



Office of the State
Superintendent of Education

DC CHILD CARE SUBSIDY PROGRAM

POLICY MANUAL

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Section 1. The DC Child Care Subsidy Program

1.1 Introduction

The DC Child Care Subsidy Program (“Child Care Subsidy Program”), administered by the Office of the State Superintendent of Education (OSSE), provides financial assistance to families with eligible children seeking access to child care while the parent(s) or guardian(s) work or attend job training or educational programs. A child may also qualify for enrollment in the Child Care Subsidy Program through special circumstances. This manual is intended to help families, child care providers, and other stakeholders understand key policies and procedures related to the Child Care Subsidy Program.

OSSE's Division of Early Learning (DEL) provides leadership and coordination of the Child Care Subsidy Program with support from the DC Department of Human Services (DHS) and Level II child care providers. The Child Care Subsidy Program is an important component of DC's efforts to support all DC families with young children to access high-quality, affordable child care for children birth to 5. It is also essential in supporting safe and enriching out-of-school time (OST) care for children enrolled in school up to age 13 (or 19 for children/youth with a disability). School-age children (ages 5 and older) may only participate in the Child Care Subsidy Program for OST care and may not receive a child care subsidy when public educational services are available.

The policies established in this document are based on adherence to the following federal and local laws including, but not limited to:

- The Child Care and Development Block Grant (CCDBG) Act and its implementing regulations, 45 C.F.R. Part 98;
- The Day Care Policy Act of 1979, effective Sept. 19, 1979 (DC Law 3-16, DC Official Code § 4-401 et seq.);
- District of Columbia's Child Care and Development Fund (CCDF) State Plan, current version; and
- Chapter 2 of Title 5A of the District of Columbia Municipal Regulations (5A DCMR § 200 et seq.).

The funding available for this program is DC local funds, as well as federal funds from the US Department of Health and Human Services (HHS), including the CCDF and the Temporary Assistance to Needy Families (TANF) program, as appropriate.

1.2 Goals

The Child Care Subsidy Program promotes children's healthy development while supporting family economic stability by providing financial assistance for child care services. Through the Child Care Subsidy Program, OSSE works to increase the availability, affordability, and quality of child care services. To achieve this goal, the Child Care Subsidy Program is designed to:

- Support family economic stability by providing eligible families with the financial resources to afford high-quality child care services;
- Support the healthy development of participating children;

- Empower families to make their own decisions regarding the child care that best suits their family's needs; and
- Provide consumer education information to help families make informed choices about child care services.

1.3 Roles and Responsibilities

OSSE sets policies for the Child Care Subsidy Program. Eligibility workers employed by the DHS Child Care Services Division (CCSD) or a Level II child care provider determine eligibility for child care subsidies based on the policies established by OSSE. Level II child care providers are child care providers who meet certain qualifications, determined by OSSE, and receive training and approval to conduct eligibility determination.

OSSE maintains the final authority on eligibility determinations for child care subsidies. Eligibility decisions by DHS CCSD and Level II child care providers are subject to monitoring and auditing by OSSE.

1.4 Family Responsibilities

Families with a child(ren) applying for and participating in the Child Care Subsidy Program are responsible for the following:

- Completing the eligibility determination/redetermination process including accurately completing the application and providing appropriate documentation within the required timeframes;
- Paying all fees owed directly to the child development facility, including the established co-payment, as specified by the payment policy of the provider;
- Notifying the child development facility in writing of plans for a child to be absent with appropriate documentation;
- Notifying the child development facility in writing of plans for a child to no longer attend the facility;
- Notifying eligibility workers if a child no longer attends a facility within three days of the child's last day; and
- Notifying eligibility workers within 10 calendar days of any change in residency outside of DC; any non-temporary change in participation in work, education, or training, as defined in this manual; or if the family's income exceeds 85 percent of the State Median Income (SMI) for longer than 90 days.

1.5 Child Care Options

The Child Care Subsidy Program is primarily a voucher system that offers eligible families a range of child care options, including:

- Licensed child development center-based care (Level I and Level II child care providers described below);
- Licensed child development home-based care; or
- In-home care provided in the child's home.

Any licensed child development facility can become a Level I child care provider by completing a Child Care Subsidy Provider Agreement. Level II child care providers are licensed child development facilities that meet additional criteria, receive training, and are authorized to determine eligibility for child care subsidies on behalf of OSSE.

