Child Care Assistance Program
Rule Revision

Minnesota Department of Human Services
Child Care Services Division

Welcome

Cindi Yang, Director, Child Care Services Division

Laurie Possin, Manager, Child Care Assistance Program
Objectives

• Learn why CCAP rule needs changes
• Learn about the rule revision process
• Discuss rule revision themes
• Discuss how to involve families
• Talk about next steps

Questions and comments

Submit your questions and comments to:

dhs.CCAPrule@state.mn.us
Why does CCAP rule need changes?

Laurie Possin, Manager, Child Care Assistance Program

Federal law
- Child Care Development Block Grant act of 2014, passed by Congress
- Code of Federal regulations, rules promulgated by Administration of Children and Families

State law
- Minnesota Statute 119B, passed by the Minnesota legislature
- Provides authority to the Commissioner of the Department of Human Services to develop administrative rules

Administrative rules
- Minnesota Rule 3400 guides how the department will implement Minn. Stat. 119B
- To change rules, DHS follows an extensive rule-making process
Topics not included in this rulemaking

Licensing requirements

- Licensing laws are set in Minn. Stat. §245A

CCAP maximum rates

- Payment rates are set in Minn. Stat. §119B

Overview of Rule Revision Process

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DHS Mission & Values

• Our mission
  – The Minnesota Department of Human Services, working with many others, helps people meet their basic needs so they can live in dignity and achieve their highest potential

• Our values
  – We focus on people, not programs.
  – We provide ladders up and safety nets for the people we serve.
  – We work in partnership with others; we cannot do it alone.
  – We are accountable for results, first to the people we serve, and ultimately to all Minnesotans.

Rulemaking authority

• Granted by the Legislature
• Child Care Assistance Program:

Minnesota Statutes, Chapter 119B
  – permits DHS to make rules to implement and coordinate federal program requirements (Section 119B.02, subdivision 1)
  – section 119B.02, subdivision 3 requires DHS to make rules that establish minimum standards for child care services
  – section 119B.06, subdivision 2 permits DHS to make rules to administer the child care development block grant
Request for comments

- First formal step in rulemaking process
- First opportunity for public input
- Published in the State Register
  - CCAP Request published Sept 24
- Sent to other “affected persons,” for instance: program recipients, regulated parties, advocates, counties, tribes, other state agencies, people who have signed up to receive DHS rulemaking announcements
- Sent to the Legislature
Draft rules

• **Consider while drafting:**
  – Necessary
  – Reasonable
  – Within statutory authority
• **Advisory Committee review**

Draft SONAR
(Statement of Need and Reasonableness)

• Provides background
• Identifies affected persons
• Identifies alternative ways of achieving purpose of rules
• Explains why alternatives were rejected in favor of rules
• Discusses any differences from federal regulations
• Assesses total effect of rule with other federal or state regulations
• Analyzes costs
• Includes sources and citations
Advisory Committee

- Advise: inform and persuade, make suggestions and recommendations
- Review drafts of rules and SONAR
- Commissioner/agency makes final decisions

Notice of Hearing/Intent to Adopt Rules

- Second opportunity for public input
- Content of Notice
  - Hearing
  - No hearing
  - Dual notice
- Draft rules and draft SONAR must be complete
- Track comments and respond to any policy issues raised
- Hearing if necessary
Publish in State Register

- Rules take effect after 5 days
- CELEBRATE!

Rule Revision Themes

Brenda Brannick, Child Care Assistance Program
Andrea Lentini, Child Care Assistance Program
12 Month Eligibility

- Eligibility redetermined every 12 months
- Child support cooperation at application and redetermination
- Education approved for all subprograms
- 85% exit level during 12 month eligibility period
- Copays do not increase during 12 month eligibility period

Maintain consistent care

- Work hours can fluctuate
- Extended Eligibility
- Education plan cannot be terminated when a family moves to a new county
- Authorized hours decrease less often
Determining income for eligibility

Income only counted when specified

Reflects program unification changes

Reporting responsibilities

Families report fewer changes

Families don’t need to report changes in income, unless over 85% SMI

Most families don’t report changes in work or school schedule, unless permanent end
Provider policies

The child care provider is notified of the family’s redetermination due at the same time the family is notified.

Payment policies

- No provisional payments to LNL providers
- Payment limited when a child has multiple providers
- Payments limited to 25 center employees’ children
- Payments made within 21 days of receiving bill
Copayment fee schedule

- State median income (SMI) is no longer published in the Federal Register
- Copayment fee schedule will continue to use federal data for SMI but will no longer be tied to publication in the Federal Register

Federal Register

The Daily Journal of the United States Government

Family Involvement

Kisha Dixon, Child Care Assistance Program
Family involvement

Connect with organizations

Gather feedback from families

Next Steps

Andrea Lentini, Child Care Assistance Program
Thank you!

Child Care Assistance Program

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