regulations or policy.

The form that Parents need to request a review may be found on EEC's website. A Request for Review form shall be provided when a denial or termination notice is issued. The Subsidy Administrator shall assist the Parent in completing the form if requested. **Request for Review forms must be completed in full in order to be considered a valid appeal by EEC.**

The Parent may submit evidence in support of his/her request, such as documents or receipts. If the Parent chooses to submit evidence, all evidence must be received by EEC within 14 Days of submitting the request for review.

14.2.2 Representation

The Parent may be represented by a person of his/her choosing at any stage of the review process.

14.2.3 Continuation of Subsidized Child Care Services

In order for subsidized child care to continue pending outcome of a request for review, the Parent shall:

- File with EEC a written request for the continuation of child care services on a form provided or prescribed by EEC prior to the termination of the child care services (14 Days after the Notice of Termination is issued);
- At all times during the review process and any subsequent appeals keep all undisputed fee payments current; **and**
- At all times during the review process and any subsequent appeals ensure that the Child continues to attend care in accordance with EEC attendance policies.

Requests for Review of a denial of subsidized child care WILL NOT be eligible for continuation of care.

Care extensions may be approved by the EEC Review Officer after consideration of the circumstances leading to the termination and confirmation that the Parent meets the requirements above. EEC can extend care only until the end date of the original Authorization. Parent(s) must be Reauthorized in full by the Subsidy Administrator and EEC must confirm any extension of care after that date.

14.2.4 Termination of Continued Subsidized Child Care.

Subsidized child care services continued during a Request for Review shall be terminated if at any time during the review process or any subsequent appeals:

- A determination is made that the sole issue is a challenge to the validity of a particular law or EEC regulation;
- A change affecting the Parent's subsidy occurs subsequent to the filing of the request for a review which makes the previously filed request for a review moot, and the Parent fails to appeal the subsequent matter within the applicable time period;
- The Parent fails to comply with the requirements for continuing subsidized care listed in Policy Guide Chapter 14.2.3 above; or
- The Parent fails to Reauthorize prior to the original Authorization end date.

14.2.5 Preliminary Review.

- A. **Notification:** Within 7 Days of receipt of the Parent's Request for Review, or as soon as administratively feasible, the EEC Review Officer shall notify the Subsidy Administrator of the Request for Review, and shall request that the Subsidy Administrator submit evidence in support of his or her determination. The EEC Review Officer shall also notify the Parent and the Subsidy Administrator whether the subsidized child care shall continue pending the outcome of the review.
- B. **Response:** Within 7 Days of the date of notification from EEC, the Subsidy Administrator must submit to the EEC Review Officer its evidence in support of its decision, action or inaction which allegedly forms the basis for the Parent's Request for Review.
- C. **Record:** The case record shall consist of any evidence submitted by the Subsidy Administrator, any evidence submitted by the Parent, and, if applicable, any evidence obtained by the EEC Review Officer, including, but not limited to, documentary evidence obtained from other local, state, and/or federal agencies.
- D. **Decisions:**
 1. **How Made:** The EEC Review Officer will review all information submitted by the Parent and the Subsidy Administrator and seek clarification from the parties, if necessary. The Review Officer may take administrative notice of general, technical or scientific facts within his or her specialized knowledge and may use his or her experience and specialized knowledge in the evaluation of the evidence presented. The EEC Review Officer may also take administrative notice of any public records or information from other local, state, and/or federal agencies.
 2. **When Made:** Within 60 Days of EEC's receipt of the Request for Review, or as promptly as administratively feasible, the EEC Review Officer shall issue a written decision to the Parent and the Subsidy Administrator which upholds, reverses, or modifies the Subsidy Administrator's decision, action or inaction.

3. **When Implemented:** Unless a Parent files a Request for Hearing, the EEC Review Officer's decision will be the final appeal and will be implemented in accordance with the timelines set forth in the decision.
4. **Notice of Right to Appeal:** The Review Officer's written decision shall inform the Parent of the Parent's right to appeal the written decision by requesting an Informal Hearing with EEC. If the Parent does not appeal, the Review Officer's written decision shall become EEC's final agency decision.

14.3 Request for Hearing Process *(Updated as of January 2022)*

After a Request for Review, aggrieved Parents may appeal the EEC Review Officer's decision by filing a Request for Hearing, which is a request for an informal hearing.

14.3.1 Request for Hearing.

Parents may request an informal hearing by submitting to the EEC General Counsel a written, signed and dated Request for Hearing on a form prescribed or provided by EEC within 14 Days of the date of the EEC Review Officer's written decision. The Request for Hearing must state the grounds for the appeal and be submitted in a timely fashion. A late Request for Hearing may result in the denial of a hearing. A Request for Hearing is not available for variance requests.

14.3.2 Continuation of Subsidized Child Care Services

If the Parent timely appeals the decision in accordance with Policy Guide Chapter 14.3.1, the Child Care Subsidy shall continue pending the outcome of the appeal as long as EEC has determined that Policy Guide Chapter 14.2.3 applies.

14.3.3 Notice of Hearing

The designated EEC Hearing Officer shall notify the Parent, the Subsidy Administrator, and the EEC Review Officer of the date, time, and place of the hearing. The notice shall also describe the hearing procedure and the right to contact EEC to obtain further information, including the case file and documents to be submitted by EEC at the hearing.

14.3.4 Hearings *(Updated as of January 2022)*

- A. **Procedure:** The hearing shall be conducted in accordance with 801 CMR 1.02: Informal/Fair Hearing Rules. The General Counsel may appoint an EEC Hearing Officer to preside over the hearing.
- B. **Adjustment of Matters Relating to the Hearing:** The EEC Hearing Officer may make informal disposition of the adjudicatory proceeding by stipulation, agreed settlement, consent order, or default, and may limit the issues to be heard, in accordance with M.G.L. c. 30A, § 10.
- C. **Submission Without a Hearing:** The Parent may elect to waive a hearing and to submit any documents without appearing at the time and place designated for the

- hearing. Submission of a case without a hearing does not relieve the parties from supplying all documents supporting their claims or defenses. Affidavits and stipulations may be used to supplement other documentary evidence in the record.
- D. **Location:** The Informal Hearing shall be held in EEC's Central Office, or in a location designated by EEC, [which may include a digital platform](#). If the Parent has a disability or is otherwise unable to appear at the EEC Central Office, the Parent may request that the hearing be held at an EEC regional office more conveniently located to the Parent, subject to approval by EEC.
 - E. **Hearing Record:** The EEC Hearing Officer shall ensure that a record is made of the hearing. All documents and other evidence offered and accepted shall become part of the record. The record shall also include the Request for Review, the Request for Informal Hearing and the decision by the EEC Review Officer.
 - F. **Burden of Proof:** The EEC Hearing Officer's decision shall be supported by substantial evidence presented at the hearing.
 - G. **Reasons for Dismissal:** The EEC Hearing Officer may dismiss a request for an informal hearing if a Parent:
 - 1. Fails to appear at the informal hearing, in accordance with 801 CMR 1.02: Informal/Fair Hearing Rules;
 - 2. Fails to prosecute his or her claim, in accordance with 801 CMR 1.02: Informal/Fair Hearing Rules(10)(e); or
 - 3. Withdraws the request for Informal Hearing in writing or on the record at the hearing.
 - H. **Decisions:** Within 60 Days of conducting the Informal Hearing, or as promptly as administratively feasible, the EEC Hearing Officer shall issue a written decision in accordance with M.G.L. c. 30A, § 11(8).
 - I. **Judicial Review and Finality of Decision:** The decision of the EEC Hearing Officer following an Informal Hearing shall be the final agency decision for purposes of judicial review under M.G.L. c. 30A.
 - J. **Further Appeal and Stay of Decision:** Following the Informal Hearing, the decision of the Hearing Officer shall be implemented in accordance with the timelines set forth in the Hearing Officer's decision unless the Parent:
 - 1. Timely appeals the decision to superior court pursuant to M.G.L. c. 30A;
 - 2. Submits a written request for a stay of the decision to the EEC General Counsel; and
 - 3. The General Counsel grants the request for a stay.

14.4 Investigations

EEC fully expects all Families who receive EEC financial assistance to comply with all relevant EEC policies. If a Subsidy Administrator suspects that a recipient of EEC financial assistance is providing false or misleading information, the Subsidy Administrator shall report the incident to the Financial Assistance Unit at EEC's Central Office for further investigation.

If a Subsidy Administrator receives information indicating that a Parent may have engaged in Substantiated Fraud, the Subsidy Administrator shall send a termination notice to the Parent along with a Request for Review form. The Subsidy Administrator shall send to the EEC Financial Assistance Unit all documentation used to support their decision. Subsidy Administrator shall maintain documentation related to such cases in a secure location for a minimum of 7 years, or longer if requested by EEC, and provide EEC with access upon request. Examples of fraud include, but are not limited to:

- Failure to report accurate household composition at Authorization or Reauthorization;
- Failure to report all household income at Authorization or Reauthorization;
- Falsified residency documentation;
- Falsified pay stubs; or
- Letters or forms containing forged signatures or signed by persons not employed by the issuing entity.

EEC will review all cases of suspected fraud, and if substantiated, issue a recoupment letter seeking repayment of the full amount of subsidy the Parent obtained through fraud. EEC may refer cases of potential fraud to the Bureau of Special Investigations, a division of the Office of the State Auditor, for further review and investigation.

Even if not flagged by a Subsidy Administrator, information submitted for purposes of eligibility determination may be matched with entities including but not limited to: other government agencies, employers, landlords, schools, Local Housing Authorities, and/or banks/financial institutions. All information will be used in confidence as required under Massachusetts statutes and regulations. EEC may use the identifying information in conducting matches to confirm Parent(s) eligibility for assistance and to detect fraud. EEC may also match the identifying information that the Parent provided relating to Family members, such as a spouse, an absent Parent, or dependents.