1.6 Confidentiality

The Federal Privacy Act of 1974 requires that applicant/recipient information be kept confidential. OSSE, DHS CCSD, and Level II child care providers are required to maintain the privacy of information related to a child or family's participation in the Child Care Subsidy Program. OSSE, DHS CCSD, and Level II child care providers will not disclose, share, or make available to any person, organization, or provider any personally identifiable information related to the applicant or child(ren) without the prior written consent of the participant(s) or applicant(s). Any such information will only be shared or disclosed per all confidentiality and privacy protections as afforded by all applicable federal and local laws.

1.7 Non-Discrimination Policy

All services must be provided to applicants without regard to actual or perceived race, color, religion, national origin, sex (including pregnancy), age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, victim of an intra-family offense, or place of residence or business (applies to housing and public accommodations).

Section 2. Program Eligibility Requirements

To be eligible for child care subsidies in DC, a child must, at the time of eligibility determination or redetermination, meet the following requirements:

2.1 Age

A child must be younger than 13 years old, or younger than 19 years old if the child has a disability.

2.2 DC Residency

A child must reside with a parent(s) or guardian(s) who is a resident of DC.

The following children may reside outside of DC, provided that they receive subsidized care in a licensed DC child development facility:

- A child in out of home care (foster care) under the protection of the DC Child and Family Services Agency (CFSA) who resides with a foster parent(s) or guardian(s) in another state;
- A child under the protection of CFSA or the DC Superior Court who is living with a relative or guardian in another state; or
- A child under the protection of DC but placed in another state by a DC agency.

2.3 Citizenship or Immigration Status

A child must be a US citizen or qualified immigrant, which includes lawful permanent residents, refugees, asylees, parolees who have been in the US for at least one year, or children whose deportation is being withheld.

A child's eligibility for child care subsidies may not be based upon the citizenship or immigration status of their parent(s) or guardian(s). Verification of the parent(s) or guardian(s)'s citizenship or immigration status is prohibited.

A child enrolled in the Quality Improvement Network (QIN) or the Pre-K Enhancement and Expansion Program (PKEEP) is not required to be a US citizen or qualified immigrant.

2.4 Qualifying Activity or Need

Applicants must demonstrate a need for child care due to employment, participation in a job training or education program, seeking employment, or the special circumstance of the child, as defined in 2.4.2. If both parents or guardians reside in the household with the child(ren), each parent or guardian must meet one of the need categories.

A child must fall into one of the following need categories:

2.4.1 Children who reside with a parent(s) or guardian(s) who are working, attending a job training or education program, or are seeking employment.

2.4.2 Children who receive, or need to receive protective services or are considered to be a vulnerable child.

The following describes the classifications under each of the two need categories:

2.4.1 Children who reside with a parent(s) or guardian(s) who are working, attending a job training or education program, or are seeking employment.

- 2.4.1.1 Working Parent(s) or Guardian(s):** This group of applicants includes parent(s) or guardian(s) who are working, which includes subsidized employment, gig work, contract work, and self-employment. This classification includes parent(s) or guardian(s) employed and on family or medical leave.
- 2.4.1.2 Job training or education program:** This group of applicants includes parent(s) or guardian(s) who attend the following education or training programs:
- English as a Second Language (ESL) classes;
 - High school or GED classes;
 - Adult education programs;
 - Career and technical education;
 - Vocational training programs; or
 - Postsecondary education programs, including undergraduate and graduate school.
- 2.4.1.3 Job search:** This group of applicants includes parent(s) or guardian(s) engaged in job search, including job search or work experience programs through the DC Department of Employment Services (DOES) or DHS, and recipients of unemployment insurance benefits.

Applicants meet the **qualifying activity** based on participating in a DC job search program and/or receiving DC unemployment insurance benefits. Applicants in this classification are not required to separately verify activity in job search for purposes of determining subsidy eligibility.

Co-payment requirements are waived for applicants engaged in job search.

- 2.4.1.4 TANF recipient or TANF payee:** This group of applicants includes parent(s) or guardian(s) receiving TANF assistance (TANF recipients) or guardian(s) or custodian(s) who are providing care to a child who is not their natural child and receiving TANF assistance on behalf of the child (TANF payees).

TANF recipients and TANF payees meet the **residency, qualifying activity, and income eligibility** based on receipt of TANF benefits or referral from the Economic Security Administration (ESA). Applicants in this classification are not required to separately verify residency, income, activity in work, job training, education, or job search for purposes of determining subsidy eligibility.

