



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

**Policy: Early Childhood Educator Pay Equity Fund
Ineligibility Appeals Policy and Process
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.

OSSE's goal and intent is that all early childhood educators who meet eligibility requirements will receive pay supplements through the Early Childhood Educator Pay Equity Fund. To that end, OSSE and AidKit have designed a process that seeks to enable eligible early childhood educators to verify their eligibility for funds with minimal barriers, while maintaining integrity of public funds and preventing distribution to ineligible individuals.

Given the large number of early childhood educators potentially eligible for funding for this program, it is possible that eligibility may not be able to be verified for some individuals who are in fact eligible. Possible reasons an otherwise eligible applicant may be found ineligible could include: inaccurate information entered by the staff person's employer in the Division of Early Learning Licensing Tool (DELLT), errors by the applicant in submitting the application, unique personal circumstances or other factors.

If an applicant believes they were erroneously determined ineligible for funds, the applicant may appeal the determination to OSSE's Division of Early Learning (DEL).

Accepted Grounds for Appeal

OSSE will consider appeals from applicants who are notified they were determined ineligible for funds for the following reasons:

- The applicant's employment cannot be confirmed in DELLT; or
- The applicant's start or separation dates in DELLT do not meet eligibility criteria; or
- The applicant is assigned a "Staff Type" in DELLT that is not eligible for a supplemental payment; or
- Any combination of the above criteria.

In order to appeal a determination of ineligibility for any of these reasons, an applicant must present acceptable evidence documenting their employment in a child development facility licensed by OSSE;

dates of employment and/or typical work responsibilities. See Appendix A for examples of acceptable evidence.

Non-Accepted Grounds for Appeal

OSSE will consider appeals only from applicants who complete and submit the full application in the AidKit platform. Individuals who do not complete and submit the full application cannot submit an appeal.

OSSE will not consider appeals of payment amounts from applicants who are found eligible for a supplemental payment but disagree with the “Staff Type” on which their payment amount is based. For applicants found eligible for payment, the “Staff Type” listed in DELLT is the final determinant of payment amount.

OSSE will not consider appeals from applicants who are employed at ineligible facilities (e.g., early childhood educators employed by DC Public Schools (DCPS), a public charter school or any facility that is not licensed by OSSE).

Requirements for Approved Appeals

Appeals of eligibility related to employment in a licensed child development facility or dates of employment

OSSE will consider an appeal if an applicant is able to provide documentation (e.g., pay statements, formal offer letter or employment contract specifying start date) that confirms the individual’s continuous employment in a child development facility or facilities licensed by OSSE between the first day of the month prior to the month in which payment is distributed (e.g., Nov. 1, 2022; Feb. 1, 2023; May 1, 2023; Aug. 1, 2023) and the date at which the individual submits the appeal. A gap in employment of less than one month shall not be considered a disruption of continuous employment for purposes of FY23 Early Childhood Educator Pay Equity Fund appeals. Individuals who submit an appeal of eligibility based on employment dates must remain employed in their current position until the appeal is fully reviewed.

Appeals of eligibility related to “Staff Type”

OSSE will consider an appeal if an applicant’s “Staff Type” is listed as “Other,” “Substitute,” or “Home assistant/Substitute” and the applicant can demonstrate that their primary job responsibilities focus on providing early care and education services to children, and that they spend at least 10 hours a week or at least 60 percent of their employed hours (whichever is greater) in a child development home or child development center classrooms delivering early care and education services to children. See Appendix A for acceptable evidence of job responsibilities.

OSSE will consider an appeal if an applicant’s “Staff Type” in DELLT is “Director” only if the applicant serves as an assistant director who is also a full-time classroom teacher and provides a written statement from the facility’s director affirming that the assistant director’s primary responsibilities are as a classroom teacher and that they spend the majority of their working hours in a classroom carrying out teaching responsibilities. OSSE will not otherwise consider appeals from applicants whose “Staff Type” in DELLT is “Director.”

Appeals Process

Applicants who are found ineligible will receive a communication from AidKit informing them of their ineligibility and including the grounds on which the applicant was found ineligible. The communication will provide instructions for how the applicant may submit an appeal, including a

personalized link to the AidKit platform. Denied applicants who wish to appeal may use the personalized link to provide further information on why they believe that the determination of ineligibility is in error and upload supporting documentation (e.g., evidence of employment, dates of employment or job responsibilities; see examples of accepted documentation in the Appendix) via the AidKit platform. Applicants must submit their appeal and supporting documentation via the AidKit platform within 10 business days of receiving the notification from AidKit. Appeals submitted more than 10 business days after the notification from AidKit will not be considered.

Documentation and other personal information should not be sent via email.

OSSE's DEL staff will review all appeal requests within **30** business days of applicant's submission of the appeal and supporting documentation and determine whether or not the evidence provided demonstrates the applicant met the eligibility criteria for a supplemental payment, as outlined in the [Child Care Staff Eligibility, Payment Amounts and Distribution Schedule for the Early Childhood Educator Pay Equity Fund policy](#). During this period, DEL staff may contact the applicant or the applicant's employer to clarify information provided in the appeal. A memorandum stating the DEL determination will be sent to the appellant. The determination is final.

If the applicant is found eligible for a supplemental payment as a result of their appeal, the applicant will receive an additional communication from AidKit informing them of their application's approval and when they can expect to receive their supplemental payment. Applicants found eligible on appeal will receive payment based on the information submitted in their initial application and do not need to submit a new application to AidKit.

If OSSE determines that an applicant was initially determined ineligible based on errors in DELLT data, OSSE will work with the facility at which the applicant is employed to ensure the DELLT data is updated.

Questions

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

Appendix: Acceptable Evidence of Employment and Job Responsibilities

Acceptable Evidence of Employment and Employment Dates

- Pay statements or pay stubs reflecting employment on specified dates
- Formal offer letter or employment contract listing the individual's name, employer's name, start date, hours and job responsibilities and signed by the employer and employee

Acceptable Evidence of Job Responsibilities

To demonstrate that an applicant spends at least 10 hours a week or at least 60 percent of their employed hours (whichever is greater) in a child development home or child development center classrooms delivering early care and education services to children, an applicant must provide one or more of the following types of documentation:

- Formal offer letter, employment contract or job description listing the individual's name, hours and job responsibilities;
- Written affidavit from the applicant's employer or supervisor confirming their job responsibilities and typical use of time;
- Written affidavit from a teacher, assistant teacher or other eligible early childhood educator with whom the applicant works on a regular basis confirming their job responsibilities and typical use of time (must be combined with at least one other source of evidence);

- Written affidavit from the individual attesting to their job responsibilities, typical hours worked, and use of time (must be combined with at least one other source of evidence);
- Detailed time logs documenting hours worked and classrooms in which the applicant was present over a two-week period (must be combined with at least one other source of evidence).