This chapter details the disqualification period (sanctions) for a Parent determined to have committed Substantiated Fraud or an Intentional Program Violation (IPV).

15.1 Sanction Tiers *(Updated as of July 2020)*

A Parent determined by EEC to have committed Substantiated Fraud or an Intentional Program Violation shall have a period of disqualification from eligibility for each Child based on the following tiers.

1. **First Offense of IPV (other than non-payment of fees).** If a Parent is determined by EEC to have committed an IPV (other than non-payment of fees), then the Parent shall receive a warning notification putting the Parent on notice that subsequent offenses will result in disqualification.
2. **Second Offense of IPV (other than non-payment of fees).** If a Parent is determined to have committed a second IPV (other than non-payment of fees), then the Parent shall be disqualified from eligibility until any related debt is repaid or for a period of 12 months from the date of termination, whichever is greater. After that time, the Parent is eligible to return to the waitlist in accordance with Policy Guide Chapter 2 or may return to subsidized child care if eligible for a Referral under Policy Guide Chapters 6, 7, or 9.
3. **Third Offense of IPV (other than non-payment of fees).** If a Parent is determined to have committed a third IPV (other than non-payment of fees), then the Parent shall be disqualified from eligibility until any related debt is repaid or for a period of 24 months from the date of termination, whichever is greater. After that time, the Parent is eligible to return to the waitlist in accordance with Policy Guide Chapter 2 or may return to subsidized child care if eligible for a Referral under Policy Guide Chapters 6, 7, or 9.
4. **Fourth or More Offense of IPV (other than non-payment of fees) or Substantiated Fraud.** If a Parent is determined to have committed a fourth or more IPV (other than non-payment of fees) or Substantiated Fraud, the Parent shall be disqualified from eligibility until any related debt is repaid or for a period of 36 months from the date of termination, whichever is greater. After that time, the Parent is eligible to return to the waitlist in accordance with Policy Guide Chapter 2 or may return to subsidized child care if eligible for a Referral under Policy Guide Chapters 6, 7, or 9.

15.2 Imposition of Sanctions *(Updated as of July 2020)*

- A. All potential IPV's shall be flagged by Subsidy Administrators for the EEC Financial Assistance Unit.
 1. For IPV's, EEC will track potential IPV's through the issuance of Notices of Denial, Notices of Termination, the Request for Review Process, IPV Referral forms, or other information submitted to EEC by Subsidy Administrators.

- B. EEC will review each potential IPV situation and make a determination that the occurrence met the requirements for a sanction to be applied.
- C. Once decided, EEC will issue a written notice of the sanction to the Parent, copying the Subsidy Administrator. This sanctions notice may be included as a part of a Request for Review or Request for Hearing decision under Policy Guide Chapter 14.
- D. As a part of the written notice, the Parent shall be informed of all appeal rights to challenge the sanction. If the Parent does not appeal, the original sanction notice shall remain effective.

15.3 Exemptions to Sanctions

Parents in the following circumstances will be exempt from sanctions:

- A. Parents with an active TAFDC case who are issued a DTA-Related Child Care Referral under Policy Guide Chapter 6.1.
 - 1. The sanction exemption shall remain in place until the closure of the Parent's TAFDC case or until the end of the DTA-Related Child Care Authorization, whichever is later.
 - 2. Any sanction period must be completed prior to the issuance of DTA Transitional or DTA Post-Transitional Child Care or prior to Child's continuity of care into Income Eligible. Time authorized under DTA-Related Child Care will not count towards time served under the sanction.
- B. Parents receiving DCF-Related Child Care under Policy Guide Chapter 7
 - 1. The sanction exemption shall remain in place until the closure of the Parent's DCF case or until the end of the Parent's DCF-Related Child Care Authorization, including DCF-Related Transitional Child Care, whichever is later.
 - 2. Any sanction period must be completed prior to the Child's continuity of care into Income Eligible. Time authorized under DCF-Related Child Care will not count towards time served under the sanction.
- C. In the cases of Child custody changes, Sanctions do not follow the child but remain with the original Parent who was issued the Sanctions.

CHAPTER 16

Improper Payments and Recoupment

(Updated as of February 2022)

This chapter defines an incorrect or improper payment and how the state may get its money back (recoupment.)

16.1 Provider Improper Payments *(Updated as of February 2022)*

An improper payment is a payment made for early education and care services that is incorrect and/or is not authorized under applicable laws, regulations, contract terms, policies, and/or procedures. This includes payments to Child Care Educators/Providers for Families who are ineligible for subsidized services, payments for care that was not provided, or payments made in error by EEC to a Contracted Child Care Educator/Provider or CCRR. Provider Improper Payments may also apply to payment received by a Voucher Child Care Educator/Provider through the CCRR.

Examples of improper payments include, but are not limited to, the following:

- Contracted Child Care Educator/Provider, or CCRR did not follow EEC's eligibility, billing, or closure policies resulting in an overpayment or underpayment;
- Billing for Days when a Child did not attend;
- Miscalculation of Parent(s) income.
- Child Care Educator/Provider, or CCRR bills for Child(ren) no longer in their program;
- Contracted Child Care Educator/Provider, or CCRR bills for Full-Time care when the Child(ren) were only eligible for Part-Time care;
- Double billing; and
- Any other improper payment caused by the Child Care Educator/Provider or CCRR's own administrative error.

16.1.1 Provider Recoupment Period

A recoupment period is any number of Days that a Child Care Educator/Provider, or CCRR over- or under-billed for subsidized early education and care services. This period will be determined by EEC's Audit Compliance and Resolution Unit for Contracted Child Care Educators/Providers and CCRRs. For Voucher Child Care Educators/Providers, this period will be determined by the CCRR.

16.1.2 Provider Fraud/Provider Intentional Program Violation (PIPV) *(Updated as of February 2022)*

EEC defines PIPV as "any violation or misapplication of law, regulation, or policy governing the administration of CCDF grant funds, regardless of whether such a violation results in an improper payment. Non-documentation errors, which are the result of knowing and

intentional efforts to violate the regulations and policies governing the CCDF program are considered "provider intentional program violations."

Examples of PIPV include but not limited to the following:

- Intentionally falsifying attendance and/or billing records;
- Intentionally issuing a subsidy to Parent(s) not eligible for care;
- Intentionally manipulating client documents.

If a Contracted Child Care Educator/Provider or CCRR discovers evidence of PIPV or fraud activities, they must report such activity to the EEC Audit Compliance and Resolution Unit. A full review of the reported PIPV will be conducted to determine the extent of the non-compliance findings and potential recoupment.

16.1.3 Provider Recoupment

EEC's process for the recoupment of funds from Contracted Child Care Educator/Provider or CCRR is a follow-up process to the EEC fiscal monitoring process or special review. The risk of not collecting these funds is that the EEC and the Commonwealth will be exposed to the misuse of state funding and weaken our authority over CCRRs/Contract Providers/Grantees. EEC ensures the owed funds are collected and reimbursed to the general fund. Please see Procedures Manual Chapter 16 for the recoupment process.

16.2 Parent Recoupment for Substantiated Fraud

16.2.1 Notification of Recoupment

A. **LETTER.** EEC must notify the debtor in writing of:

- Reason for the debt, including details on the determination of Substantiated Fraud;
- The amount owed;
- The time period that the debt relates to;
- A proposed monthly repayment plan. **AND**
- If applicable, the end date of subsidized child care, which will be 14 Days from the date of the letter.

This recoupment notification may be included as a part of a Request for Review or Request for Hearing decision issued in accordance with Policy Guide Chapter 14, or as part of a letter issuing sanctions under Policy Guide Chapter 15. The letter will notify the Parent that she/he has 14 Days to respond. The response may include a request for a new monthly repayment amount or an agreement to re-pay the debt.

B. **REQUEST FOR HEARING FORM AND AGREEMENT TO REPAY.**

The recoupment letter shall be accompanied by a Request for Hearing Form and an Agreement to Repay. The recoupment letter shall explain to the Family that if they fail to sign the Agreement to Repay within 14 Days after the date of the recoupment letter, the recoupment value will be owed in full.

The recoupment letter must notify the Family of their right to request a hearing if they have relevant evidence and grounds for challenging the recoupment value and/or termination of their subsidy. Grounds may include a challenge to the facts alleged by the Subsidy Administrator (e.g., a second Parent was not residing in the home), the debt amount, or the time period used to calculate the debt. The Family cannot request a hearing on the basis of challenging the fairness or terms of a regulation or policy or that the repayment poses a financial hardship to them. Such hearing requests will be denied, as explained in Policy Guide Chapter 14 of this guide. If a Request for Hearing is filed, subsidized child care may be continued pending a Hearing decision in accordance with Policy Guide Chapter 14.

- C. **DELIVERY.** Recoupment letters may be sent by EEC by regular mail and will have been considered served if they are mailed to Parents at their last known address, or if they are mailed or delivered to Parents based on contact information provided by the Parent(s) to the Subsidy Administrator.

16.2.2 Repayment Terms

- A. **PAYMENTS BY FAMILIES.** Payments made by Parents (whether related to the current or previous fiscal year) must be made payable to the Commonwealth of Massachusetts and repaid either directly to EEC’s Accounting Unit or in response to invoices generated through the Commonwealth’s automated accounts receivable system (BARS). EEC’s Financial Assistance unit will provide all necessary documentation to EEC’s Accounting Unit.
- B. **PAYMENT PLANS.** EEC may use the following guidelines to establish the amount of time a Parent debtor has to repay:

AMOUNT OF DEBT	REPAYMENT PERIOD
\$1–\$100	Payment in full in 2 months (preferably in one payment) ¹⁵
\$101–\$200	Payment made in 3 months
\$201–\$300	Payment made in full in 6 months
\$301–\$600	Payment made in full in 12 months
\$601 and higher	Payments shall be no less than \$50 per month. Full repayment must be made within 3 years.