TANF payees also meet the **immigration/citizenship** requirement based on receipt of TANF benefits and are not required to separately verify the citizenship/immigrant status of the child.

Co-payment requirements are waived for TANF recipients and payees.

- 2.4.1.5 Participant in Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T) program:** This group of applicants includes parent(s) or guardian(s) participating in SNAP E&T program assistance.

Applicants meet the **residency, qualifying activity, and income eligibility** based on participating in SNAP E&T benefits or referral from ESA. Applicants in this classification are not required to separately verify residency, income or activity in work, job training, education, or job search for purposes of determining subsidy eligibility.

Co-payment requirements are waived for participants in SNAP E&T programs.

2.4.2 Children who receive, or need to receive protective services or are considered to be a vulnerable child.

- 2.4.2.1 Children under protective services:** This group of applicants includes the following:

- Children under court supervision or protective supervision of CFSA who may be living in the natural parent's home, with kinship relatives, or fictive kin;
- Children in out-of-home/foster care; and
- Children whose parent(s) are in the custody of CFSA and are younger than age 21.

Income, qualifying activity, and co-payment requirements are waived for applicants with a child eligible for child care subsidies under this classification.

2.4.2.2 Children with disabilities: This group of applicants includes families with a child younger than the age of 19 who has a condition(s) or characteristic(s) that reflect a need for particular care, services, or treatment, most commonly [physical and/or mental disabilities and/or delays](#).

This classification includes children with disabilities enrolled in the Access to Quality Child Care for Children with Disabilities grant program.

Qualifying activity and **co-payment requirements** are waived for applicants with a child eligible for child care subsidies under this classification.

2.4.2.3 Children of adults with disabilities: This group of applicants includes children with a parent(s) or guardian(s) with a disability, which may be physical or mental, and whose disability prevents the parent(s) or guardian(s) from providing regular care for the child due to the debilitating aspects of the condition or because the parent(s) or guardian(s) has frequent medical appointments. This category includes individuals engaged in vocational rehabilitation services through the DC Department on Disability Services (DDS).

Income, qualifying activity, and co-payment requirements are waived for applicants with a child eligible for child care subsidies under this classification.

2.4.2.4 Children experiencing homelessness: This group of applicants includes children who experience a lack of fixed, regular, and adequate nighttime residence, as provided for in subtitle B of title VII of the McKinney-Vento Education for Homeless Children and Youth Act, 42 U.S.C. 11434a (2).

Income, qualifying activity, and co-payment requirements are waived for applicants with a child eligible for child care subsidies under this classification.

2.4.2.5 Children of teen parents: This group of applicants includes children whose parent(s) are age 19 or younger.

Income, qualifying activity, and co-payment requirements are waived for applicants with a child eligible for child care subsidies under this classification.

2.4.2.6 Children of elder caregivers: This group of applicants includes legal guardians or individuals standing in loco parentis or who have responsibility for the day-to-day care and supervision of a child and are age 62 or older or receive Social Security disability benefits or Supplemental Security Income payments.

Qualifying activity and **co-payment requirements** are waived for applicants with a child eligible for child care subsidies under this classification.

2.4.2.7 Children enrolled in Head Start, Early Head Start, or the QIN: This group of applicants includes children enrolled in a Head Start, Early Head Start, or QIN program.

Income, qualifying activity, and co-payment requirements are waived for applicants with a child eligible for child care subsidies under this classification.

2.4.2.8 Children in families experiencing domestic/family violence: This group of applicants includes children in a family who are fleeing or are attempting to flee domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions. Families that experience domestic violence are able to apply with a non-disclosed address.

Income, qualifying activity, and co-payment requirements are waived for applicants with a child eligible for child care subsidies under this classification.

2.4.2.9 Children with a parent(s) or guardian(s) participating in addiction recovery programs: This group of applicants includes children whose parent(s) or guardian(s) are actively participating in a substance use disorder or addiction treatment or rehabilitation program.

Qualifying activity and co-payment requirements are waived for applicants with a child eligible for child care subsidies under this classification.

2.5 Income

Unless exempt from the income requirements, a child must reside with a family whose:

- Annual gross family income does not exceed 300 percent of the federal poverty level (FPL) (for initial eligibility) or 85 percent of the SMI (at redetermination) for a family of the same size; and
- Family assets (including cash, money in bank accounts, investments, and real estate) do not exceed \$1,000,000. Applicants may meet this requirement through self-declaration.

