

PART 2

CCDF SUBSIDY PROGRAM ADMINISTRATION

**2.1 Administration of the Program**

The Lead Agency has broad authority to administer (i.e., establish rules) and operate (i.e., implement activities) the CCDF program through other governmental, non-governmental, or other public or private local agencies as long as it retains overall responsibility for the administration of the program. (658D(b), §98.11(a))

**2.1.1. Which of the following CCDF program rules and policies are set or established at the State/Territory versus the local level?** Identify the level at which the following CCDF program rules and policies are established.

Effective Date: 01-OCT-13

Eligibility rules and policies (e.g., income limits) are set by the:

State/Territory

Local entity.

If checked, identify the type of policies the local entity(ies) can set

Other.

Describe:

Sliding fee scale is set by the:

State/Territory

Local entity.

If checked, identify the type of policies the local entity(ies) can set

Other.

Describe:

Payment rates are set by the:

State/Territory

Local entity.

If checked, identify the type of policies the local entity(ies) can set

Other.  
Describe:

**2.1.2. How is the CCDF program operated in your State/Territory?** In the table below, identify which agency(ies) performs these CCDF services and activities.

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### Implementation of CCDF Services/Activities

#### Who determines eligibility?

**Note:** If different for families receiving TANF benefits and families not receiving TANF benefits, please describe:

County social service eligibility staff determine eligibility for child care subsidy program for all applicants for the Child Care Assistance program.

#### Agency (Check all that apply)

- CCDF Lead Agency
- TANF agency
- Other State/Territory agency.

Describe:

- Local government agencies such as county welfare or social services departments
- Child care resource and referral agencies
- Community-based organizations
- Other.

Describe:

#### Who assists parents in locating child care (consumer education)?

#### Agency (Check all that apply)

- CCDF Lead Agency
- TANF agency
- Other State/Territory agency.

Describe:

- Local government agencies such as county welfare or social services departments
- Child care resource and referral agencies
- Community-based organizations

Other.

Describe:

### Who issues payments?

#### Agency (Check all that apply)

- CCDF Lead Agency  
 TANF agency  
 Other State/Territory agency.

Describe:

The CCDF Lead Agency is responsible for issuing payments based on the documentation received from the county.

- Local government agencies such as county welfare or social services departments  
 Child care resource and referral agencies  
 Community-based organizations  
 Other.

Describe:

#### Describe to whom is the payment issued (e.g., parent or provider) and how are payments distributed (e.g., electronically, cash, etc)

Payments are issued to the provider unless the provider signs a statement requesting payments go to the family. Payments are distributed electronically in all cases except if there is a garnishment or the provider requests that payment go to the family. In these situations, the payment is issued by check. When payments are distributed electronically, it means it is either by direct deposit or on an electronic payment card. Payments are processed in a timely manner .

**Other. List and describe:**

## 2.2. Family Outreach and Application Process

Lead Agencies must inform parents of eligible children and the general public of the process by which they can apply for and potentially receive child care services. (658D(b)(1)(A), 658E(c)(2)(D) & (3)(B), §§98.16(k), 98.30(a)-(e). **Note** - For any information in questions 2.2.1 through 2.2.10 that differs or will differ for families receiving TANF, please describe in 2.2.11.

**2.2.1. By whom and how are parents informed of the availability of child care assistance services under CCDF?** (658E(c)(2)(A), §98.30(a)) Check all agencies and strategies that will be used in your State/Territory.

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- CCDF Lead Agency  
 TANF offices  
 Other government offices

- Child care resource and referral agencies
- Contractors
- Community-based organizations
- Public schools
- Internet

(provide website): [www.nd.gov/dhs/services/financialhelp/childcare.html](http://www.nd.gov/dhs/services/financialhelp/childcare.html)

- Promotional materials
- Community outreach meetings, workshops or other in-person meetings
- Radio and/or television
- Print media
- Other.

Describe:

**2.2.2. How can parents apply for CCDF services?** Check all application methods that your State/Territory has chosen to implement.

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- In person interview or orientation
- By mail
- By Phone/Fax
- Through the Internet

(provide website): <https://apps.nd.gov/dhs/ea/oasys/public/main.htm>

- By Email
- Through a State/Territory Agency
- Through an organization contracted by the State/Territory
- Other.

Describe:

Families have the option to apply for child care subsidy by using an application that is specifically for the Child Care Assistance Program. Families also have the option of applying for multiple programs on a combined application which includes child care subsidy. The application for multiple programs is available as a paper copy or can be completed and submitted on-line.

**2.2.3. Describe how the Lead Agency provides consumer education to parents applying for CCDF assistance to promote informed choices about the quality of care provided by various providers in their communities.**

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Lead Agencies must certify that the State/Territory will collect and disseminate to parents of eligible children and the general public, consumer education information that will promote informed child care choices (658E (c)(2)(G), §98.33).

For example, memorandums of understanding with resource and referral agencies to provide consumer education to families applying for CCDF assistance, providing parents with provider lists showing licensing history and/or Quality Rating and Improvement System (QRIS) ratings, or informational brochures that address importance of quality and different care options available.

Parents may either call Child Care Resource and Referral at their toll-free number or go to their website for referrals and the consumer education information at <http://www.ndchildcare.org/main/parents.htm>

Child Care Resource and Referral has prepared resources to help parents understand child care in North Dakota.

- [A Parents Guide to Selecting Child Care \(PDF\)](#) [Child Care Checklist \(PDF\)](#)
- [Child Care Financial Assistance Program](http://www.nd.gov/dhs/services/financialhelp/childcare.html) <http://www.nd.gov/dhs/services/financialhelp/childcare.html> or <http://www.ndchildcare.org/parents/cost/financial-assistance.html>
- [Licensing Rules and Regulations](#)
- [Child Care Costs](#)

Having the referral service and consumer information available on line increases parental access to child care, and gives parents the information they need to help choose high quality child care for their families. Additionally, as part of the referral process, parents are encouraged to contact the county social service office for a summary of the licensing history for any potential provider they may choose.

DHS provides a brochure titled 'Child Care Assistance Program'. The brochure is available in the county social service offices and various locations such as the Head Start Programs, Public Health and WIC. The brochure states that parents have the right to choose their own provider, whether the provider is a non-profit or profit, sectarian or relatives. The parent can choose an approved relative, self-declared, family home, group, or center to provide the care. In addition, there is a section "Help Find Child Care" which lists the telephone number of the CCR&R offices. The CCR&R offices can assist the parent in finding the type of child care the parent is seeking in the location that the parent needs child care. This information is also included with all applications for Economic Assistance programs.

In addition, "DN 108, Comparison of Licensed and Unlicensed Child Care" lists the differences between the basic requirements for licensed providers and the legally non-licensed providers. DN 108 may be provided to clients that apply for Child Care Assistance Program as part of the application packet.

The CCR&R programs at Lutheran Social Services and Lakes and Prairies Community Action have a service access plan, which documents how the agency will ensure meaningful access to program information and services for all persons, including those with limited English language proficiency or people with disabilities.

This includes working with bilingual staff, contracting for interpretive services, and using relay services.

County child care licensing staff members also have strategies to overcome language barriers with families and providers. The approaches used to assist with parent-licensor and provider-licensor discussions regarding child care options and rules vary across the state depending upon demographics, languages spoken, and resources available in and to each county. They include but are not limited to: requests for translators; working with friends, family members or neighbors; using a website for

translation (such as <http://www.freetranslation.com/>); using the language translation software available through Microsoft©. For hearing impaired clients/providers, licensors may write their conversations out, use relay North Dakota for telephone contacts, or contact the ND School for the Deaf for resource support. If an individual is visually impaired the ND School for the Blind may be contacted for resource support. In all cases, the appropriate releases for information would be completed as the initial step in order to protect confidentiality.

The eligibility workers have access to translators that will assist them in interviewing clients according to confidentiality rules.

Outreach to parents, online and face to face referral options and services for non-English speaking families result in access to higher quality child care for lower income families.

#### **2.2.4. Describe how the Lead Agency will support child care programs to increase the likelihood that CCDF-served children receive higher quality care as defined in your State/Territory.**

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For example, methods used to promote upward movement in quality rating and improvement system, methods used to encourage high quality programs to participate in the subsidy program such as tiered reimbursement, or incentives used to support high quality programs in rural, suburban, urban, and low-income communities.

The Child Care Assistance Program recognizes the importance in quality of care. Therefore, the State continues to prioritize and consider increases in provider rates for centers and providers who are state licensed.