- C. **PARENT FAILS TO RESPOND TO LETTER/ REFUSES TO REPAY.** If the Parent continues to refuse to repay, EEC may place the debt on BARS so that debt is intercepted and collection processes may be utilized. If there was alleged fraud, EEC may also refer the

¹⁵ In cases where only one payment of \$100 or less will be made, checks should be sent directly to EEC’s Accounting Unit.

case to BSI for further investigation and/or to the Attorney General's Office for litigation to collect the debt.

- D. **MONITORING OF PAYMENTS.** EEC will ensure that all payments from Parents are made in accordance with any signed Agreements to Repay. If a Parent debtor fails to make timely or full payment, EEC reserves the right to restrict access to Income Eligible subsidized child care while the debt is outstanding.

Appendix: A

Evidence of U.S. Citizenship, U.S. National Status, or Immigration Status¹⁶ *(Updated as of June 2021)*

The law regarding U.S. citizenship and nationality is complex and constantly changing; therefore, the following broad definitions are provided for *general guidance only*:

- **U.S. CITIZEN:** (1) A person (other than the Child of a foreign diplomat) born in one of the several states or in the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, or the Northern Mariana Islands who has not renounced or otherwise lost his/her citizenship; (2) a person born outside of the United States to at least one U.S. citizen Parent (sometimes referred to as a “derivative citizen”); (3) a naturalized U.S. citizen or (4) a Child (a) born on or after February 28, 1983, and under 18 years of age; (b) residing in the United States as a lawful permanent resident; and (c) in the legal and physical custody of at least one Parent who is a U.S. citizen.
- **U.S. NON-CITIZEN NATIONAL:** a person born in an outlying possession of the United States (American Samoa or Swain’s Island) on or after the date the U.S. acquired the possession, or a person whose Parents are U.S. non-citizen nationals (subject to certain residency requirements).
- **QUALIFIED NON-CITIZEN:** A non-citizen lawfully admitted for permanent residence under the Immigration and Nationality Act (INA); a non-citizen granted asylum under section 208 of the INA; a refugee admitted to the U.S. under section 207 of the INA; a non-citizen paroled into the U.S. under section 212(d)(5) of the INA for at least one year; a non-citizen whose deportation is being withheld under section 243(h) of the INA as in effect prior to April 1, 1997, or whose removal is being withheld under section 241(b)(3) of the INA; a non-citizen granted conditional entry pursuant to section 203(a)(7) of the INA as in effect prior to April 1, 1980; a non-citizen who is a Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980; a non-citizen who (or whose Child or Parent) has been battered or subjected to extreme cruelty in the U.S. and otherwise satisfies the requirements of Sec. 431(c) of the Act; or victims of human trafficking.

¹⁶ Proposed Rules, Verification of Eligibility for Public Benefits, 8 CFR §104.23; 63 FR 41662-01 August 4, 1998); and Interim Guidance of Verification of Citizenship, Qualified Alien Status and Eligibility under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (“Interim Guidance”), 62 FR 61344 (Nov. 17, 1997).

If the Child seeking child care financial assistance claims to be a citizen of the United States or a non-citizen national of the United States, documentation from **List A** is required. If the Child is a qualified non-citizen, non-immigrant, or parolee, documentation from **List B** is required.

List A: U.S. Citizen or U.S. National

A. PRIMARY EVIDENCE:

1. A birth certificate showing birth in one of the 50 states, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, or the Northern Mariana Islands, unless the Child was born to foreign diplomats residing in such a jurisdiction;
2. U.S. passport;
3. Report of birth abroad of a U.S. citizen (FS-240) (issued by the Department of State to U.S. citizens);
4. Certificate of Birth (FS-545) (issued by a foreign service post) or Certification of Report of Birth (DS-1350), copies of which are available from the Department of State;
5. Form N-561, Certificate of Citizenship;
6. Statement provided by a U.S. consular official certifying that the Child is a U.S. citizen (given to a Child born outside the United States who derives citizenship through a Parent but does not have an FS-240, FS-545, or DS-1350);
7. Form I-872 (or prior versions), American Indian Card with a classification code "KIC" and a statement on the back identifying the Child as a U.S. citizen (issued by USCIS to U.S. citizen members of the Texas Band of Kickapoos living near the U.S./ Mexican border); or
8. Finalized Certificate of Adoption for a Child adopted from abroad by a U.S. citizen.

B. SECONDARY EVIDENCE

If the Child's Parent cannot present one of the documents listed in (a) above, the following may be relied upon to establish U.S. citizenship or U.S. national status:

1. Religious record documented in one of the 50 states, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, or the Northern Mariana Islands, unless the applicant was born to foreign diplomats residing in such a jurisdiction, within 3 months after birth showing that the birth occurred in such jurisdiction and the date of birth or the individual's age at the time the record was made;
2. Early school records (preferably from the first school) showing the date of admission to the school, the Child's date and U.S. place of birth, and the name and place of birth of the applicant's Parents;
3. Census record showing name, U.S. nationality, or a U.S. place of birth, and Child's date of birth or age;
4. Adoption finalization papers showing the Child's name and place of birth in one of the 50 states, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, or the Northern Mariana Islands, unless the Child was born to foreign diplomats residing in such a jurisdiction, or, when the adoption is not finalized and the state or other U.S. jurisdiction listed above will not release a birth certificate prior to final adoption, a statement from a state- or jurisdiction-approved adoption agency showing the Child's name and place of birth in one of such jurisdictions, and stating that the source of the information is an original birth certificate; or

5. Any other document that establishes a U.S. place of birth or otherwise indicates U.S. nationality. Examples of such a document include a contemporaneous hospital record of birth in one of the 50 states, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, or the Northern Mariana Islands, unless the Child was born to foreign diplomats residing in such a jurisdiction.

C. DERIVATIVE CITIZENSHIP

If the Child's Parent cannot present one of the documents listed in (a) or (b) above, the following may be used to determine derivative U.S. citizenship:

Born Abroad to 2 U.S. Citizen Parents: Evidence of U.S. citizenship of the Parents and the relationship of the Child to the Parents, and evidence that at least one Parent resided in the United States or an outlying possession prior to the Child's birth.

Born Abroad to A U.S. Citizen Parent And A U.S. Non-Citizen National Parent: Evidence that one Parent is a U.S. citizen and that the other is a U.S. non-citizen national, evidence of the relationship of the applicant to the U.S. citizen Parent, and evidence that the U.S. citizen Parent resided in the United States, a U.S. possession, American Samoa, or Swain's Island for a period of at least one year prior to the applicant's birth.

Born Out Of Wedlock Abroad To A U.S. Citizen Mother: Evidence of the U.S. citizenship of the mother, evidence of the relationship to the applicant and, for births after December 24, 1952, evidence that the mother had resided, prior to the Child's birth, in the U.S. or a U.S. possession for a period of one year.

In all other situations in which a Parent claims that their Child has a U.S. citizen Parent and an alien Parent, or claims to fall within one of the above categories, but is unable to present the listed documentation:

- If the Child is in the United States, the Parent should contact the local U.S. Citizenship and Immigration Service office for determination of U.S. citizenship;

D. ADOPTION OF FOREIGN-BORN CHILD BY U.S. CITIZEN

- If the birth certificate shows a foreign place of birth and the Child cannot be determined to be a naturalized citizen under any of the above criteria, obtain other evidence of U.S. citizenship;
- Because foreign-born adopted Children do not automatically acquire U.S. citizenship by virtue of adoption by U.S. citizens, the Child should contact the local U.S. Citizenship and Immigration Service office to determine U.S. citizenship.

List B: Qualified Non-Citizen, Non-immigrants, and Non-Citizens Paroled into the United States for Less Than One Year

The documents listed below that are registration documents are indicated with an asterisk (*).

a) QUALIFIED NON-CITIZEN INDIVIDUAL

Evidence of qualified non-citizen status includes the following:

Child Lawfully Admitted For Permanent Residence

- *Form I-551 (Lawful Permanent Resident (LPR) card, commonly known as a “green card”);
 - Unexpired Temporary I-551 stamp in foreign passport or on *I Form I-94 (paper card or electronic version.
- OR
- Receipt from USCIS indicating an I-90 application to replace an LPR card has been filed.

Asylee

- Form I-94 (paper card in foreign passport or electronic version) annotated with stamp showing “asylee” or “§208”;
 - Grant letter from the Asylum Office of the U.S. Citizenship and Immigration Service;
- OR
- Order of an immigration judge or USCIS granting asylum.

Refugee

- * Form I-94 (paper card in foreign passport or electronic version) annotated with stamp showing “refugee” or “§207”;
- Refugee travel document (Form I-571)
- Any verification of refugee status issued by USCIS or other authorized agency

Child Paroled Into the U.S. For At Least One Year

- Form I-94 (paper card in foreign passport or electronic version) annotated with “parole,” “PIP,” or §212(d)(5), and with a stamp showing admission for at least one year.

Applicant cannot aggregate periods of admission for less than one year to meet the one-year requirement.

Child Whose Deportation or Removal Was Withheld

- Order from an immigration judge showing removal withheld under §241(b)(3) of the INA.

Cuban/Haitian Entrant

- Form I-551 (Legal Permanent Resident Card) with the code CU6, CU7, or CH6;
- Unexpired temporary I-551 stamp in foreign passport or on * Form I-94 (paper card in foreign passport or electronic version) with the code CU6 or CU7; **OR**
- Form I-94 (in foreign passport or electronic version) with stamp or any other notation indicating “parole” as a “Cuban/Haitian Entrant” under Section 212(d)(5) of the INA.

Child Who Has Been Declared Battered or Subjected To Extreme Cruelty

- USCIS petition (and supporting documentation).

Child Who Had Been Declared a Victim of Human Trafficking

- Certification from U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR);
- ORR eligibility letter (if under 18);
- Form I-797 Approval Notice indicating “T” status; **OR**
- Any verification from HHS, USCIS, or other authorized agency.