2.5.1 Calculating Family Income

Annual gross family income is determined from the countable income (described below) after accounting for any irregular fluctuations in earnings. An applicant's income may temporarily increase above 85 percent of SMI, for no longer than three consecutive months, without affecting eligibility or co-payments. All income is converted to an annual figure.

2.5.2 Countable Income

The following income is considered countable income when determining gross annual family income:

- Gross salaries or wages, including regularly received commissions and tips;

- Net income from self-employment, independent contract work, freelancer work, or gig work (business expenses may be deducted from gross receipts);
- Regular cash income received from dividends, interest, net rental income, estates, trusts, and royalties;
- The portion of educational grants that are specifically designated for living expenses;
- Pension and retirement benefits including regular distributions from various sources such as government employee pensions, military retirement/pensions, railroad retirement, private pensions, annuities, Individual Retirement Arrangement (IRA) accounts, or 401(k) plans; and
- Alimony payments.

2.5.3 Exempt Income

The following income is considered exempt income and is not included when determining gross annual family income:

- Cash and non-cash benefits received through assistance programs such as TANF, SNAP, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); Low Income Home Energy Assistance Program (LIHEAP); Medicaid/Children's Health Insurance Program (CHIP); other free medical and dental care; free or subsidized housing; general assistance voucher payments, and donated commodities or food;
- Social Security payments, including survivor's benefits and Supplemental Security Income (SSI);
- Worker's compensation, short-term disability, and permanent disability payments;
- Unemployment compensation or lump sum severance pay;
- Child support payments received;
- Gifts;
- Loans and grants for scholarships that do not allow their use for living costs;
- Income of others in the household who do not have financial responsibility for the child;
- Tax refunds;
- Earned Income Tax Credit (EITC);
- Subsidized adoption and foster care payments;
- Stipends (such as for work experience programs);
- Supplemental payments to individuals from the Early Childhood Educator Pay Equity Fund;
- Earned income from verified employment in a child development facility licensed by OSSE;
- Earned income from the operation of a child development home by an individual who is the holder of the license from OSSE;
- Lump sum inheritance;
- Litigation settlements or insurance payments;
- Capital gains;
- Assets under \$1,000,000 such as real estate, stocks, and bonds;

- Non-recurrent or inconsistent pay for overtime, incentives, bonuses, sickness, vacation, travel reimbursements, or other types of non-recurrent or inconsistent income that is not part of the family's base income; and
- Any source of income not included in the above definition of countable income.

2.5.4 Income Computation

When calculating family income, certain circumstances are considered to ensure a fair and accurate determination. These include:

- **Seasonal employment:** For applicants employed by a school system, income is typically calculated based on a 10-month work period, unless evidence of year-round employment is provided.
- **Irregular income fluctuations:** Income from multiple pay periods may be averaged to reflect temporary changes in income more accurately and ensure that temporary increases (such as due to overtime or holiday pay) do not impact eligibility or family co-payments. This includes income fluctuations that result in family income temporarily exceeding 85 percent of the SMI. Families may provide earnings statements that better represent the family's income rather than the most recent statement.

2.5.5 Family Size

Income eligibility is determined based on family size and the family's gross annual income. Family size is the number of family members living in the same household. The following individuals are included in the determination of family size:

- Applicants requesting child care services, including:
 - Any parent, including biological parent(s), adoptive parent(s), domestic partner, or stepparent(s) (even if the stepparent has not legally adopted the child), who has physical and/or legal custody of the child;
 - Appointed legal guardian(s) or custodian(s); or
 - Adult(s) standing in loco parentis or an adult(s) who has assumed responsibility for the day-to-day care and supervision of a child.
- The applicants' dependent children younger than age 18 or up to 21 years of age, if still attending school, including:
 - Natural children; and
 - Children for whom the applicant is a guardian/custodian (e.g., foster children).
- Adults in the household who are dependents of the applicant.

The following individuals are **not** to be included in the determination of family size:

- Children who are living at the same address but are not dependents of the applicant or for whom a legal relationship is not documented; and
- Adults who are living at the same address but are not dependent on the applicant.

Section 3. Eligibility Determination

3.1 Application Process Overview

Applicants for the Child Care Subsidy Program may apply online or in person at DHS, a Level II child care provider site, or the Virginia Williams Family Resource Center.

After receiving an application, an eligibility worker reviews it. If the application is missing documentation, the eligibility worker will contact the applicant to request the missing documentation. The applicant must provide the documentation within 30 calendar days of the request. The application will be denied for insufficient documentation if the applicant does not provide the required documentation within 30 calendar days. Families can reapply as needed.

