



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

**Policy: Disallowed Payments Under the Early Childhood Educator Pay Equity Fund
Fiscal Year 2023 (FY23)
Nov. 1, 2022**

Background, Authority and Purpose of this Policy

[The Early Childhood Educator Equitable Compensation Task Force Temporary Amendment Act](#) authorized the Office of the State Superintendent of Education (OSSE) to disburse pay equity funds to support pay parity for early childhood educators in accordance with the recommendations of the [Early Childhood Educator Equitable Compensation Task Force](#). In FY22 and FY23, OSSE is working with AidKit, a social impact company specializing in administering efficient and secure direct cash aid programs at scale, to administer the Early Childhood Educator Pay Equity Fund. To receive funds, eligible early childhood educators must submit an application through the AidKit platform.

Given the size of the payments distributed to eligible early childhood educators in FY22 and FY23 and the magnitude of District funds devoted to this program, OSSE and AidKit have taken extensive precautions to ensure that only eligible individuals receive payments from the fund.

If an ineligible individual receives a supplemental payment despite these precautions, OSSE and District Government will take necessary steps to recoup any disallowed payments from the recipients. OSSE will seek recoupment of all disallowed payments as a result of honest error, an individual's intentional provision of materially misleading, fabricated or inaccurate information, or any other cause.

Disallowed Payments

Disallowed payments include (but are not limited to) payments that are any of the following:

- Disbursed to an ineligible individual, or
- Provided based on incorrect, intentionally misleading or fraudulent information, including incorrect information provided by an employer in the Division of Early Learning Licensing Tool (DELLT) or by an early childhood educator in the AidKit platform or
- Considered unlawful by any District or federal law.

Examples of potential disallowed payments include the following (this list is intended to be illustrative but not exhaustive):

- An applicant uses another individual's information to receive payment;
- An applicant who does not actually meet eligibility criteria to receive funds enters inaccurate information in order to receive a payment;
- An applicant provides inaccurate information regarding their full- or part-time employment status in order to receive payment (or a larger payment than they would otherwise receive);
- A child development facility submits licensing records for non-existent staff members or individuals not actually employed by the facility, in DELLT in order to enable the facility or ineligible individuals to receive a payment.

OSSE and AidKit will take steps to identify potentially disallowed payments through review of application data for patterns indicative of potentially false applications, audits of Early Childhood Educator Pay Equity Fund payments, spot review of facility staff records and other actions as appropriate and necessary to ensure program integrity. OSSE shall investigate all potential disallowed payments.

Reporting Potentially Disallowed Payments

Individuals who believe they have received a potentially disallowed payment shall report the payment to OSSE.PayEquityAppeals@dc.gov. Failure to report receipt of a disallowed payment may be grounds for legal action. Employers or third parties who believe that an individual may have received a potentially disallowed payment may report the potentially disallowed payment to OSSE.PayEquityAppeals@dc.gov.

OSSE shall investigate all reports of potentially disallowed payments.

Recoupment Notice

If OSSE determines that an individual received a disallowed payment, OSSE will send a recoupment notice via email and the US Postal Service to the recipient of the funds advising them that they received a disallowed payment, how this determination was made and instructing them how to return the funds to OSSE. All repayments must be made via a check to the DC Treasurer and mailed to OSSE's Chief Financial Officer within 30 days of the date of the recoupment notice.

If the recipient of the disallowed funds fails to return funds to OSSE within 30 days of the date of the recoupment notice, OSSE will refer the matter to DC Government collections.

Recoupment Notice Appeals

A recipient may appeal OSSE's determination that the recipient is in receipt of disallowed funds. All appeals must be submitted in writing to the Division of Early Learning within 10 business days of receipt of the recoupment notice. Written appeals should include the basis for challenging the determination that the payment is disallowed and any supporting documentation and evidence. Written appeals may be sent electronically to OSSE.PayEquityAppeals@dc.gov with the subject line **ATTN: Division of Early Learning, Recoupment Notice Appeal** or hand delivered to the Office of the State Superintendent of Education (OSSE), 1050 1st St. NE, 6th Floor, Washington DC 20002, ATTN: Division of Early Learning, -Director of Budget and Strategic Operations.

Once OSSE is notified of the appeal, the Pay Equity Program Manager will investigate the accuracy of the determination that the payment is disallowed and share findings with the Director of Budget and Strategic Operations or individual currently acting in that capacity. The Deputy Superintendent for Early Learning will consider the totality of the information presented and issue a final determination in writing within 30 business days of receipt of the appeal. This determination is final. A case with an appeal under consideration will not be referred to DC Government collections while the appeal is being considered.

Further Action in Cases of Fraud or Intentional Misrepresentation

If an individual or child development facility is determined to have committed fraud by intentionally providing misleading, fabricated or inaccurate information, OSSE may refer the matter to the Office of the Attorney General (OAG) for prosecution. Referrals for disallowed payments of \$14,001 or more will be automatic.

If an individual or individuals at a child development facility are determined to have systematically submitted inaccurate or intentionally misleading information to OSSE, OSSE's Licensing and Compliance Unit shall initiate an investigation and may undertake enforcement actions, up to and including revocation of a facility's license, to correct the facility's noncompliance with licensing requirements related to staff records.

Questions

Questions about this policy may be addressed to OSSE.DELCommunications@dc.gov.