Appendix: B

Desk Guide to Non-Citizen Eligibility for Child Care Financial Assistance

Non-citizen Children Who Are Eligible for Child Care Financial Assistance	
Non-citizen status	Sample proof*
Legal permanent resident (LPR)	<ul style="list-style-type: none"> • Legal Permanent Resident card (“green card,” but it’s not necessarily green) (Form I-551) <i>Because expiration of document does not indicate loss of status, an expired Permanent Resident card may be accepted.</i> • Re-entry permit (Form I-327) • Foreign passport stamped LPR or notated with I-551 • Form I-94 (paper card or electronic version) referencing I-551 • Memorandum of Creation of Record of LPR with approval stamp (Form I-181) • Order issued by USCIS, an immigration judge, the Board of Immigration Appeals, or a federal court granting registry, suspension of deportation, cancellation of removal, or adjustment of status.
Person granted parole for at least one year	<ul style="list-style-type: none"> • Form I-94 (paper card or electronic version) or foreign passport stamped “parolee”, “PIP”, “212(d)(5)” or other language indicating parole status, when “date admitted to” is at least one year from entry date or when parole status has continued for at least one year beyond the entry date
Refugee	<ul style="list-style-type: none"> • Form I-94 or foreign passport stamped “refugee” or “§207” or codes RE-1 to RE-5 • Refugee travel document (I-571)
Asylum granted	<ul style="list-style-type: none"> • Form I-94 (paper card or electronic version) or foreign passport stamped “asylee” or “§208” or codes AS-1 to AS-3 • Letter from USCIS approving asylum application • Order of immigration judge, Board of Immigration Appeals, or court granting asylum • Refugee travel document (I-571)
Person granted withholding of deportation or cancellation of removal	<ul style="list-style-type: none"> • Form I-94 or foreign passport stamped “ §241(b)(3)” • Order of USCIS, immigration judge, Board of Immigration Appeals, or court granting withholding of deportation or cancellation of removal
(Vietnamese) Amerasian Immigrant	<ul style="list-style-type: none"> • I-94 (paper card or electronic version), foreign passport or Vietnamese exit visa with code AM-1 to AM-3 or AM-6 to AM-8

Cuban/Haitian entrant	<ul style="list-style-type: none"> ● Form I-94 (paper card or electronic version) with notation “Cuban/Haitian entrant,” “parole,” or “OOE” or “Outstanding Orders of Exclusion,” or “Order of Supervision” ● Any documents showing pending asylum application (Form I-589) ● Any documents showing pending removal, deportation or exclusion proceedings (with no final order), including Form I-122 (Notice to Applicant Detained for a Hearing Before an Immigration Judge), Form I-221 (Order to Show Cause and Notice of Hearing), or Form I-862 (Notice to Appear) ● Form I-220 Order of Supervision ● Any documents showing status granted under §504(e), §212(d)(5), or §212.12(b)
Afghani/Iraqi special immigrants	<ul style="list-style-type: none"> ● Form I-94 (paper card or electronic version) or foreign passport stamped or coded SI-1 to SI-3
<p>Battered non-citizen (abused Child or Child of abused parent)</p> <ul style="list-style-type: none"> ● Child or parent subjected to battery or extreme cruelty by spouse, parent, or member of Family who was residing in same household ● No longer living in same household as batterer 	<ul style="list-style-type: none"> ● Receipt, I-797 Notice of Action, or other proof of filing of an I-130 visa petition under immediate relative (IR) or second family preference (P-2) ● Any documents indicating a pending suspension of deportation or cancellation of removal case, including a receipt from immigration court indicating filing of Form EOIR-40 or EOIR-42 ● Receipt or other proof of filing of I-485 application for adjustment of status based on immediate relative or family second preference petition ● Evidence of steps taken to obtain documentation, such as written confirmation from an attorney or USCIS. If the parent can show steps taken but is unable to provide official documentation, a signed self-declaration by the parent is acceptable, pending receipt of the necessary verification. (Because of the nature of abusive relationships, battered non-citizens may not have copies of documents that have been filed by them or on their behalf.) <p style="text-align: center;">AND</p> <p>Evidence of abuse by parent, spouse, or other family member with whom the victim previously lived. Abuse may be physical, verbal, or emotional. If no other evidence is available, statements from Child’s parent and from a third-party with knowledge of the abuse may be sufficient.</p> <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> ● Form I-360 application to qualify as abused spouse or Child under VAWA ● Form I-797 Notice of Action referencing pending I-360 petition, finding establishment of a prima facie case under the Violence Against Women Act (VAWA), or approving I-360 petition ● Receipt or other proof of filing of I-485 application for adjustment of status based on VAWA application <p><i>Because the VAWA application process requires evidence of abuse to be submitted to U.S. immigration authorities, no additional evidence is needed.</i></p>
<p>Victim of severe form of trafficking in persons (Victim or witness to exploitation or abuse such as sex trafficking or slavery)</p>	<ul style="list-style-type: none"> ● Certification by U.S. Department of Health and Human Services (Office of Refugee Resettlement) that Child’s parent is assisting in investigation of severe form of trafficking ● Letter by DHHS Office of Refugee Resettlement stating that minor Child is a victim of severe form of trafficking ● I-94 card (paper card or electronic version) with code such as T-1 or T-2

* An individual may have other documentary proof indicating immigrant status from USCIS, an immigration judge, the Board of Immigration Appeals, or a court. A statement from an attorney may also serve to certify an immigrant’s status or pending status.

Non-citizen Children Who Are Not Eligible for Child Care Financial Assistance

Non-citizen immigrants not listed above

Non-immigrants, such as tourists, students, visitors on business, etc.

Appendix: C

Reimbursement *(Updated as of Feb. 2022)*

Reimbursement Policies *(Updated as of February 2022)*

Child Care Educators/Providers must follow the instructions in Procedures Manual Chapter 10.1.3 for how to enter attendance in CCFA.

Reimbursement for Children Enrolled but not Attending *(Updated as of January 2022)*:

EEC will continue to pay for children who have confirmed enrollment, even if the child is not attending. *Effective February 1, 2022, Parents will be expected to pay the Parent Fee portion of care for children with confirmed enrollment.* Parents may confirm intention to remain enrolled without attending by providing written notice to the Child Care Educator/Provider. EEC will only provide payment to one provider at a time, which means that a Parent may not hold enrollment at one Child Care Educator/Provider while the Child attends another Child Care Educator/Provider. To change Child Care Educator/Provider for children who are enrolled but not attending, Parents must continue to provide notice as required under Policy Guide Chapter 12.4.

EEC understands that Parents may need to change between enrollment or attendance at any time. This can be done by providing new written notice to the Child Care Educator/Provider. Any written notice from a Parent becomes effective the date that the parent submits the notice and may not be backdated.

Reimbursement for children who are enrolled but not attending is contingent on the following conditions being met:

- Subsidy Administrators must ensure that Parents are informed of all options available to meet the Family's needs, including Approved Break in Care and changes of Child Care Educator/Provider. Subsidy Administrators must ensure that Parents understand the requirements for holding enrollment.
- Child Care Educator/Provider must be engaged with the family at least twice a month. This engagement can be a verbal check-in by the provider to keep open communication with the parent and to provide educational supports for the children.
- Parent will have to abide by all subsidy requirements, including *paying all parent fees and* reauthorizing by their end date. If a parent does not reauthorize in a timely manner, payment will not continue past the authorization end date.
- A Provider does not need to hold a physical space for the Child while EEC is paying for the confirmed enrollment. However, EEC expects that the provider will try to have a space for the child when the Parent is ready to resume care.

School Age Reimbursement *(Updated as of February 2022)*:

With the expiration of the COVID-19 State of Emergency, Federal and State regulations require EEC to return school age reimbursement to pre-COVID policies for the 2021-2022 academic year. This means that EEC cannot pay for care received during the school day, even if a school department provides remote or hybrid school options. Therefore, the following reimbursement policies will resume:

- School Age Children Attending Care:
 - On days when school is in session, school age Children attending care shall be billed for Before and/or After School rates only. School Age children in Family Child Care shall be billed at the Part Day Rate.
 - EEC shall provide full day payment only on the following days for children attending care:
 - Early Release Days when more than 6 hours of care is provided;
 - School vacation days and [school holidays where the Child Care Educator/Provider is open](#);
 - School closure days, such as for professional development or due to [the school's emergency closure](#) (i.e. COVID closure, weather, other emergency, etc.); and
 - Summer and winter breaks;
 - [Full day payment will also be provided on days that the Child Care Educator/Provider was scheduled to provide Full Day Care under one of the eligible categories above but had an Emergency Closure as detailed in Policy Guide Appendix F.](#)
- Children with Confirmed Enrollment who Opt Not to Attend: For children who have confirmed an intention to remain enrolled without attending at all, EEC will only pay the Before School and/or After School rate for Center Based programs, or the Part Time Over 2 rate for Family Child Care providers, [less any parent fees](#), as determined by the child's intended enrollment. Such rates will continue to be paid on all days, including school closure days [and days that the Child Care Educator/Provider is closed](#).
- Kindergarten and Preschool Age Children: Parents may opt to keep Children who are 5 years old in a preschool program rather than enrolling the child in kindergarten in the local school district. In such cases, the program will be paid the preschool rate, [less any parent fees](#). If a Child is attending public kindergarten, including remote learning or part time programming, the Child shall be considered a school age Child.
- EEC shall not provide full day care for Parents who chose alternative schooling for school age Children, such as homeschooling.

Child Care Educators/Providers may contact EEC for consideration of exceptions to the above policies if a unique situation arises with the local school schedule.