Upon receipt of a complete application, including all necessary supporting documentation, eligibility workers will determine eligibility within 10 business days.

Eligibility workers will communicate confirmation of an approved application to applicants who satisfy all eligibility requirements and will send an Admission Form to the selected child care provider. The Admission Form indicates the family information, provider name, family co-payment, and service start date. The family and the child care provider must sign and return the Admission Form to the eligibility worker before the child's start date.

Once eligibility has been determined, eligibility staff will assist families with selecting a child care provider, if needed, and understanding co-payment requirements.

Eligibility workers will provide notice of denial to applicants who do not satisfy all eligibility requirements, fail to provide all required documentation, or provide information that is found to be false. The notice of denial will include the basis for the decision. The applicant is entitled to an administrative hearing to appeal the decision (see Section 11).

3.1.1 Applying for the Child Care Subsidy

Families may apply for the Child Care Subsidy Program online or in person at DHS, a Level II child care provider site, or at the Virginia Williams Family Resource Center. Families who wish to request non-traditional services, who are requesting in-home care, or families who have children enrolling or attending multiple facilities must apply through the online application or at DHS.

- **Online application:** Families can apply online. Upon submission of the online application, an email notification will be sent from the assigned eligibility worker to the applicant, acknowledging receipt

and providing contact information for their assigned eligibility worker. The eligibility worker may contact the family with questions or to request outstanding documentation needed to determine eligibility. Applicants who use the online application may also complete a redetermination or add a new child to an existing case through the online application.

- **In-person application at DHS:** Families can visit the DHS CCSD to apply in person.
- **In-person application at a Level II child care provider:** Families can visit a child development facility authorized to complete child care subsidy eligibility determinations (Level II provider) if they wish to have their child(ren) attend that facility. Level II child care providers can only determine eligibility for children that will attend their facility.
- **In-person application at Virginia Williams Family Resource Center:** Families experiencing homelessness may apply at the Virginia Williams Family Resource Center by appointment only.

Families applying online or at DHS must submit a valid health certificate dated within one year of the date of application, for each child applying to the Child Care Subsidy Program. Families may request a medical exemption from DC Health to submit with their application.

3.2 Supporting Documentation

Applicants must provide documentation that demonstrates their identity, relationship to the child, and that supports the child's eligibility. Documentation may be original or legible copies, including electronic copies. A single document may be used to verify multiple eligibility criteria. The following supporting documentation is accepted as proof of meeting eligibility criteria:

3.2.1 Child's Age

Acceptable documents include one of the following:

- ☐ The child's birth certificate, including those in a language other than English;
- ☐ The child's passport; or
- ☐ For an infant younger than 6 months old, a hospital record of birth signed by a licensed physician or licensed health care practitioner.

3.2.2 Proof of Applicant Identity

Acceptable documents include one of the following:

- ☐ Government-issued ID;
- ☐ Documentation, such as public benefits award letters, medical records, school records, or other documents that reasonably verify identity issued within the last 12 months; or
- ☐ When documentation cannot be provided, the applicant can sign a written statement to self-verify their identity.

3.2.3 Legal Relationship

The applicant must have a valid legal relationship with the child(ren) (such as parent, guardian, or adult(s) standing in loco parentis).

Acceptable documents include one of the following:

- ☐ Child's birth certificate, including those in a language other than English, which must include the name of the applicant requesting services;
- ☐ A current and valid adoption, custody order, or other court-issued document establishing guardianship;
- ☐ Documentation from a federal or DC Government agency proving the applicant's relationship to the child, including receiving benefits on behalf of the child (such as an admission form from DHS; documentation of payment from TANF including the child's name on the statement; a letter verifying Social Security, Veterans' Benefits, child support, or any other benefit received by the applicant on behalf of a child) issued within the last 12 months;
- ☐ An attestation on business letterhead completed and signed by a legal, medical, or social service professional within the last 12 months identifying the applicant as the parent, legal guardian, or an adult who has assumed responsibility for the day-to-day care and supervision of a child; or
- ☐ A signed sworn statement by the applicant stating they have assumed responsibility for the day-to-day care and supervision of the child.