The provider payment rate change that is effective October 1, 2012 was revised in collaboration with the Early Child Services Administrator and Economic Assistance Policy Division Director (director of Child Care Assistance Program).

Through a contract with CCR&R, licensed and self-declared child care providers are eligible to receive training, on-site technical assistance, and incentive grants for quality improvement. This contract specifically identifies providers who care for low-income children as a priority for participation in any quality enhancement program.

#### **2.2.5. Describe how the Lead Agency promotes access to the CCDF subsidy program? Check the strategies that will be implemented by your State/Territory.**

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- Provide access to program office/workers such as by:
- Providing extended office hours
- Accepting applications at multiple office locations
- Providing a toll-free number for clients
- Email/online communication
- Other.

Describe:

Information regarding county social service offices is available at:

[www.nd.gov/dhs/locations/countysocialserv/](http://www.nd.gov/dhs/locations/countysocialserv/) This web site provides a user friendly state map that by clicking on a specific county it pulls up the address, telephone number, fax number and office hours for that county office.

- Using a simplified eligibility determination process such as:
- Simplifying the application form (such as eliminating unnecessary questions, lowering the reading level)
- Developing a single application for multiple programs
- Developing web-based and/or phone-based application procedures
- Coordinating eligibility policies across programs.

List the program names: [Supplemental Nutrition Assistance Program](#), [Medicaid](#), [Healthy Steps](#), and [Temporary Assistance for Needy Families](#)

- Streamlining verification procedures, such as linking to other program data systems
- Providing information multi-lingually
- Including temporary periods of unemployment in eligibility criteria for new applicants (job search, seasonal unemployment).

Length of time: [20 hours per week with a limit of 8 weeks per calendar year](#)

(Note: this period of unemployment should be included in the Lead Agency's definition of working, or job training/educational program at 2.3.3).

- Other.
- Describe:

- Other.
- Describe:

- None

**2.2.6. Describe the Lead Agencies policies to promote continuity of care for children and stability for families.** Check the strategies, if any, that your State/Territory has chosen to implement.

Effective Date: 01-OCT-13

Provide CCDF assistance during periods of job search.

Length of time: [20 hours per week and a limit of 8 calendar weeks per year](#)

Establish two-tiered income eligibility to allow families to continue to receive child care subsidies if they experience an increase in income but still remain below 85% of State median income (SMI)

Synchronize review date across programs

List programs:

[Child Care Assistance program encourages eligibility workers to synchronize review dates with TANF, SNAP or Medicaid review dates to minimize reporting requirements on families.](#)

Longer eligibility re-determination periods (e.g., 1 year).

Describe:

Extend periods of eligibility for families who are also enrolled in either Early Head Start or Head Start and pre-k programs.

Describe:

Extend periods of eligibility for school-age children under age 13 to cover the school year.

Describe:

Minimize reporting requirements for changes in family's circumstances that do not impact families' eligibility, such as changes in income below a certain threshold or change in employment

Individualized case management to help families find and keep stable child care arrangements.

Describe:

Using non-CCDF Funds to continue subsidy for families who no longer meet eligibility, such as for children who turn 13 years of age during the middle of a program year

Other.

Describe:

None

**2.2.7. How will the Lead Agency provide outreach and services to eligible families with limited English proficiency?** Check the strategies, if any, that your State/Territory has chosen to implement.

Effective Date: 01-OCT-13

Application in other languages (application document, brochures, provider notices)

Informational materials in non-English languages

Training and technical assistance in non-English languages

Website in non-English languages

Lead Agency accepts applications at local community-based locations

Bilingual caseworkers or translators available

Outreach Worker

Other.

Describe:

The Lead Agency provides outreach and services to eligible families with limited English proficiency by requiring counties which are state supervised to provide translation services when needed. These translators are available during the eligibility determination process. These translators help families understand their child care options, the process for finding a provider and program reporting requirements. Translators also assist families with limited English proficiency to resolve on-going eligibility concerns and issues by working with the family and the county staff.

None

**If the Lead Agency checked any option above related to providing information or services in other non-English languages, please list the languages offered :**

The language needs are varied, with relatively small populations of diverse languages throughout the state. Therefore, the Lead Agency has not identified specific languages that translators will be provided for, but will instead work to meet the unique language needs of the populations being served and will identify translation services as needed.

Languages that are available through interpreters include but are not limited to: Bosnian, French, Serbian, Croatian, Arabic, Somala, Nepali, Spanish, Romanian, Chinese and Vietnamese.

**2.2.8. How will the Lead Agency overcome language barriers with providers? Check the strategies, if any, that your State/Territory has chosen to implement.**

Effective Date: 01-OCT-13

- Informational materials in non-English languages
- Training and technical assistance in non-English languages
- CCDF health and safety requirements in non-English languages
- Provider contracts or agreements in non-English languages
- Website in non-English languages
- Bilingual caseworkers or translators available
- Collect information to evaluate on-going need, recruit, or train a culturally or linguistically diverse workforce
- Other.

The Lead Agency has identified a need to support limited English speaking providers in their training and professional development. The Lead Agency plans to work with other agencies such as Lutheran Social Services, County Social Service Offices, and Refugee Assistance programs to identify current resources and additional support needed. With this cross-agency partnership, providers with limited English proficiency will receive effective and appropriate training to support their professional development.

None

**If the Lead Agency checked any option above related to providing information or services in other non-English languages, please list the languages offered:**

The language needs are varied, with relatively small populations of diverse languages throughout the state. Therefore, the Lead Agency has not identified specific languages that translators will be provided for, but will instead work to meet the unique language needs of the populations being served and will identify translation services as needed.

Languages that are available through interpreters include but are not limited to: Bosnian, French, Serbian, Croatian, Arabic, Somala, Nepali, Spanish, Romanian, Chinese and Vietnamese.

**2.2.9. Describe how the Lead Agency documents and verifies applicant information using the table below. (§98.20(a))**

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Check the strategies that will be implemented by your State/Territory. **Attach** a copy of your parent application for the child care subsidy program(s) as **Attachment 2.2.9** or provide a web address, if available: <http://www.nd.gov/eforms/Doc/sfn00598.pdf>

The Lead Agency requires documentation of:	Describe how the Lead Agency documents and verifies applicant information:
<input checked="" type="checkbox"/> Applicant identity	<p>The following is a partial listing of documents or records that may be used to verify a caretaker's Identity:</p> <ul style="list-style-type: none"> <li>Driver's License</li> <li>Picture ID</li> <li>School, work, hospital or health care identification</li> <li>Wage stubs</li> <li>Bank records</li> <li>Utility records</li> <li>Mortgage/Rent receipt and/or lease agreement</li> <li>Birth Certificate, whether:             <ul style="list-style-type: none"> <li>A certified Copy from Vital Records</li> <li>An uncertified Copy of the 'Certificate of Live Birth' (Yellow Copy)</li> <li>A 'Souvenir' Copy if signed by both the attending physician and president/administrator of the hospital.</li> </ul> </li> </ul>
<input checked="" type="checkbox"/> Household composition	<p>At time of application and redetermination, household composition is verified through the applicant or recipient's signature that the information on household size provided on the application or redetermination is true and correct. Households are required to report changes in household size during their eligibility period. There is cross verification because the same eligibility worker determines benefits for other programs along with the child care subsidy for the family. A Change Report form is available for their use. They may also contact their county office by telephone, in person or electronically to report changes in household composition.</p>
<input checked="" type="checkbox"/> Applicant's relationship to the child	<p>Documents or records available to verify a caretaker's (including a loco parentis caretaker) association to the child include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>Birth Certificate</li> <li>Adoption papers</li> <li>Baptismal Record</li> <li>Marriage Certificate</li> <li>Court Record</li> <li>Contact with School System</li> <li>Hospital and Clinic Records</li> <li>Court Support Order</li> <li>Juvenile Court Records</li> <li>Private Social Service Agencies</li> <li>Church Records</li> <li>Head Start Records</li> <li>Day Care Center Records</li> <li>Vital Records</li> <li>Visual Confirmation</li> <li>Child Welfare Records</li> <li>Records from The Office of Refugee Resettlement</li> <li>Statement from child's parents when caretaker is loco parentis</li> </ul>

Child's information for determining eligibility (e.g., identity, age, etc.)