Payment for New Children ([Updated as of January 2022](#)):

Child Care Educators/Providers may enroll new Children in accordance with all subsidized child care program requirements detailed in Policy Guide Chapters 2, 3, 4, 6, 7, 8, and 9. Effective May 2021, EEC is lifting the requirement that Children attend one day before payment begins to allow Children new to the subsidized child care to confirm enrollment, as long as the following requirements are met:

1. Families must be fully authorized for subsidized child care, including an Authorization and placement entered into CCFA.
2. The Parent must submit a written notice that they intend the Child to be enrolled but not attending.
3. Subsidy Administrators must educate the Parent that the Authorization timeline will begin and that any time where the Child is enrolled will be deducted from the overall time available under the Authorization. [Subsidy Administrators shall also educate the Parent that the Parent will be responsible for paying the Parent Fee during any days the child is enrolled but not attending.](#)
4. The Subsidy Administrators must give written notice to the Parent(s) that includes the start date of the Authorization, when Reauthorization is due, and notice that time where a Child is enrolled will count against the Authorization length.

Payment of Substitute Child Care *(Updated as of February 2022)*

In general, EEC cannot provide payment for a Child to two Child Care Educators/Providers for an overlapping period of time. If a Child's primary Child Care Educator/Provider is unavailable to provide care and substitute care is provided, payment is made only to the substitute Child Care Educator/Provider. Unless otherwise noted below, substitute care must occur within the same umbrella organization/FCC System, program type, schedule, and Subsidy Region as the primary Child Care Educator/Provider. [Center Based Child Care Educator/Providers who close one location and offer substitute care at another location may use Substitute Care Module, but EEC will only provide payment once since both locations would be under the same umbrella.](#)

Under certain circumstances, EEC may pay both the primary and substitute Child Care Educator/Providers as detailed in the circumstances listed below. Unless listed below, substitute care cannot be provided during Approved Closures such as holidays and professional development days when the primary Child Care Educator/Provider is entitled to payment.

All substitute care should be entered in CCFA using the Substitute Care Module, unless otherwise instructed. Family Child Care Systems and CRRs FCC Systems should ensure that the primary Child Care Educator/Providers closure is approved so that the entry does not have to be cancelled. EEC expects entries in the Substitute Care Module to be made timely but may be backdated up to 45 days if needed to ensure accuracy. Known closure days may be entered into CCFA up to 30 days in the future.

Paid Time Off (PTO):

As detailed in Policy Guide Appendix G, Family Child Care Providers may take Paid Time Off (PTO) days in accordance with the detailed policy. EEC will provide payment for both the PTO day and for any substitute care provided on that day.

Emergency Closures:

EEC will provide payment for both the primary and substitute Child Care Educator/Provider during Emergency Closures, so long as substitute care meets the additional requirements detailed in Policy Guide Appendix F for substitute care during COVID-19 and General Emergency Closures. Please note that Partial Emergency Closures, such as for a classroom, are not eligible for substitute care since the Child Care Educator/Provider is open in part.

Pending Investigations:

Effective January 2021, EEC will provide payment for a FCC Educator/Provider who has elected to place their license in inactive status during an investigation, so long as the FCC Educator/Provider receives approval for payment from the EEC Regional Director. EEC will also provide funding for any substitute care provided to Children during the closure as follows:

- The primary FCC Educator/Provider can continue to be paid for all children enrolled at the time of the closure, so long as that family maintains an active authorization and placement.
- Parents may choose to end their placement with the closed FCC Educator/Provider under the Parent Choice policy. Parents will be required to give notice as detailed in Policy Guide Chapter 12.4 and payment to the primary FCC Educator/Provider will continue through any notice period required under Policy Guide Chapter 12.4.
- Payment can continue until the end of the investigation when the FCC Educator/Provider would be expected to reopen their program, unless otherwise directed by EEC.
- The issuance of an Emergency Suspension, Revocation, or Refusal to Renew legal order to the FCC Educator/Provider, or the voluntary surrender of the license by the FCC Educator/Provider, will immediately cease any further subsidy payments to the FCC Educator/Provider past the date of the legal order or voluntary surrender.

Enrollment and Approved Closures *(Updated as of February 2022)*

Programs with an Income Eligible Child Care contract will be reimbursed at the contracted (daily) rate, less required fees, for actual utilization, except as modified by the policy for Reimbursement Policies. Utilization is the number of enrolled slots multiplied by the number of service Days in a given month. Service Days include enrolled Days (present and absent), holidays, and approved closures. Approved closures include holidays [and professional development Days](#) that are listed in the [Contracted Child Care Educator/Provider's contract with EEC](#) or in the [Voucher Child Care Educator/Provider's contract with their CCRR](#). As detailed in Policy Guide Chapter 11.6.1, EEC will pay the Parent Fee on behalf of Parents for

approved closure days such as holidays and professional development days. Please refer to Policy Guide Chapter 11.6.1 and Appendix F for payment policies during Emergency Closures.

A Child is not considered enrolled in subsidized care until the first Day the Child actually attends the Child Care Educator/Provider, unless the Parent wishes to hold enrollment and the steps listed above under the section “Payment for New Children” are completed in full. If the Child is on a voucher, he/she may not be enrolled in a program before the beginning date indicated on the voucher. The Child may remain eligible for enrollment until the end date of the authorization or until the subsidy is terminated, whichever comes first. Enrollment must be confirmed through contract or voucher placements in CCFA.

NOTE: Child Care Educators/Providers will not be reimbursed for Children who are enrolled without a valid authorization **and** contract or voucher placements in CCFA. Child Care Subsidies will not be backdated or issued retroactively. Child Care Educators/Providers will not be reimbursed for care provided beyond the authorized end date or for care provided contrary to policies listed in this guide. Licensed Family Child Care Providers will not be reimbursed for care of their own Child(ren) or foster Children placed in their home, unless allowed under Policy Guide Chapter 12.1.2.

Rates *(Updated as of July 2020)*

EEC has established maximum standard daily rates (posted on EEC’s website) for the provision of early education and care services in the Commonwealth. EEC will reimburse providers up to the maximum daily reimbursement rate shown on the current rate chart as calculated for the region and type of care provided.

Reimbursement for Part Time care (care for 6 or fewer hours per Day) is paid at 60% of the EEC daily rate unless as indicated above. Reimbursement for Full Time care is paid at 100% of the EEC daily rate and is assumed to cover up to 10 hours of care per Day.

Family Child Care Systems must pay family child care providers who have an agreement with the system at a rate equal to or greater than the regional rate for Family Child Care, based on the age of the Child (less than or more than 2 years old). The Child Care Educator/Provider must be paid the sub-unit rate for every Day that the system receives payment from EEC (including vacations, holidays, and vacant Days). A full-day rate is paid when the Child is present for 6 or more hours, and 60% of the Full Time rate is paid when the Child is present for fewer than 6 hours.

Pricing Limitation Law *(Updated as of June 2021)*

The Operational Services Division’s (OSD) Price Limitation law states that the Commonwealth cannot pay a rate that is higher than the lowest fee charged to any private paying clients for the same type of care, unless an exception can be sufficiently documented in accordance with the provisions of 808 CMR 1.03(4)(a) or (b), if applicable. Private rates shall include any rates based on discounts. Agencies may require all vendors to submit

documentation (as specified by the agency) to substantiate the rates they charge to their privately paying clients for the same type of services and, if applicable, documentation to substantiate any discounting of private rates with restricted revenues.

EEC **will not reinstate** the pricing limitation regulations to subsidized child care. This means that EEC **will not** be enforcing the requirement that Child Care Educators/Providers charge private Families a rate equal to or higher than the state subsidized rate starting March 2020. Child Care Educators/Providers will have continued flexibility in the charging of private pay Families and allows the offering of discounts (including employee discounts), tuition waivers, etc., without requiring restricted revenue to cover the differential pricing.

Processing Payments

TYPE OF REIMBURSEMENT

Regular monthly Invoiced Payment (for prior months services rendered) is offered by EEC. All payments are received and reviewed by EEC's Accounting Staff and processed in the Commonwealth's Massachusetts Management Accounting and Reporting System (MMARS) within 10 business Days of receipt of the original, accurate, and signed Payment Voucher.

ISSUING PAYMENTS

The Office of the State Comptroller requires statewide contracts and vendors to receive payment only via Electronic Funds Transfer (EFT). EEC requires all payments to Contracted Child Care Educators/Providers and CCRRs through EFT only.

CONTRACTED CHILD CARE EDUCATOR/PROVIDER

Contracted Child Care Educators/Providers must utilize EEC's Child Care Financial Assistance (CCFA) application to complete and submit billing for services rendered. Once attendance for the prior month is completed by the Contracted Child Care Provider/Educator in CCFA, a Payment Voucher is generated from CCFA and made available to the Contracted Child Care Educator/Provider to download. All information including contract and rate information for that contract type and/or flex pool will be included on the Payment Voucher for the prior month services. The Contracted Child Care Educators/Providers must download and sign the Payment Voucher for each contract and/or flex pool held with EEC. This Payment Voucher must be signed by the authorized signatory of that agency and sent to EEC's Accounting Unit. Monthly billing (for prior month's services) must be received at EEC's Accounting Unit by the 20th calendar Day of the month. If the 20th falls on a weekend and/or holiday, the billing is due the next business Day. All payments are processed within 10 business Days of receipt of the Payment Voucher. Contracted Child Care Educators/Providers are expected to bill monthly in CCFA and submit billing by the required EEC deadline.

CHILD CARE AND RESOURCE AGENCIES (CCRR)

All Voucher Child Care Educators/Providers must utilize EEC's Child Care Financial Assistance (CCFA) application to complete and submit monthly billing for prior month's services. All Voucher Child Care Educators/Providers are required to submit billing each and every month

in CCFA. All voucher billing is reviewed and approved by the Voucher Child Care Educator's/Provider's CCRR. Voucher Child Care Educators/Providers are required to submit their attendance in CCFA by the 13th calendar Day of the month. If the 13th falls on a weekend and/or holiday, the billing is due the next business Day. Once the Voucher Child Care Educators/Providers have submitted billing in CCFA, the CCRR will review the attendance to ensure the billing is accurate and complete. The CCRR generates one Payment Voucher for all their Voucher Child Care Educators/Providers from CCFA. The Payment Voucher must be signed by the authorized signatory of that agency and sent to EEC's Accounting Unit. Monthly billing must be received at EEC's Accounting Unit by the 20th calendar Day of the month. If the 20th falls on a weekend and/or holiday, the billing is due the next business Day. All payments are processed within 10 business Days of receipt of payment voucher. EEC will reimburse the CCRR, who will reimburse each Voucher Child Care Educator/Provider within 5 business Days of receipt of funds from EEC for services rendered for the prior month.

All Contracted Child Care Educators/Providers and CCRRs are required to submit monthly billing by the required EEC deadline and are expected to bill each month in full for the prior month's services.

Appendix: D

Sharing of Information

Child Care Licensing and Subsidy

Child Care Educators/Providers serving Families that receive EEC subsidies must, upon request, provide EEC staff and staff of the local CCRR with any information in Children's records relevant to a Family's eligibility for a Child Care Subsidy. This sharing of information is in agreement with the Commonwealth Terms and Conditions and individual voucher provider agreements with CCRRs, which permit EEC to access records to determine compliance with EEC subsidy rules and requirements. Such information sharing is in agreement with EEC Licensing and Enforcement regulations, which require licensees to provide EEC access to their facilities, records, staff, and references to determine compliance with EEC regulations. See 102 CMR 1.06(3).

The sharing of information in a Child's records does not constitute a breach of confidentiality when the information is relevant to the Family's eligibility for a subsidy, is shared for the purpose of determining compliance with EEC subsidy regulations or policies, and is provided to EEC or to EEC's designated authority (e.g., the CCRR).

Appendix: E

Transportation *(Updated as of Jan. 2022)*

Transportation Funding *(Updated as of January 2022)*

Funding may be available to assist Families who receive a Child Care Subsidy through the income eligible program, by paying for transportation between home or school and child care. Subject to funding availability, programs will be reimbursed at the EEC-approved rate for one way or round-trip transportation, based on the Family being determined eligible for transportation. The Subsidy Administrator must document the Parent's reason for needing transportation funding, taking into consideration such factors as:

- The availability of public transportation;
- Whether a Parent has a car;
- Any physical incapacity of the Parent that may prevent the Parent from transporting the Child; and
- Whether the Parent's work schedule prevents transportation of the Child to or from care.

In determining eligibility for transportation funding, the Subsidy Administrator must consider the distance from between the Child's home and the child care program. Anyone who lives within one half mile of the provider will not receive transportation funding. Exceptions to this rule include situations in which the Parent has no car, there is no public transportation available, and:

- The Parent's work schedule would not allow time for the Parent to walk the Child to care and then get to work on time;
- The Child's disability prevents her/him from walking or being transported by stroller, carriage, or other similar means; **OR**
- The Parent's disability prevents him/her from walking the Child to care¹⁷.

All exceptions should be cleared through EEC.

Children who live more than one half mile from the child care program may be eligible for transportation funding when the Parent's or Child's disability prevents transportation via personal or public transportation, or when the Parent does not have personal transportation resources and public transportation is not available. For public transportation to be considered "available" it must be running on the Days and at the hours when the Parent's work and the Child's care schedules require transportation, and must be able to accommodate the Child's or Parent's disability, if any. Public transportation will not be considered "available" if the time required to travel from home to the child care program is

¹⁷ The Child or Parent's disability, including why the disability requires transportation, must be verified in writing by an M.D. If the disability is due to an injury or other temporary circumstance, transportation funding ends when the disability ends.

regularly more than 45 minutes, or when the time required to travel from home to the child care program and then to work is more than one hour.

Subsidy Administrators may make exceptions to allow transportation funding under extreme circumstances. For example, when a Parent has too many Children to safely transport, when the route to child care is heavily trafficked or otherwise unsafe, or when a Child's health prohibits the outdoor time or physical exercise required, an exception may be appropriate. [Given transportation constraints due to limited availability and staffing, during the 2021-2022 school year, Subsidy Administrators should be encouraged to review exceptions to the 45 minute rule.](#)

All programs providing transportation services must ensure that all transportation, including that provided by subcontractors, complies with Registry of Motor Vehicles standards, and all EEC requirements, including the general terms and conditions of their contract or voucher provider agreement and EEC's policy Procedures for the Drop-Off and Pick-Up of Children by Transportation Providers and Parent/Program Notification 606 CMR 7.13 (which can be found on [EEC's website](#)).

Transportation Policies *(Updated as of September 2021)*

A Child Care Educator/Provider that provides or coordinates transportation must develop written transportation policies and designate a specific staff person responsible for transportation services. The staff person is responsible for coordination of the transportation system, and for hearing and addressing consumer concerns, complaints, or suggestions. Child Care Educators/Providers must discuss their transportation policies with Parents and inform them of the identity of the transportation coordinator.

Child Care Educators/Providers must include the following in their policies: the procedures to be followed when Children or Parents are not ready for pick-up or available at time of drop-off; the maximum amount of time drivers will wait for unprepared Families or the return of an absent adult at drop off; the amount of time professional staff will assume responsibility for trying to locate an absent Parent or other emergency contact before taking additional steps such as filing a 51A with the DCF Area Office or after-hours hotline; the process for addressing misbehavior of Children during transport; documentation and reporting of accidents; and the possible consequences for a Family's misuse of transportation.

The transportation requirement for Contracted Child Care Educators/Providers who hold Priority Populations contracts is waived during the COVID-19 pandemic.

While EEC has continued this waiver to allow for maximum flexibility, EEC requires that all providers are responsive to families to ensure that a lack of transportation is not an undue barrier to care. EEC recognizes the challenges providers are currently facing due to the lack of transportation services. Therefore, in an effort to ensure that transportation is not a barrier, EEC is requesting that providers identify alternative supports that will accommodate

families that need transportation. These alternative supports must be documented to have in place the proper controls to ensure health, safety and be in accordance with EEC Financial Assistance Policies surrounding transportation billing. These alternatives can include, but are not limited to, the following:

- Reimbursement for public transportation
- Reimbursement for Car share services (Uber or Lyft)
- Identify a Transportation subcontractor
- For School Age, work with local public school to identify potential routes and bus stops.

Service Need

When Children are transported by the Child Care Educator/Provider between home and child care, the Child's time in transportation is not included in determining the Parent's service need.

A maximum of 5 hours per week spent by the Parent traveling between work or school and child care may be included in determining the Parent's service need as detailed in Policy Guide Chapter 4.3.

Appendix: F

Emergency Closures *(Updated as of Feb. 2022)*

COVID-19 Emergency Closure Policy *(Updated as of February 2022)*

Through this policy, EEC seeks to offer guidance on subsidy policies related to notification, approval, and reimbursement for COVID-19-related emergency closures during the COVID-19 pandemic. *Please note that all other emergency closures (flood, snow, power loss, etc.) will be handled following the guidelines for General Emergency Closures as detailed in the section below.*

COVID Incident Reports

This Policy does not supplant any obligations that child care programs have to report COVID incidents to EEC and the Department of Public Health pursuant to the COVID-19 Incident Reporting Policy¹⁸ found here: <https://www.mass.gov/doc/covid-19-incident-reporting/download>. This Policy only pertains to child care providers receiving subsidy.

Closures

This policy is applicable to programs that need to close temporarily due to COVID-19 related reasons. This refers to all types of COVID-19 related closures, whether mandated or the program chooses to proactively suspend operations to reduce the risk of spread of COVID-19 and to protect the health and safety of children and staff. Such closures shall include:

- closures due to staff illness, including that which may compromise staffing numbers and negatively impact ratios and supervision of children;
- child illness;
- closures to sanitize the location¹⁹;
- closures due to administration of the vaccine;
- closures due to short-term side effects after administration of the COVID vaccine;
- staff absences and sanitization of facilities prior to school reopening;
- program closures following advisement by the local board of health or Department of Public Health epidemiologist; and
- other COVID-19 related reason.

¹⁸ In some rare instances, a program may close pursuant to this policy but not be required to file a COVID Incident Report with EEC.

¹⁹ A program that closes to sanitize the location may be reimbursed for no more than 3 consecutive days (note: the CDC recommends that cleaning procedures begin one day after a program has suspended operations). There is nothing that restricts more than one round of 3-day closures for sanitization.

Unapproved closures will include any days that require approval as detailed below and the Educator/Provider has not received an acknowledgement of approval but is found to be not open for child care. Educators/Providers that close without following the proper protocol detailed below to obtain EEC approval for closure may not be reimbursed for subsidy. Please note that scheduled closures for holidays or professional development are not considered in this policy.

When EEC Approval Is Required to Receive Subsidy Payments

Closures for Three Days or Fewer

Programs may close for up to three (3) days or fewer due to a COVID-related reason detailed above without approval from the EEC Regional Director [and EEC will provide reimbursement for the COVID-related closure, including payment of the Parent Fee on behalf of the Parent. All such closures must be entered into CCFA following the instructions found in Procedures Manual Chapter 10.2. COVID-related closures for three \(3\) days or fewer do not need to be reported to EEC, unless](#), if required by policy, the program is still required to file a COVID Incident Report with EEC and notify DPH.

Closures for Longer than Three Days

Programs may close for longer than three (3) days due to a COVID-related reason detailed above and continue to receive subsidy payments during the closure period only with written approval by the EEC Regional Director.

Programs requesting to receive reimbursement for a COVID-related closure for longer than three (3) days must notify EEC by emailing the Regional Director within 24 hours of the anticipated closure or sooner to report on the reason for the request and the anticipated dates of closure and reopening. The Regional Director will approve all COVID-related closures that meet the criteria described above. If the Regional Director has questions or concerns about the approval of a specific COVID-19 related closure request, the Regional Director shall consult with the Commissioner or her designee. EEC reserves the right to request additional information when reviewing approvals for reimbursement for closure days.