Verification of child's identity, age and citizenship can be verified through the child's birth certificate. Other documents available to verify would include:

- Certified Copy or Electronic Interface from Vital Records
- Uncertified Copy of the 'Certificate of Live Birth' (Yellow Copy )'Souvenir'
- Copy if signed by both the attending physician and president/administrator of the hospital
- Baptismal Certificate or Church Record
- Confirmation Papers
- Adoption Record
- Passport
- Hospital Records
- School Records
- Immigration or Naturalization Record and AlienRegistration Card

Work, Job Training or Educational Program

Documents or records available to verify attendance in education program include but are not limited to the following:

- Class schedule
- Crossroads Program approval letter

Documents or records available to verify work or job training include but are not limited to the following:

- Pay stubs
- Employer's statement verifying the hours worked which includes the name of the business, the name of the person who completed, signed and dated the form, along with the position they occupy in the business;

Documents to verify the hours worked for self-employment include:

- the most recent tax return.

If the most recent tax return does not reflect a full year of self-employment, a tax return is not filed, or the current condition of the business is not accurately reflected on the past year's income tax return, monthly ledgers or bookkeeping records which show the income and expenses may be used.

In addition to work hour documents, a training schedule verifying the hours of training would need to be provided for an individual in job training

<input checked="" type="checkbox"/> Income	<p>Documents or records available to verify earned income include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>Pay stubs</li> <li>Employer's wage records</li> <li>A statement from the individual's employer that includes the name of the business, the name of the person who completed, signed and dated the form, along with the position they occupy in the business.</li> <li>Actual unearned income must be verified.</li> </ul> <p>Documents or records available to verify unearned income include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>SSA benefit letter or interface</li> <li>Copy of benefit check</li> <li>Unemployment Compensation benefit letter or interface</li> <li>Pension benefit letter</li> <li>VA benefit letter</li> <li>Railroad benefit letter</li> <li>Verification of Child/Spousal Support received</li> </ul> <p>Documents or records available to verify child/spousal support include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>Divorce or separation papers</li> <li>Court order</li> <li>Support agreement</li> <li>Correspondence on support payments</li> <li>Receipts for contribution</li> <li>Employer Records of garnished wages</li> <li>Print out from agency disbursing the child support</li> </ul>
<input type="checkbox"/> Other. Describe:	

**2.2.10. Which strategies, if any, will the Lead Agency use to assure the timeliness of eligibility determinations upon receipt of applications?**

Effective Date: 01-OCT-13

- Time limit for making eligibility determinations.  
Describe length of time **30 days from the receipt of the application in the county social service office.**
- Track and monitor the eligibility determination process
- Other.  
Describe
- None

**2.2.11. Are the policies, strategies or processes provided in questions 2.2.1 through 2.2.10 different for families receiving TANF? (658E(c)(2)(H) & (3)(D), §§98.16(g)(4), 98.33(b), 98.50(e))**

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Yes.

If yes, describe:

No.

## 2.2.12. Informing parents who receive TANF benefits about the exception to the individual penalties associated with the TANF work requirement.

The regulations at §98.33(b) require the Lead Agency to inform parents who receive TANF benefits about the exception to the individual penalties associated with the work requirement for any single custodial parent who has a demonstrated inability to obtain needed child care for a child under 6 years of age. Lead Agencies must coordinate with TANF programs to ensure, pursuant that TANF families with young children will be informed of their right not to be sanctioned if they meet the criteria set forth by the State TANF agency in accordance with section 407(e)(2) of the Social Security Act. In fulfilling this requirement, the following criteria or definitions are applied by the TANF agency to determine whether the parent has a demonstrated inability to obtain needed child care.

**NOTE:** The TANF agency, not the CCDF Lead Agency, is responsible for establishing the following criteria or definitions. These criteria or definitions are offered in this Plan as a matter of public record.

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a) Identify the TANF agency that established these criteria or definitions:

State/Territory TANF Agency [North Dakota Department of Human Services, Economic Assistance Policy Division](#)

b) Provide the following definitions established by the TANF agency.

- "appropriate child care": [The inability to obtain appropriate child care which includes licensed center based provider, licensed family home child care providers, self-declared home child care provider under North Dakota Century Code 50-11.1, or relative child care providers who are not required to be licensed or registered.](#)

- "reasonable distance": [Child Care is unobtainable at a location such that the usual commuting time from the parents home to the location at which child care is provided, or on to the parents worksite, is one hour or less](#)

- "unsuitability of informal child care": [The client must show that the unavailability or unsuitability informal care is not an option with either a relative or other legally non-licensed provider.](#)

- "affordable child care arrangements": [Child Care is unobtainable, from a child care provider licensed or self-declared under North Dakota Century Code Chapter 50-11-1, at a rate equal to or less than 1.1 times the market survey average rate for child care provider to children of the age of the parents child in the region in which the parent lives.](#)

c) How are parents who receive TANF benefits informed about the exception to individual penalties associated with the TANF work requirements?

In writing

Verbally

Other.

Describe:

## **2.3. Eligibility Criteria for Child Care**

In order to be eligible for services, children must (1) be under the age of 13, or under the age of 19 if the child is physically or mentally disabled or under court supervision; (2) reside with a family whose income is less than 85 percent of the State's median income for a family of the same size; and (3) reside with a parent or parents who is working or attending job training or an educational program; or (4) be receiving or needs to receive protective services. (658P(3), §98.20(a))

### **2.3.1. How does the Lead Agency define the following eligibility terms?**

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*residing with -*

Means a child or children who are physically present in the home of a parent, legal guardian or an individual who is considered in loco parentis while receiving child care services.

*in loco parentis -*

An individual (relative or non-relative) who is not the natural, adoptive or stepparent of the child but who assumes parental responsibilities and is physically caring for the child in their home on a 24-hour-a-day basis when the duration is expected to last over 30 uninterrupted days.

### **2.3.2. Eligibility Criteria Based Upon Age**

Effective Date: 01-OCT-13

a) The Lead Agency serves children from 0 weeks to 12 years of age years (may not equal or exceed age 13).

b) Does the Lead Agency allow CCDF-funded child care for children age 13 and above but below age 19 years who are physically and/or mentally incapable of self-care?

(658E(c)(3)(B), 658P(3), §98.20(a)(1)(ii))

Yes, and the upper age is 18 years of age (may not equal or exceed age 19).  
Provide the Lead Agency definition of *physical or mental incapacity* -

A child is incapable of self-care exists because of verified physical or mental incapacity. A qualified medical professional must verify in writing that incapacity exists.

No.

c) Does the Lead Agency allow CCDF-funded child care for children age 13 and above but below age 19 years who are under court supervision? (658P(3), 658E(c)(3)(B), §98.20(a)(1)(ii))

Yes, and the upper age is 18 years of age (may not equal or exceed age 19).

No.

### 2.3.3. Eligibility Criteria Based Upon Work, Job Training or Educational Program

Effective Date: 01-OCT-13

a) How does the Lead Agency define "working" for the purposes of eligibility? Provide a narrative description below, including allowable activities and if a minimum number of hours is required.

**Reminder** - Lead Agencies have the flexibility to include any work-related activities in its definition of working, including periods of job search and travel time. (§§98.16(f)(3), 98.20(b))  
*working-*

Definition of work is any paid employment and any self employment.

Definition of work also includes job search which allows 20 hours per week and a limit of 8 calendar weeks per year. An additional 25% of time needed is allowed for travel and break times.

As part of the definition of work, travel time is allowed, travel and break times are calculated by adding 25% of the actual work hours calculated onto the number of actual works For example an individual working 40 hours would be allowed 10 hours to cover travel and break time. If an individual's actual travel and break time exceeds the 25%, the travel and break time is determined on a case by case basis.

No travel and break time is allowed for job search.

b) Does the Lead Agency provide CCDF child care assistance to parents who are attending job training or an educational program? (§§98.16(g)(5), 98.20(b))

Yes.

If yes, how does the Lead Agency define "attending job training or educational program" for the purposes of eligibility? Provide a narrative description below.

**Reminder** - Lead Agencies have the flexibility to include any training or education-related activities in its definition of job training or education, including study time and travel time.

*attending job training or educational program -*

Education or training activities may include high school, basic remedial educations programs, trade schools, vocational training at colleges and universities, or other activities designed to help the participant achieve basic literacy or training needed to secure employment or retain employment. Traditional high school attendance means: taking 4 or more classes; part time is less than 4 classes. Alternative high school attendance means: the definition prescribed by the alternative education setting. "Full time" for vocational or colleges is 12 or more credit hours per semester or quarter for universities attendance. Part-time is less than 12 credit hours per semester or quarter. Vocational and trade schools will provide documentation as to what is full time or part-time.

No.

### 2.3.4. Eligibility Criteria Based Upon Receiving or Needing to Receive Protective Services

Effective Date: 01-OCT-13

a) Does the Lead Agency provide child care to children in protective services?  
(§§98.16(f)(7), 98.20(a)(3)(ii)(A) & (B))

Yes.

If yes, how does the Lead Agency define "protective services" for the purposes of eligibility? Provide a narrative description below.

**Reminder** - Lead Agencies have the flexibility to define protective services beyond formal child welfare or foster care cases. Lead Agencies may elect to include homeless children and other vulnerable populations in the definition of protective services.

**Note** - If the Lead Agency elects to provide CCDF-funded child care to children in foster care whose foster care parents are not working, or who are not in education/training activities for CCDF purposes these children are considered to be in protective services and should be included in this definition.

*protective services*

No.

b) Does the Lead Agency waive, on a case-by-case basis, the co-payment and income

eligibility requirements for cases in which children receive, or need to receive, protective services? (658E(c)(3)(B), 658P(3)(C)(ii), §98.20(a)(3)(ii)(A))

- Yes.  
 No.

### 2.3.5. Income Eligibility Criteria

Effective Date: 01-OCT-13

a) How does the Lead Agency define "income" for the purposes of eligibility? Provide the Lead Agency's definition of "income" for purposes of eligibility determination. (§§98.16(g)(5), 98.20(b))

*income -*

Earned or unearned income received by or available to an applicant or recipient that is not an asset

b) Which of the following sources of income, if any, will the Lead Agency exclude or deduct from calculations of total family income for the purposes of eligibility determination? Check any income the Lead Agency chooses to exclude or deduct, if any.

- Adoption subsidies
- Foster care payments
- Alimony received or paid
- Child support received
- Child support paid
- Federal nutrition programs
- Federal tax credits
- State/Territory tax credits
- Housing allotments, Low-Income Energy Assistance Program (LIHEAP) or energy assistance
- Medical expenses or health insurance related expenses
- Military housing or other allotment/bonuses
- Scholarships, education loans, grants, income from work study
- Social Security Income
- Supplemental Security Income (SSI)
- Veteran's benefits
- Unemployment Insurance
- Temporary Assistance for Needy Families (TANF)
- Worker Compensation
- Other types of income not listed above:

- Bonus, incentive payment, etc. that is not received every month
- Reimbursement for expenses incurred in connection with employment
- Combat Pay- Disregard any additional monies received by a household as the result of the deployment of a service member to a designated combat zone
- Reimbursement for other work related expenses incurred such as medical expenses, per diem, travel and lodging, Income tax refunds and earned income tax credits,
- Flex Comp income paid to family
- Income Tax refunds and Earned Income Tax Credits
- Earnings from on-the-job training Summer Youth Employment and Training Program provided by Workforce Investment Act (WIA)
- Wages received as the result of participation in Experience Works (previously known as Green Thumb Program), Vista, and the Foster Grandparent Program
- Fund raising for a family when the family does not have access to the monies
- Irregular cash gift
- Irregular income from sale of craft items, and rummage sales
- Loans that require repayment
- Education loans, scholarships, work study, stipend or grants from all sources; whether for undergraduate or graduate student, fellowship or gift or portion of a gift used to pay the costs of caretaker's tuition and fees at any educational institution, vocational rehabilitation payments; job services payments
- Montgomery GI Bill, Education Assistance
- Income from the Reserve Educational Assistance Program
- TANF benefits, Diversion Assistance, TANF Transition Assistance, Kinship Care reimbursements and supplements for these programs
- Family subsidy payments
- Subsidized Guardianship payments
- Foster Care payments
- Adoption Assistance Payments
- Supplemental Food Program for Women, Infants and Children (WIC) and the National School Lunch Program
- Supplemental Nutrition Assistance Program (SNAP) benefits and Food Commodities
- Utility payment subsidies payable to the family
- Vendor payments or payments made to others on the household's behalf, provided that such payments were not directed to the household
- Nonrecurring lump sum payments such as Social Security, SSI, Workforce Safety and Insurance, Veterans Administration, insurance settlements, and child support arrears
- Game winnings
- All dividends and interest from savings and checking accounts
- Loss settlement
- Individual Indian Monies up to \$2,000 per year
- Per capita payments to Indians
- Payments received under the Civil Liberties Act of 1988 by American-Japanese citizens displaced during World War II
- Payments received under regarding Agent Orange settlements
- Radiation Exposure Act Settlements
- Allowances paid to children of female Vietnam veterans who suffer from certain covered birth defects
- Income from the Bering Straits Native Corporation which was incorporated as a regional corporation pursuant to the provision of the Alaska Native Claims Settlement Act
- Census Income
- LIHEAP – Low-Income Home Energy Assistance Program
- Workforce Investment Act, needs-based payments, support services and relocation expenses provided to a caretaker through this program

- Tribal Native Employment Works program, training allowances
- Training stipends provided by private, charitable organizations to a caretaker who is a victim of domestic violence for the caretaker to attend educational programs
- Alaska Native Claim Settlement Act
- Compensation for jury duty
- Federal Emergency Management Agency (FEMA) Disaster payments including Disaster Unemployment Benefits
- Payments for Care and Maintenance of Non-Household Member(s)
- Gift cards and gift certificates
- In-store credit/bonus when there is no option to receive wages
- Indian Per Capita
- Tribal food coupons
- Flexible spending account employee funded
- Contributions by an employer into a medical savings account
- Contributions by an employee into a medical spending account
- Health reimbursement arrangements employer funded

None

c) Whose income will be excluded, if any, for purposes of eligibility determination? Check anyone the Lead Agency chooses to exclude, if any.

- Children under age 18
- Children age 18 and over - still attending school
- Teen parents
- Unrelated members of household
- All members of household except for parents/legal guardians
- Other.

Describe:

None

d) Provide the CCDF income eligibility limits in the table below. **Complete** columns (a) and (b) based upon maximum eligibility initial entry into the CCDF program. Complete Columns (c) and (d) **ONLY IF** the Lead Agency is using income eligibility limits lower than 85% of the SMI.

**Reminder** - Income limits must be provided in terms of State Median Income (SMI) (or Territory Median Income) even if federal poverty level is used in implementing the program. (§98.20(a)(2)). FY 2013 poverty guidelines are available at <http://aspe.hhs.gov/poverty/13poverty.shtml>.

			<b>IF APPLICABLE</b> <b>Income Level if lower than 85% SMI</b>
--	--	--	---

Family Size	(a) 100% of State Median Income (SMI)(\$/month)	(b) 85% of State Median Income (SMI)(\$/month) [Multiply (a) by 0.85]	(c) \$/month	(d) % of SMI [Divide (c) by (a), multiply by 100]
1	3,580	3,043		
2	4,681	3,979		
3	5,782	4,915		
4	6,884	5,851		
5	7,985	6,787		

e) Will the Lead Agency have "tiered eligibility" (i.e., a separate income limit at re-determination to remain eligible for the CCDF program)?

Yes.

If yes, provide the requested information from the table in 2.3.5d and **describe below:**

**Note:** This information can be included in the table below.

No.

Family Size	(a) 100% of State Median Income (SMI) (\$/month)	(b) 85% of State Median Income (SMI) (\$/month)[Multiply (a) by 0.85]	IF APPLICABLE Income Level if lower than 85% SMI	
			(c) \$/month	(d) % of SMI[Divide (c) by (a), multiply by 100]
1				
2				
3				
4				
5				

f) SMI Year 2014 and SMI Source Federal Register Notice May 2013

g) These eligibility limits in column (c) became or will become effective on:  
July 1, 2013

### 2.3.6. Eligibility Re-determination

Effective Date: 01-OCT-13

Does the State/Territory follow OCC's 12 month re-determination recommendation? (See Program Instruction on Continuity of Care

<http://www.acf.hhs.gov/programs/occ/resource/im2011-06>

Yes

No. If no, what is the re-determination period in place for most families?

6 months

24 months

Other.

Describe:

Length of eligibility varies by county or other jurisdiction.

Describe:

**b) Does the Lead Agency coordinate or align re-determination periods with other programs?**

Yes. If yes, **check programs that the Lead Agency aligns eligibility periods with and describe the redetermination period for each.**

Head Start and/or Early Head Start Programs.

Re-determination period:

Pre-kindergarten programs.

Re-determination period:

TANF.

Re-determination period:

SNAP.

Re-determination period: 6 months

Medicaid.

Re-determination period:

SCHIP.

SCHIP.

Re-determination period:

Other.  
Describe:

No.

c) Describe under what circumstances, if any, a family's eligibility would be reviewed prior to redetermination. For example, regularly scheduled interim assessments, or a requirement for families to report changes.