Closure days shall not be approved for reimbursement by EEC until the Regional Director sends out an acknowledgement email to the Provider, unless the COVID-related closure is three (3) days or less.

Following approval of a requested closure, the Regional Director shall email the Provider as soon as possible with the following acknowledgement:

- Date request was made to the Regional Director
- Approved reason for closure reimbursement

- Dates approved for closure reimbursement

Once Approved by the Regional Director, extended COVID-19 related closures must be entered into CCFA following the instructions found in Procedures Manual Chapter 10.2. This will allow EEC to provide reimbursement, including payment of the Parent Fee on behalf of the Parent by EEC, and to allow for the assignment of Substitute Care, if necessary.

Contracted Child Care Educators/Providers must maintain all approvals for COVID-19 related closures on file.

Voucher Child Care Educators/Providers must provide a copy of the EEC Regional Office approval to their CCRR for payment.

Substitute Care During an Approved Closure

EEC will provide funding both to the original provider and the substitute provider under the following conditions:

1. The original Educator/Provider will receive payment as long as they have received approval for the closure, if needed, according to the process detailed above.
2. A substitute Educator/Provider can provide care and receive funding only if the family is not required to quarantine by the local Board of Health.

All substitute care during an Approved COVID Closure must be processed through [CCFA following the instructions found in Procedures Manual Chapter 10.2](#).

Resuming Care Following an Approved Closure²⁰

Educators/Providers shall resume care on the first care day following the last approved date of closure. For example, if the Educator/Provider operates on a Monday – Friday schedule and has been approved for closure on Wednesday and Thursday, care shall resume on Friday.

Educators/Providers that are unable to resume care on the established day must notify the Regional Director immediately to request a new approval. Educators/Providers that remain closed without following the proper EEC notification protocol above to obtain EEC approval for additional closure days shall not be funded for additional closure days.

General Emergency Closure Policy *(Updated February 2022)*

The purpose of this section is to provide Subsidy Administrators and Child Care Educators/Providers the policies around reimbursement from the Commonwealth for emergency closures. Emergency closure may be caused by extreme weather conditions, loss of

²⁰ EEC may require documentation from the local board of health, Department of Public Health, or other entity prior to approving the reopening of child care following COVID-19 related exposure. Programs unable to reopen on the anticipated date due to COVID-19 related reasons will not be penalized.

power, loss of heat, flooding, and/or other similar situations outside of a program's control. **This guidance does not apply to COVID-19 period emergency closures approved by the EEC Regional Office.**

Circumstances for reimbursement of an emergency closure:

- Child Care Educators/Providers, which include the administrative offices of Family Child Care Systems, are expected to remain open during inclement weather. However, if the local Department of Public Works declares a state of emergency and/or the weather conditions are so extreme as to be considered unsafe, a Child Care Educator/Provider may decide to close.
- In addition, a program may decide to close due to non-weather emergencies, such as the loss of electricity or heat, which are outside the program's control (i.e., construction work in the area that requires the local power company to shut off power for any part of the child care Day).
- In such circumstances, the program may seek reimbursement for the emergency closure from EEC.
- Excessive emergency closures or unwarranted closures (i.e., storm-related damage caused power outages in surrounding towns but the program was not impacted) may be disqualified from payment.
- Payment for emergency closures is limited to three consecutive Days, unless otherwise approved by EEC.
 - Contracted Child Care Educators/Providers seeking approval of more than three consecutive days shall submit an approval request to EECSubsidyManagement@mass.gov for review by the Contracts team.
 - Voucher Only Child Care Educators/Providers seeking approval of more than three consecutive days shall submit an approval request to their CCRR. The CCRR will request approval from EEC on their behalf by emailing EECSubsidyManagement@mass.gov.
- EEC can disqualify billing if it discovers Emergency closures that are excessive or unwarranted.

Family Child Care System Considerations and Requirements:

- The Family Child Care System (FCC System) must document that neither its affiliated providers nor its substitute care providers were able to provide early education and care services due to extreme weather conditions (or other emergency circumstances).
- Additionally, the FCC System must document the reason for the closure of its administrative offices.
- The FCC System must pay the affiliated provider if neither regular care nor substitute care was available due to extreme weather conditions or due to an emergency circumstance outside a program's control.

- However, if substitute care was made available because the weather/emergency situation did not affect an entire area, then [EEC will provide payment for both the primary Child Care Educator/Provider and the substitute Child Care Educator/Provider.](#)

Documentation Requirements to Substantiate an Emergency Closure:

- Programs must maintain documentation of the extreme weather condition in their files, such as articles from newspapers or websites.
- Programs must maintain copies of documentation to support the closure -- if possible, programs should obtain documentation from their utility companies or the city/town to verify that the program did not have power or heat during the closure period.
- If the circumstances necessitating the emergency closures last for more than 72 hours, the program should make best efforts to obtain documentation from the city/town or the utility companies to confirm the extended closures.
- At a minimum, the program should report the extended emergency closure to their EEC licensor and comply with the program's written emergency management plan, as required by 606 CMR 7.11(7).
- Contracted Child Care Educators/Providers must report the closure to their EEC Contract Specialist. Voucher Child Care Educators/Providers must report the closure to their CCRR.
- [All General Emergency Closures must be entered into CCFA following the instructions found in Procedures Manual Chapter 10.2.](#)

Charging of parents during emergency closures:

- [EEC will pay Parent Fees for the duration of approved emergency closures.](#)
- [Since EEC is not planning to reinstate the Pricing Limitation Law as detailed in Policy Guide Appendix C, reimbursement for subsidized children is not dependent on the Child Care Educator/Provider charging private pay families.](#)

Appendix: G

Paid Time Off (PTO) Policy for Subsidized Family Child Care Providers *(New as of June 2021)*

Applicability:

This policy applies to Family Child Care Providers (FCC Providers) who:

1. Serve children receiving a child care subsidy at a licensed or authorized EEC child care program; and
2. Are open and available to care for children.

This policy also applies to Informal Child Care where the Relative is providing care in the relative's home.

Overview:

According to the Office of the Attorney General regulations at 940 CMR 33.00, Earned Sick Time, employees accrue Earned Sick Time (EST) only on hours worked, not on hours paid when not working. Pursuant to M.G.L. chapter 149 § 148C (d)(1), an employer shall provide a minimum of one hour of earned sick time for every thirty hours worked by an employee.

Pursuant to the Collective Bargaining Agreement between EEC and Service Employees International Union Local 509 (SEIU), Earned Sick Time is now considered Paid Time Off (PTO) by EEC. Therefore, Earned Sick Time is hereby referred to as Paid Time Off (PTO). The Policy below includes the original EST policy issued by EEC on August 12, 2015, updated as needed for the change to PTO, adjustments during COVID, and other updates implemented since the original policy was issued.

Family Child Care Providers who serve children receiving a child care subsidy are also eligible to apply for Paid Family and Medical Leave (PFML), which is administered by the Department of Family and Medical Leave. Please see Appendix H for EEC's policy related to PFML.

Adjustment applicable to the COVID-19 Pandemic:

During the COVID-19 pandemic, the Department of Early Education and Care (EEC) made changes to its Financial Assistance Policies to coordinate with the reopening of child care. One of the changes includes paying Providers based on enrollment instead of attendance. Many FCC Providers were open and willing to provide care but did not have any children

attending for several months. Therefore, under the previous EEC policies, these FCC Providers would not have accrued Paid Time Off after June 22, 2020 when programs could reopen. FCC Providers now accrue PTO when they are being paid by EEC regardless of whether children are enrolled and/or attending their program. PTO will not be accrued for unbillable days.

The following policy has been updated to provide clarification on how PTO will be accrued during the COVID-19 pandemic.

Definitions:

Eligible Time Period: The Eligible Time Period for applying this policy shall be for the duration of the COVID-19 pandemic, or until rescinded by EEC.

Enrollment: contract or voucher placements in the Child Care Financial Assistance application (“CCFA”) to a specific location of care as of July 1, 2020.

Fiscal Year: The time period for funding of the Massachusetts government through the General Appropriations Act (GAA), including the appropriations for all EEC subsidized child care programs. A fiscal year runs from July 1st to June 30th.

Working²¹: The FCC Provider has an active license, and their facility is open and operating to care for children on a full or part-time basis.

Requirements to Accrue and Use PTO:

ACCRUAL OF PTO DURING THE MANDATED CHILD CARE CLOSURES

To have accrued PTO during the mandated COVID child care closures, the Family Child Care (“FCC”) Provider must have been providing subsidized care through a voucher agreement with a Child Care Resource and Referral Agency (CCRR) or through a contractual relationship with an FCC System, and at least one (1) subsidized child attended in March 2020 prior to the closure of non-emergency child care on March 22, 2020.

GENERAL ACCRUAL OF PTO

PTO is accrued by FCC Providers as follows:

- A. FCC Providers with at least one (1) subsidized child that is attending, or at least one (1) subsidized child who is enrolled but not attending, will accrue PTO as long as the child is attending or enrolled for at least one (1) day during each month that PTO accrual is sought. The Provider must comply with the Part Time and Full-Time requirements.
 1. FCC Providers, as defined by M.G.L. c. 15D. s. 17, shall be deemed to work 6 hours for each “Part Day” worked and 10 hours for each “Full Day” worked.

²¹ This definition is applicable for the duration of the COVID-19 pandemic, or until rescinded by EEC.