Families have reporting requirements during their eligibility period. Families are required to report changes in household size, allowable activity, state residency and if family's income exceeds 85% State Median Income. Upon receiving these reports from families, their eligibility is reassessed to determine if the family remains eligible and if there is a change to their benefit status (co-payment, allowable hours) .

d) Describe any action(s) the State/Territory would take in response to any change in a family's eligibility circumstances prior to re-determination

In response to a reported change in the family circumstance, the state would redetermine eligibility to see if the change impacts the family's continued eligibility for CCDF. If their eligibility is impacted by the reported change, a certificate is issued to align with the new changes.

e) Describe how these policies are implemented in a family-friendly manner that promotes access and continuity of care for children. (See Information Memorandum on Continuity of Care for examples <http://www.acf.hhs.gov/programs/occ/resource/im2011-06> ).

To support continuity of care, ND only reviews reported changes in household size, allowable activity, state residency and if family's income exceeds 85% State Median Income. Changes in co-payment are affected by changes in household size.

f) Does the Lead Agency use a simplified process at re-determination?

Yes.

If yes, describe:

Redetermination is a review of case file information, families are not required to submit documents already established when initial eligibility was determined. The families are asked to resubmit income information along with allowable activity and schedules. If there are no changes, additional information is not required.

No.

### 2.3.7. Waiting Lists

Describe the Lead Agency's waiting list status. Select **ONE** of these options.

Effective Date: 01-OCT-13

Lead Agency currently does not have a waiting list and:

All eligible families *who apply* will be served under State/Territory eligibility rules

Not all eligible families *who apply* will be served under State/Territory eligibility rules

Lead Agency has an active waiting list for:

Any eligible family who applies when they cannot be served at the time of application

Only certain eligible families.

Describe those families:

Waiting lists are a county/local decision.

Describe:

Other.

Describe:

### 2.3.8. Appeal Process for Eligibility Determinations

Effective Date: 01-OCT-13

Describe the process for families to appeal eligibility determinations:

An individual may appeal an adverse action of the Child Care Assistance Program (CCAP) by submitting a signed written request to the county social services office within 30 days from the date of the notice of adverse action. The individual's request for a hearing must be made in writing and signed. The following adverse actions are appealable:

- Denial of CCAP benefits
- Reduction in CCAP benefits
- Closing of TANF, Crossroads or Diversion cases
- Overpayment of benefits paid
- Any other negative action imposed against a household except when the sole issue is one of state or federal law requiring automatic benefit adjustments for classes of recipients (unless the reason for an individual appeal is incorrect benefit computation). When adverse action is taken against an individual in the Child Care Assistance Program (CCAP) and the individual requests a fair hearing, the hearing will be conducted by the Office of Administrative Hearings.

## **2.4. Sliding Fee Scale and Family Contribution**

The statute and regulations require Lead Agencies to establish a sliding fee scale that varies based on income and the size of the family to be used in determining each family's contribution (i.e., co-payment) to the cost of child care (658E(c)(3)(B) §98.42).

**2.4.1. Attach a copy of the sliding fee scale as Attachment 2.4.1.** Will the attached sliding fee scale be used in all parts of the State/Territory?

Effective Date: 01-OCT-13

Yes.

Effective Date: July 1, 2013

No. If no, attach other sliding fee scales and their effective date(s) as **Attachment 2.4.1a, 2.4.1b**, etc.

**2.4.2.** What income source and year will be used in creating the sliding fee scale? (658E(c)(3)(B)) Check only one option..

Effective Date: 01-OCT-13

State Median Income,

Year: 2014

Federal Poverty Level,

Year:

Income source and year varies by geographic region.

Describe income source and year:

Other.

Describe income source and year:

**2.4.3. How will the family's contribution be calculated and to whom will it be applied?** Check all that the Lead Agency has chosen to use. (§98.42(b))

Effective Date: 01-OCT-13

Fee as dollar amount and

Fee is per child with the same fee for each child

Fee is per child and discounted fee for two or more children

Fee is per child up to a maximum per family

No additional fee charged after certain number of children

Fee is per family

Fee as percent of income and

Fee is per child with the same percentage applied for each child

Fee is per child and discounted percentage applied for two or more children

No additional percentage applied charged after certain number of children

Fee per family

Contribution schedule varies by geographic area.

Describe:

Other.

Describe:

**If the Lead Agency checked more than one of the options above, describe:**

**2.4.4. Will the Lead Agency use other factors in addition to income and family size to determine each family's contribution to the cost of child care?** (658E(c)(3)(B), §98.42(b))

Yes,  
and describe those additional factors:

In situations where there has been an intentional program violation families will incur a penalty. The family has the option of repaying the overpayment which is result of the IPV in a lump sum amount or the overpayment will be recouped at 20% of future payments until the overpayment is paid off. This will increase their required contribution of child care costs as the family is required to pay the amount that is being recouped along with the amount of the co-pay to the provider.

In addition the individual found to have committed an IPV is removed from the family household count but that individual's income will continue to be part of the family's total countable income. This new calculation may result in an increase in the family co-payment when household and income are calculated based on the Sliding Fee Scale.

No.

**2.4.5. The Lead Agency may waive contributions from families whose incomes are at or below the poverty level for a family of the same size. (§98.42(c)). Select ONE of these options.**

**Reminder** - Lead Agencies are reminded that the co-payments may be waived for only two circumstances - for families at or below the poverty level or on a case-by-case basis for children falling under the definition of "protective services" (as defined in 2.3.4.a).

Effective Date: 01-OCT-13

ALL families, including those with incomes at or below the poverty level for families of the same size, ARE required to pay a fee.

NO families with income at or below the poverty level for a family of the same size ARE required to pay a fee.

The poverty level used by the Lead Agency for a family of 3 is:

SOME families with income at or below the poverty level for a family of the same size ARE NOT required to pay a fee.

The Lead Agency waives the fee for the following families:

All families receiving assistance under a TANF program, Diversion assistance and Crossroads families will have the co-payment waived. Crossroads pays for child care for qualified teen parents attending school or attending school and working. The goal is to assist with child care so that the teen parent completes high school.

## **2.5. Prioritizing Services for Eligible Children and Families**

At a minimum, CCDF requires Lead Agencies to give priority for child care assistance to children with special needs, or in families with very low incomes. Prioritization of CCDF assistance services is not limited to eligibility determination (i.e., establishment of a waiting list or ranking of eligible families in priority order to be served). Lead Agencies may fulfill priority requirements in other ways such as higher payment rates for providers caring for children with special needs or waiving co-payments for families with very low incomes (at or below the federal poverty level). (658E(c)(3)(B), §98.44)

**2.5.1. How will the Lead Agency prioritize child care services to children with special needs or in families with very low incomes?** (658E(c)(3)(B), §98.44) Lead Agencies have the discretion to define *children with special needs* and *children in families with very low incomes*. Lead Agencies are not limited in defining *children with special needs* to only those children with physical or mental disabilities (e.g., with a formal Individual Education Plan (IEP) required under the Individuals with Disabilities Education Act (IDEA)). Lead Agencies could consider children in the child welfare system, children of teen parents, or homeless children as examples of *children with special needs*.

Effective Date: 01-OCT-13

<b>How will the Lead Agency prioritize CCDF services for:</b>	<b>Eligibility Priority (Check only one)</b>	<b>Is there a time limit on the eligibility priority or guarantee?</b>	<b>Other Priority Rules</b>
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Children with special needs

**Provide the Lead Agency definition of *Children with Special Needs*:**

A child with disabilities or who is at risk for developmental delays includes any child in North Dakota between the ages of birth and twelve years who receives support through either public or private services and includes a child who is in the process of being evaluated for public or private formal support. A child who is at risk for developmental delays includes any child between the ages of birth and twelve years who received foster care services; who has a previous substantiated history as a victim of abuse, neglect, or domestic violence; who is homeless; who has documented special health care needs; or who has a parent with a significant disability.

- Priority over other CCDF-eligible families
- Same priority as other CCDF-eligible families
- Guaranteed subsidy eligibility
- Other.

Describe:

Yes.

The time limit is:

No

Different eligibility thresholds.

Describe:

- Higher rates for providers caring for children with special needs requiring additional care
- Prioritizes quality funds for providers serving these children
- Other.

Describe:

Child care providers who serve children with special needs are eligible to receive free onsite consultation and technical assistance to assist providers and caregivers in providing high quality care appropriate to the individual needs of the children in care.