- B. FCC Providers may accrue up to five (5) Full-Time days or up to eight (8) Part-Time days in any given fiscal year.
- C. FCC Providers may carry over up to five (5) Full-Time days or up to eight (8) Part-Time days from one fiscal year to another.
- D. Accrual will be managed automatically in EEC's Child Care Financial Assistance Application (CCFA) based on enrollment and billing for subsidized child care. Accrual is recorded in CCFA after ledgers are generated for a service month. Please note that if ledgers are reversed, the PTO accrual will also be reversed and only reinstated once ledgers are regenerated.
- E. The schedule for accrual is as follows during each fiscal year for FCC Providers who meet the accrual requirements listed above:
 - 1. In a fiscal year, the first PTO time accrued is recorded in the Provider's PTO Balance in August after the completion of billing for July service month.
 - 2. Additional days accrue each subsequent month and are posted after the completion of billing.
 - 3. For an FCC Provider who has at least one full time child in care every month, the FCC Provider's PTO Balance will reflect the maximum number of days for the fiscal year in December after billing is complete for November service month.
 - 4. A FCC Provider who starts serving a subsidized child during a fiscal year will begin accruing PTO after the first month of billing.

USE OF PTO

PTO may be used by FCC Providers so long as it complies with the following guidelines:

- A. PTO may only be paid out when there is an active child care placement in CCFA. PTO payment cannot be provided prior to the start date of a child's placement.
- B. FCC Providers are eligible to use the accrued PTO days after the mandated COVID closure of child care under the following circumstances:
 - 1. If the FCC Provider has re-opened and at least one (1) subsidized child is attending or enrolled; OR
 - 2. The FCC Provider has reopened and is operating. The FCC Provider must also have at least one (1) subsidized child with a placement to attend or hold enrollment.
- C. Regardless of the number of days accrued, FCC Providers may only take up to five (5) Full-Time days or up to eight (8) Part-Time days per fiscal year. PTO usage is based on the attendance entered for children for the given day and may only be used in increments that match the FCC Provider's subsidy placements. Partial PTO days may not be taken.

Example 1: If a provider only has part-time subsidy placements, the provider must take part-time PTO. If a provider has full-time subsidy placements, the provider must take full-time PTO.

Example 2: If a provider has children with a combination of full time and part time schedules, then it depends on the attendance entered. If at least one child is billed full time, then 10 hours is deducted from the provider's PTO accrual. The remaining children are paid based on the attendance code used.

Example 3: If the provider has only children who have intermittent full time placements, the PTO usage will be based on what level of care the child would have received if the provider were open and based on what attendance codes are entered. If the child would have attended full time, the attendance should be entered using the intermittent closure code (IFO). This will result in provider payment for a full time day and 10 hours will be deducted from the PTO accrual. If the child would have attended part time (such as before and/or after school), attendance should be entered using the regular closure code (CFO) code. This will result in provider payment for a part time day and 6 hours will be deducted from the PTO accrual.

- D. PTO days cannot be taken in advance of having been accrued. As detailed above, accrual is recorded in CCFA after ledgers are generated for a service month. A PTO day accrued in one month may be used as soon as the 1st day of the following month.

Example: A provider serves a child in July and will accrue one PTO day for the month. The provider's ledgers are not generated in CCFA until August 10th, when the accrual will be recorded. However, the provider may use the PTO day to take off August 1st.

- E. Regardless of the number of days accrued, FCC Providers who begin serving subsidized children cannot use PTO for 90 days from the first day of the month in which the care started. This is a requirement of the Earned Sick Time regulations at 940 CMR 33.00 where it details that a 90-day waiting ("vesting") period applies to all employers with employees eligible to accrue and use earned sick time and all employees of those employers in accordance with M.G.L. c. 149, § 148C.

Example: A FCC Provider who started serving children in January cannot use PTO time for 90 days from January 1st.

- F. FCC Providers cannot use PTO if they have closed, no longer have a voucher or contract agreement, or do not have any subsidized children attending or enrolled.
- G. PTO days may be used for either: sick, vacation, personal, or bereavement leave.
- H. FCC Providers are responsible for notifying their Family Child Care System ("FCC System") or Child Care Resource and Referral Agency ("CCRR") in writing in the event they intend to use PTO. The FCC System or CCRR shall respond in writing to confirm that the notification has been received. Notification by email is considered sufficient written communication.
- I. For foreseeable and/or pre-planned use of PTO, FCC Providers shall notify their FCC System (if affiliated with a System) or CCRR (if independent or a relative caregiver) at least seven (7) days in advance of the PTO day.
- J. In the event of an emergency, FCC Providers shall notify the FCC System or CCRR as soon as practicable for unforeseeable use of PTO before use.
- K. Entry of the FCC Provider's use of PTO into EEC's CCFA application is the responsibility of each FCC System or CCRR.
- L. FCC Providers who wish to rescind previously scheduled PTO must inform their FCC System or CCRR that they will not be using the scheduled time at or before the start of the work day.

ANTI-RETALIATION

EEC, FCC Systems, and CCRRs shall not retaliate against an eligible FCC Provider for exercising or attempting to exercise rights under the law, including: requesting and using PTO; filing a complaint for violations; or telling others about the law.

RECORDKEEPING

CCFA will contain the official and complete record of all accrued PTO and will be maintained by EEC. Each FCC System and CCRR will transmit to EEC, via the CCFA application, a record of those who utilized accrued PTO. Such records will be kept indefinitely, or until the CCFA system is archived.

Conclusion

Nothing in this policy replaces or supersedes any separate governing law, statute, contract (including the Collective Bargaining Agreement), Memorandum of Understanding, or policy. The laws governing PTO are evolving. As a result, EEC reserves the right to amend this policy at any time in accordance with applicable laws, regulations, policy, or departmental changes. See 940 CMR 33.00; M.G.L. c. 149 § 148C.

Appendix: H

Paid Family Medical Leave (PFML) Policy for Subsidized Family Child Care Providers *(New as of June 2021)*

General Paid Family and Medical Leave Policy:

The Department of Family and Medical Leave (DFML) is responsible for administering PFML and for approving applications for PFML. DFML's governing statute can be found at M.G.L. c. 175M and its regulations can be found at 458 CMR 2.00. PFML is a state-offered benefit for qualified individuals who work in Massachusetts and are eligible to take up to 26 weeks of paid leave for medical or family reasons. PFML is funded through a Massachusetts tax, and is separate from both the federally mandated benefits offered by the Family Medical Leave Act (FMLA) and from leave benefits that may be offered by your employer. Please refer to the DFML's website at www.mass.gov/orgs/department-of-family-and-medical-leave for General PFML policies. If you are looking for information on other time off, please see the Paid Time Off Policy at Appendix G.

Intermittent or Reduced Paid Family and Medical Leave (PFML) Policy for Subsidized Family Child Care Providers (as of Jan. 2021)

APPLICABILITY

EEC is issuing this policy for Intermittent or Reduced PFML to align with DFML requirements. The following policy applies to Family Child Care Providers (FCC Providers) who:

1. Serve children receiving a child care subsidy;
2. Have sent an application to the Department of Family and Medical Leave (DFML) for leave; and
3. Have applied to take their leave on an Intermittent Leave or a Reduced Leave Schedule.

OVERVIEW

According to the DFML regulations at 458 CMR 2.00, Family and Medical Leave, employees may apply to take Intermittent Leave or a Reduced Leave Schedule for PFML benefits consistent with employer policy and subject to approval by DFML.

DEFINITIONS (FROM DFML REGULATIONS AT 458 CMR 2.00)

Intermittent Leave: Leave taken in separate periods of time due to a single qualifying reason, rather than for one continuous period of time. Examples of intermittent leave include leave

taken on an occasional basis for medical appointments or leave taken several days at a time spread over a period of months. Intermittent leave shall be taken in increments consistent with the established policy of the employer or covered business entity uses to account for use of other forms of leave; provided, however, that the Department will not pay in increments of less than 15 minutes. A covered individual shall not be permitted to apply for payment for benefits associated with intermittent leave until they have eight hours of accumulated leave time, unless more than 30 calendar days has lapsed since the initial taking of such leave.

Reduced Leave Schedule: A leave schedule that reduces the usual number of hours per workweek, or hours per workday, of a covered individual.

REQUIREMENTS FOR USING INTERMITTENT OR REDUCED LEAVE

Intermittent Leave or a Reduced Leave Schedule may be used by FCC Providers so long as it complies with the following guidelines:

- A. FCC Providers are eligible to use Intermittent Leave or a Reduced Leave Schedule only in increments that match the FCC Provider's subsidy placements as either a full-time or part-time provider. FCC Providers may not use Intermittent Leave or a Reduced Leave Schedule to take partial days off.
 - a. For example, if a provider only has part-time subsidy placements, the provider must take part-time PFML. If a provider has full-time subsidy placements, the provider must take full-time PFML.
- B. FCC Providers are responsible for notifying their Family Child Care System (FCC System) or Child Care Resource and Referral Agency (CCRR) when they submit an application to DFML for Intermittent Leave or a Reduced Leave Schedule.
- C. FCC Providers are responsible for notifying the parent or guardian of each child enrolled in the FCC Provider's program when they submit an application to DFML for Intermittent Leave or a Reduced Leave Schedule.
- D. The FCC Provider's notice to their CCRR or FCC System and the parents and guardians of enrolled children must include the FCC Provider's anticipated leave schedule and the expected duration of the leave schedule.
- E. FCC Providers who wish to amend previously scheduled Intermittent Leave or a Reduced Leave Schedule must inform DFML; their FCC System or CCRR; and the parent or guardian of each enrolled child as soon as possible.
- F. Entry of the FCC Provider's use of Intermittent Leave or a Reduced Leave Schedule into EEC's CCFA application is the responsibility of each FCC System or CCRR.

CONCLUSION

Nothing in this policy replaces or supersedes any separate governing law, statute, contract, Memorandum of Understanding, or policy. The laws governing PFML are evolving. As a result, EEC reserves the right to amend this policy at any time in accordance with applicable laws, regulations, policy, or departmental changes. See 458 CMR 2.00; M.G.L. c. 175M.