<p>Children in families with very low incomes</p> <p><b>Provide the Lead Agency definition of Children in Families with Very Low Incomes:</b></p> <p>Children in TANF and Diversion families are identified as children in families with very low income.</p>	<p><input type="checkbox"/> Priority over other CCDF-eligible families</p> <p><input checked="" type="checkbox"/> Same priority as other CCDF-eligible families</p> <p><input type="checkbox"/> Guaranteed subsidy eligibility</p> <p><input type="checkbox"/> Other.</p> <p>Describe:</p>	<p><input type="checkbox"/> Yes.</p> <p>The time limit is:</p> <input type="text"/> <p><input checked="" type="checkbox"/> No</p>	<p><input type="checkbox"/> Different eligibility thresholds.</p> <p>Describe:</p> <input type="text"/> <p><input type="checkbox"/> Waiving co-payments for families with incomes at or below the Federal Poverty Level</p> <p><input checked="" type="checkbox"/> Other.</p> <p>Describe:</p> <p>Co-pays are waived for TANF families, Diversion assistance families and Crossroad families that are at or below poverty level.</p>
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**2.5.2. How will CCDF funds be used to provide child care assistance to meet the needs of families receiving Temporary Assistance for Needy Families (TANF), those attempting to transition off TANF through work activities, and those at risk of becoming dependent on TANF?** (658E(c)(2)(H), Section 418(b)(2) of the Social Security Act, §§98.50(e), 98.16(g)(4)) **Reminder** - CCDF requires that not less than 70 percent of CCDF Mandatory and Matching funds be used to provide child care assistance for families receiving Temporary Assistance for Needy Families (TANF), those attempting to transition off TANF through work activities, and those at risk of becoming dependent on TANF.

Effective Date: 01-OCT-13

- Use priority rules to meet the needs of TANF families (describe in 2.5.1 or 2.5.3.)
  - Waive fees (co-payments) for some or all TANF families who are below poverty level
  - Coordinate with other entities (i.e. TANF office, other State/Territory agencies, and contractors)
  - Other.
- Describe:

**2.5.3. List and define any other eligibility conditions, priority rules and definitions that will be established by the Lead Agency.** (658E(c)(3)(B), §98.16(g)(5), §98.20(b)) **Reminder** - Lead Agencies are reminded that any eligibility criteria and terms provided below must comply with the eligibility requirements of §98.20 and provided in section 2.2. Any priority rules provided must comply with the priority requirements of §98.44 and provided in section 2.4.1.

Effective Date: 01-OCT-13

## Term(s) - Definition(s)

Describe:

n/a

## 2.6. Parental Choice In Relation to Certificates, Grants or Contracts

The parent(s) of each eligible child who receives or is offered financial assistance for child care services has the option of either enrolling such child with a provider that has a grant or contract for the provision of service or receiving a child care certificate. (658E(c)(2)(A), §98.15(a))

### 2.6.1. Child Care Certificates

Effective Date: 01-OCT-13

a) When is the child care certificate (also referred to as voucher or authorization) issued to parents? (658E(c)(2)(A)(iii), 658P(2), §98.2, §98.30(c)(4) & (e)(1) & (2))

- Before parent has selected a provider
- After parent has selected a provider
- Other.

Describe:

b) How does the Lead Agency inform parents that the child care certificate permits them to choose from a variety of child care categories, including child care centers, child care group homes, family child care homes, and in-home providers? (§98.30(e)(2))

- Certificate form provides information about choice of providers
- Certificate is not linked to a specific provider so parents can choose provider of choice
- Consumer education materials (flyers, forms, brochures)
- Referral to child care resource and referral agencies
- Verbal communication at the time of application
- Public Services Announcement
- Agency

Website: <http://www.state.nd.us/robo/projects/childcare/childcare.htm>

- Community outreach meetings, workshops, other in person activities
- Multiple points of communication throughout the eligibility and renew process
- Other.

Describe:

c) What information is included on the child care certificate? **Attach a copy of the child care certificate as Attachment 2.6.1.** (658E(c)(2)(A)(iii))

- Authorized provider(s)
- Authorized payment rate(s)
- Authorized hours
- Co-payment amount
- Authorization period
- Other.

Describe:

d) What is the estimated proportion of services that will be available for child care services through certificates?

North Dakota provides a 100% of their subsidy services through certificates.

## 2.6.2. Child Care Services Available through Grants or Contracts

Effective Date: 01-OCT-13

a) In addition to offering certificates, does the Lead Agency provide child care services through grants or contracts for child care slots? (658A(b)(1), 658P(4), §§98.16(g)(1), 98.30(a)(1) & (b)). **Note:** Do not check "yes" if every provider is simply required to sign an agreement in order to be paid in the certificate program.

Yes.

If yes, **describe** the type(s) of child care services available through grants or contracts, the process for accessing grants or contracts, and the range of providers that will be available through grants or contracts:

No. If no, skip to 2.6.3

b) Will the Lead Agency use grants or contracts for child care services to achieve any of the following? Check the strategies, if any, that your State/Territory chooses to implement.

- Increase the supply of specific types of care
- Programs to serve children with special needs
- Wrap-around or integrated child care in Head Start, Early Head Start, pre-k, summer or other programs
- Programs to serve infant/toddler
- School-age programs
- Center-based providers
- Family child care providers
- Group-home providers
- Programs that serve specific geographic areas
- Urban
- Rural
- Other.

Describe:

- Support programs in providing higher quality services
- Support programs in providing comprehensive services
- Serve underserved families.

Specify:

- Other.

Describe:

c) Are child care services provided through grants or contracts offered throughout the State/Territory? (658E(a), §98.16(g)(3))

Yes.

No,

and **identify** the localities (political subdivisions) and services that are not offered:

d) How are payment rates for child care services provided through grants/contracts determined?

e) What is the estimated proportion of direct services that will be available for child care services through grants/contracts?

**2.6.3. How will the Lead Agency inform parents and providers of policies and procedures for affording parents unlimited access to their children whenever their children are in the care of a provider who receives CCDF funds? (658E(c)(2)(B), §98.31))** Check the strategies that will be implemented by your State/Territory.

Effective Date: 01-OCT-13

- Signed declaration
- Parent Application
- Parent Orientation
- Provider Agreement
- Provider Orientation
- Other.

Describe:

[Providers are required by licensing regulations to allow parents unlimited access to their children in care.](#)

**2.6.4. The Lead Agency must allow for in-home care (i.e., care provided in the child's own home) but may limit its use. (§§98.16(g)(2), 98.30(e)(1)(iv))** Will the Lead Agency limit the use of in-home care in any way?

Effective Date: 01-OCT-13

- No
- Yes. If checked, what limits will the Lead Agency set on the use of in-home care?  
Check all limits the Lead Agency will establish.
- Restricted based on minimum number of children in the care of the provider to meet minimum wage law or Fair Labor Standards Act
- Restricted based on provider meeting a minimum age requirement
- Restricted based on hours of care (certain number of hours, non-traditional work hours)
- Restricted to care by relatives
- Restricted to care for children with special needs or medical condition

Restricted to in-home providers that meet some basic health and safety requirements

Other.

Describe:

**2.6.5. Describe how the Lead Agency maintains a record of substantiated parental complaints about providers and makes substantiated parental complaints available to the public on request. (658E(c)(2)(C), §98.32)**

Effective Date: 01-OCT-13

The SFN 1269, Child Care Concern Form, which may be accessed on the Department of Human Services' web site at <http://www.nd.gov/dhs/>, was developed to document child care concerns and complaints. Child Care Resource and Referral staff; food program sponsors; and county, regional, or central office licensing staff can initiate this form. The process may also be initiated by parents or concerned individuals. Licensed and self-declared providers must notify parents about how to file concerns and complaints. (NDCC 50-11.1-07.2) A sample form is available for providers to share with parents and employees to illustrate how to make a report.

Complaints/concerns from parents, neighbors or any citizen regarding licensed and self-certified providers are directed to the appropriate county social service office. The county licensor investigates all concerns and complaints and provides a summary of the investigation on the 1269 form. Substantiated complaints/concerns that result in a determination that a licensing rule has been violated are subject to corrective action by the provider. The county social service office has the responsibility to issue correction orders. When the county office determines that a complaint merits further corrective action, the 1269 form is routed to the Department of Human Services Early Childhood Services regional offices.

The Early Childhood Services Regional Supervisor reviews the substantiated parental complaint and consults with the Early Childhood Services Administrator when considering the issuance of a denial, revocation, or suspension. The regional office is responsible for informing the provider of the final decision/corrective action and of possible penalties associated with continued operation in violation of the denial, revocation, or suspension. The Regional Supervisor documents all concerns and substantiated parental complaints and the action taken on a database shared with the Early Childhood Services Administrator.

Individuals wishing to obtain information on a provider's history of substantiated parental complaints or corrective action may do so by making a request in person, by phone, or by mail at the county or regional office. This request for information may be specific to an individual provider or all in the state who have received corrective action and the nature of the substantiated parental complaint.

## **2.7. Payment Rates for Child Care Services**

The statute at 658E(c)(4) and the regulations at §98.43(b)(1) require the Lead Agency to establish adequate payment rates for child care services that ensure eligible children

equal access to comparable care.

**2.7.1. Attach a copy of your payment rates as Attachment 2.7.1.** Will the attached payment rates be used in all parts of the State/Territory?

Effective Date: 01-OCT-13

Yes. Effective Date: [October 1, 2012](#)

No. If no, attach other payment rates and their effective date(s) as **Attachment 2.7.1a, 2.7.1b, etc.** , etc.

**2.7.2. Which strategies, if any, will the Lead Agency use to ensure the timeliness of payments?**

Effective Date: 01-OCT-13

Policy on length of time for making payments.

Describe length of time: [Payments are processed within 30 days](#)

Track and monitor the payment process

Other.

Describe:

None

### **2.7.3. Market Rate Survey**

Lead Agencies must complete a local Market Rate Survey (MRS) no earlier than two years prior to the effective date of the Plan (no earlier than October 1, 2009). The MRS must be completed prior to the submission of the CCDF Plan (see Program Instruction CCDF-ACF-PI-2009-02 <http://www.acf.hhs.gov/programs/occ/resource/pi-2009-02> for more information on the MRS deadline).

Effective Date: 01-OCT-13

a) Provide the month and year when the local Market Rate Survey(s) was completed (§98.43(b)(2)): [03/2013](#)

b) Provide a summary of the results of the survey.

The summary should include a description of the sample population, data source, the type of methodology used, response rate, description of analyses, and key findings.

## **Summary of Results of Market Rate Survey**

### **Sample Population**

No sample was taken. The entire population of all 1,533 Center and Licensed/Family Group child care providers in the State of North Dakota was surveyed.

### **Data Source**

Childcare Licensing Database administered by Children and Family Services.

The 2013 Child Care Market Rate Survey collected five key pieces of data: 1) the counties in which child care providers/facilities are located, 2) whether or not child care providers accept child care assistance parents, 3) the number of children currently enrolled in each child care program by age group, 4) providers' hourly, weekly, and/or monthly rates for children (in each age group) receiving 25 hours or more of care per week, and 5) provider's hourly, weekly, and/or monthly rates for children (in each age group) receiving less than 25 hours of care per week.

### **Methodology**

Mixed mode survey; participants were given the option of completing the survey by mail or through the internet.

Initially, participants were sent an introduction letter alerting them that they would be receiving survey in the mail. Ten days after receipt of this letter, respondents received surveys by mail. Reminder postcards were sent out two weeks later to participants that had not yet responded by mail or internet. Finally, two weeks after, replacement surveys were sent to respondents that had still not responded.

### **Response Rate**

The overall response rate was 72.7% and the adjusted response rate of 69.5%.

Of the 1,533 surveys mailed, 1,111 were returned for an overall response rate of 72.7%. Of the 1,111 surveys returned, 29 were unusable (duplicate, provider no longer providing child care services, wrong provider type, provider pay-scale not applicable or survey incomplete). Additionally, 135 facilities responded that they had no private pay clients. These surveys were also excluded from the analysis because the pricing scheme of their facility was not representative of an actual market (non-subsidized) price. Ultimately, 1,369 valid surveys were mailed and 951 valid surveys were returned resulting in an adjusted response rate of 69.5%.

### **Description on of North Dakota MRS Analysis and key findings:**

- The current rates that became effective October 2012, when compared to the 2013 Market Rate Survey Results indicated current rates were in a range from the 28th percentile to the 67th percentile.
- 6 counties did not provide information for licensed family/group provider data (Billings, Divide, Foster, Sheridan, Sioux, Slope)
- 18 counties did not provide information for child care centers (Billings, Bottineau, Dunn, Emmons, Foster, Golden Valley, Grant, Hettinger, Kidder, Logan, McHenry, McInstosh, McLean, Oliver, Sargent, Sheridan, Sioux, and Slope)
- The price of child care is higher in economic oil boom regions of the state. When we analyzed the 50th percentile for the state and compared to what was the 50th percentile in 2 counties impacted by the economic oil boom, there was a notable higher range of \$80 to \$100 in the 50th percentile rankings in the economic oil boom counties.

- The price of infant child care is higher in the urban counties, yet school age child care is cheaper in urban areas. When we analyzed the 50th percentile for the state and compared to what was the 50th percentile in 3 urban counties, there was a notable higher range of \$60.00 to \$70.00 per month in the 50th percentile rankings in the urban counties. In comparison of school age rates in the state at the 50th percentile to the 50th percentile rate for school age children in the 3 higher population urban areas, there was a notable decrease of costs in the urban areas for school age of about \$70.00 to a \$100.00.
- We found that our hourly rates have increased at least 13¢ across all age ranges for both centers and licensed family/group since 2011.
- A notable key finding was a consistent increase in costs for all child age groups and provider categories. We found rate increases from 2011 to 2013 for all age groups within centers and licensed family group.
- The increased amount at the 50th percentile from the 2011 MRS to 2013 MRS resulted in the following costs for care:
  - FULL-TIME Center
    - **Infant at 50<sup>th</sup> percentile:** \$6 increase since 2011.
    - **Toddler at 50<sup>th</sup> percentile:** \$15 increase since 2011
    - **Preschool Age at 50<sup>th</sup> percentile:** \$10 increase since 2011
    - **School Age at 50<sup>th</sup> percentile:** \$165 increase since 2011
  - Licensed Family/Group
    - **Infant at 50<sup>th</sup> percentile:** \$20 increase since 2011.
    - **Toddler at 50<sup>th</sup> percentile:** \$50 increase since 2011.
    - **Preschool at 50<sup>th</sup> percentile:** \$40 increase since 2011.
    - **School Age at 50<sup>th</sup> percentile:** \$20 increase since 2011.

**2.7.4. Describe the payment rate ceilings in relation to the current MRS using the tables below.**

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<b>2.7.4a - Highest Rate Area (Centers)</b>	<b>(a) Monthly Payment Rate at the 75th percentile from the most recent MRS</b>	<b>(b) Monthly Maximum Payment Rate Ceiling</b>	<b>(c) Percentile if lower than 75th percentile of most recent survey</b>
Full-Time Licensed Center Infants (11 months)	700	663	55

Full-Time Licensed Center Preschool (59 months)	600	565	55
Full-Time Licensed Center School-Age (84 months)	520	500	65

<b>2.7.4b - Lowest Rate Area (Centers)</b>	<b>(a) Monthly Payment Rate at the 75th percentile from the most recent MRS</b>	<b>(b) Monthly Maximum Payment Rate Ceiling</b>	<b>(c) Percentile if lower than 75th percentile of most recent survey</b>
Full-Time Licensed Center Infants (11 months)	700	663	55
Full-Time Licensed Center Preschool (59 months)	600	565	55
Full-Time Licensed Center School-Age (84 months)	520	500	65

<b>2.7.4c - Highest Rate Area (FCC)</b>	<b>(a) Monthly Payment Rate at the 75th percentile from the most recent MRS</b>	<b>(b) Monthly Maximum Payment Rate Ceiling</b>	<b>(c) Percentile if lower than 75th percentile of most recent survey</b>
Full-Time Licensed FCC Infants (11 months)	548	480	40
Full-Time Licensed FCC Preschool (59 months)	520	460	40
Full-Time Licensed FCC School-Age (84 months)	500	400	40

<b>2.7.4d - Lowest Rate Area (FCC)</b>	<b>(a) Monthly Payment Rate at the 75th percentile from the most recent MRS</b>	<b>(b) Monthly Maximum Payment Rate Ceiling</b>	<b>(c) Percentile if lower than 75th percentile of most recent survey</b>
Full-Time Licensed FCC Infants (11 months)	548	480	40
Full-Time Licensed FCC Preschool (59 months)	520	460	40

Full-Time Licensed FCC School-Age (84 months)	500	400	45
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### 2.7.5. How are payment rate ceilings for license-exempt providers set?

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a) Describe how license-exempt center payment rates are set:

License exempt centers are not eligible to receive CCDF subsidy unless the center is licensed or has been approved because of oversight from a different governmental entity.

b) Describe how license-exempt family child care home payment rates are set:

The current licensed exempt family child care payment rates are set based survey results from the February 2011 Market Rate Survey. Based on the analysis of the 2011 Market Rate Survey, these rates have been set and are in effect since October 2012. Licensed exempt providers were not included in the 2013 Market Rate Survey sample. These rates have not been increased for the 2014.

c) Describe how license-exempt group family child care home payment rates are set:

License exempt group are not eligible to receive CCDF subsidy.

d) Describe how in-home care payment rates are set:

The in-home provider rates are set based on self-declared provider or approved relative provider rates. They were included in the 2011 Market Rate Survey, however, the rates were not changed. In-home providers were not included in the 2013 Market Rate Survey sample. These rates have not been increased for the 2014.

**2.7.6. Will the Lead Agency provide any type of tiered reimbursement or differential rates on top of its base reimbursement rates for providing care for children receiving CCDF subsidies?** Check which types of tiered reimbursement, if any, the Lead Agency has chosen to implement. In the description of any tiered rates or add-ons, indicate the process and basis used for determining the tiered rates and amount and also indicate if the rates were set based on the MRS or another process.

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Differential rate for nontraditional hours.  
Describe:

Differential rate for children with special needs as defined by the State/Territory.  
Describe:

Differential rate for infants and toddlers.  
Describe:

Differential rate for school-age programs.  
Describe:

Differential rate for higher quality as defined by the State/Territory.  
Describe:

Other differential rate.  
Describe:

None.

**Reminder** - CCDF regulations require the Lead Agency to certify that the payment rates for the provision of child care services are sufficient to ensure equal access for eligible families to child care services comparable to those provided to families not eligible to receive CCDF assistance. In the next three questions, Lead Agencies are asked to describe how their payment policies reflect the affordable copayments for families provision of equal access (i.e., minimizing additional fees to parents), how payment practices are implemented consistent with the general child care market to be fair to providers (see Information Memorandum on Continuity of Care for examples <http://www.acf.hhs.gov/programs/occ/resource/im2011-06> ), and the summary of facts describing how payment rates are adequate to ensure equal access to the full range of providers.

**2.7.7. What policies does the Lead Agency have regarding any additional fees that providers may charge CCDF parents? The Lead Agency...**

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Allows providers to charge the difference between the maximum reimbursement rate and their private pay rate

Pays for provider fees (e.g., registration, meals, supplies).

Describe:

Policies vary across region, counties and or geographic areas.

Describe:

Other.

Describe:

**2.7.8 What specific policies and practices does the Lead Agency have regarding the following:**

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a) Number of absent days allowed. Describe

North Dakota allows a child up to 16 hours allowed absense in a calendar month for the reasons of illness and medical appointments.

b) Paying based on enrollment. Describe

North Dakota does not pay based on enrollment. North Dakota pays based on actual number of hours in care.

c) Paying on the same schedule that providers charge private pay families (e.g., hourly, weekly, monthly). Describe

North Dakota does not pay on the schedule that providers charge their private pay families.

When providers submit request for full time care for a month, it is paid at the North Dakota monthly rate.

Providers who submit requests for full time care that is less than a month are paid on the North Dakota full time weekly rate.

d) Using electronic tools(automated billing, direct deposit, EBT cards, etc.) to make provider payments. Describe

Centers and groups receive payment by direct deposits. Family providers, self-declaration providers and approved relative providers receive their payment by electronic payment card.

### **2.7.9. Describe how payment rates are adequate to ensure equal access to the full range of providers based on the Market Rate Survey.**

CCDF regulations require the Lead Agency to certify that the payment rates for the provision of child care services are sufficient to ensure equal access for eligible families to child care services comparable to those provided to families not eligible to receive CCDF assistance. To demonstrate equal access, the Lead Agency shall provide at a minimum a summary of facts describing: (§98.43(a))

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a) How a choice of the full range of providers, e.g., child care centers, family child care homes, group child care homes and in-home care, is made available (§98.43(a)(1)):

Applicants and eligible Child Care Assistance families are informed of the full range of providers and the choice of providers that are available to them for child care services by the county social service eligibility worker. This choice and range includes child care centers, family child care homes, group child care homes and in-home care.

This information is shared with families during the eligibility process, TANF families with a work requirement, are informed by the TANF employment contractor of their option of providers for which they may receive assistance. North Dakota rates are set at a percentile level that allows the families access to a full range of providers. The sliding fee/provider rates document and the Child Care Assistance brochure includes a listing of qualified child care providers:

- Licensed centers (CT)
- Licensed group home provider (NG)
- Non-relative licensed family child care providers (NF)
- Relative licensed family child care providers (RF)
- Self Declared/Registered (SC)
- Approved Relative (AR)
- Tribal Registered child care providers (TR)
- CCR&R's work with families to provide access to the full array of providers.

b) How payment rates are adequate based on the most recent local MRS (§98.43(a)(2)):

The rate increase effective October 1, 2012 for centers and licensed family/group care provide assurances that payment rates for child care subsidy are sufficient to ensure equal access for eligible children. The increase brings the rates to the 50th percentile for licensed centers and between the 38th up to the 51st percentile for licensed group/family based on the market rate survey completed in 2013:

- The current allowable maximums for Center full-time weekly rates are from the 50<sup>th</sup> percentile up to the 67<sup>th</sup> percentile.
- The current allowable maximums for Licensed Family/Group full-time weekly rates are from the 38th percentile up to the 51st percentile.
- The current allowable maximums for Center part-time weekly rates are from the 41st percentile up to the 61st percentile.
- The current allowable maximums for Licensed Family/Group part-time weekly rates are from the 28th percentile up to the 36th percentile
- The current allowable maximums for Center & Licensed Family/Group hourly rates is at the 33rd percentile

Based on the rate increases and market rate survey analysis, payment rates are adequate to allow families access to a full range of providers.

c) How family co-payments based on a sliding fee scale are affordable (§98.43(a)(3)):

The co-payments as of July 1, 2013 were adjusted to reduce families co-payments. Lowest income families have the lowest co-payments. Families at 10% of State Median Income will experience a co-pay that will not exceed 1% of their monthly gross income and families at 85% of State Median Income will experience a co-pay that will not exceed 6% of their monthly gross income. This change in the sliding fee schedule assists families with the least income and keeps the co-payment at or below 6% of a families monthly income making the child care costs affordable.

TANF, Diversion Assistance and Crossroads families at or below poverty level have a zero copayment.

d) Any additional facts the Lead Agency considered to determine that its payment rates ensure equal access, including how the quality of child care providers is taken into account when setting rates and whether any other methodologies (e.g., cost estimation models) are used in setting payment rates

North Dakota has a strong focus on increasing access to quality child care for families and has increased provider payment rates twice in the last year to ensure access for families.

North Dakota will continue to put strong consideration toward increasing the rates for licensed providers thus ensuring continued full access to quality care for low-income families.

**2.8 Goals for the next Biennium** - In this section, Lead Agencies are asked to identify at least one goal for the upcoming biennium and are encouraged to identify no more than five priority goals total. ACF will target technical assistance efforts to help Lead Agencies achieve their goal(s). Lead Agencies may include existing goals (e.g., already identified in a State strategic plan or established by the Governor for a Lead Agency). Lead Agencies will report progress and updates on these goals in the annual Quality Performance

Report (Appendix 1), including any barriers encountered.

What are the Lead Agency's goals for the administration of the CCDF subsidy program in the coming Biennium? For example, what progress does the State/Territory expect to make on continuing improved services to parents and providers, continuity of care for children, improving outreach to parents and providers, building or expanding information technology systems, or revising rate setting policies or practices).

**Note** -When identifying your goals below, Lead Agencies are encouraged to begin with an action verb reflecting the desired result over the two year period (e.g., Increase, Improve, Build, Align, Implement, Review, Revise, Streamline, Expand, etc.)

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**Goal #1:**

Continue to improve on policies and procedures to assure parents and families are aware of the program by sending a flier to families and providers whenever changes occur. Ensure all eligible families receive assistance under the program.

**Goal #2:**

Review subsidy payments rates and recommend increases for the next North Dakota Legislative session which is scheduled for January 2015.

**Goal #3:**

Increase payment rates to licensed centers and groups to bring the rates closer to the 75<sup>th</sup> percentile.

**Goal #4:**

Continue enhancement of the child care eligibility system to minimize errors in payments.