3.2.4 Citizenship/ Immigration Status

Acceptable documents for verification of a child's citizenship or qualified immigration status include one of the following:

- ☐ Child's birth certificate showing that the child was born in the United States (including Puerto Rico, Guam, the US Virgin Islands, American Samoa, or the Northern Mariana Islands, unless the child was born to foreign diplomats residing in the US);
- ☐ Child's United States passport;
- ☐ FS-240 issued by the Department of State to US citizens to verify the birth abroad of a US citizen;
- ☐ FS-545 Certificate of Birth issued by a Foreign Service post;
- ☐ DS-1350 Certification of Report of Birth;
- ☐ N-560 or N-561, Certificate of Citizenship;
- ☐ N-550 or N-570, Certificate of Naturalization;
- ☐ United States Citizen Identification Card (I-197);
- ☐ Statement provided by a US consular official certifying that the

individual is a US citizen;

- ☐ I-551 – Permanent Resident Card (commonly known as a “green card”);
- ☐ An unexpired Temporary I-551 Stamp (on passport or on 1-94/1-94A);
- ☐ Form I-766 (Employment Authorization Document) annotated “A3,” “A5” or “A10”;
- ☐ I-327 Reentry Permit;
- ☐ I-571 Refugee Travel Document;
- ☐ I-94 to show entry as a refugee;
- ☐ I-94 showing grant of asylum;
- ☐ I-94 showing admission under conditional entry;
- ☐ I-94 with a stamp showing admission for at least one year under § 212(d) (5) of the Immigration and Nationality Act (INA);
- ☐ Department of Homeland Security documentation or other official identification verifying the child’s citizenship or immigration status as an asylee, refugee, alien whose deportation or removal has been withheld, or alien granted conditional entry;
- ☐ Order from an immigration judge showing deportation withheld or granting asylum;
- ☐ American Indian Card with a classification code “KIC” and a statement on the back (identifying US citizen members of the Texas Band of Kickapoos living near the US/Mexican border);
- ☐ An approved or pending petition of a battered child; or
- ☐ Documentation of receipt of TANF, SNAP, Medicaid/Children’s Health Insurance Program (CHIP) benefits for the child dated within the last 12 months.

3.2.5 DC Residency

Acceptable documents for verification of DC residency include one of the following:

- ☐ Applicant’s valid and unexpired DC driver’s license or non-driver ID card;
- ☐ Applicant’s DC voter registration card;
- ☐ A pay statement dated within 45 calendar days of the application showing the applicant’s name, DC address, and evidence of withholding of DC income tax;
- ☐ A current lease, rental agreement, rental receipt, or mortgage statement for a DC residence that includes the applicant’s name and address;
- ☐ A current homeowner’s or renter’s insurance policy for a DC

- residence that includes the applicant's name and address;
- ☐ Deed or settlement papers for a DC residence that includes the applicant's name and address;
- ☐ Proof of residency form dated within 45 calendar days of the application signed by the landlord, homeowner, or person with whom the applicant resides stating the applicant's and children's names;
- ☐ Property tax bill for a DC residence dated within 12 months of the application that includes the applicant's name and address;
- ☐ Utility bill (gas, electric, or water), which may be electronic, displaying the applicant's name and service address at a DC residence for a period within 45 calendar days of the application;
- ☐ Referrals no more than 45 calendar days old from an authorized DC agency such as CFSA or DC Superior Court;
- ☐ A current and valid court order or formal correspondence from CFSA indicating that the child is a ward of DC;
- ☐ Certified copy of Form D-40 with proof of payment of DC personal income tax and the applicant's name and address, dated for the tax period closest in time to the completion of the application;
- ☐ Unexpired documentation of financial assistance to the applicant from the DC Government, including but not limited to TANF, SNAP, Medicaid, SSI, housing assistance, DC energy assistance programs, or unemployment insurance benefits; or
- ☐ Current official military housing orders or statements on military letterhead showing residency of the applicant in DC.

3.2.6 Income

Acceptable documentation to verify income includes one of the following:

- ☐ Pay statement dated within 45 days of the application verifying employment including the applicant's name, address, and wages or salary. Applicants may *choose* to provide more than one pay statement, from a time period of up to six months, if the most recent pay statement is not representative of regularly earned income (i.e., the most recent pay statement includes overtime or is not representative of the typical number of hours worked);
- ☐ Signed letter verifying employment from the employer on official business letterhead that includes the applicant's name, address, start date of employment, and wages or salary, dated within 45 calendar days of the application;
- ☐ Current payment receipts within 45 calendar days for services rendered where the type of employment may not generate an

earnings statement or pay statement, such as but not limited to a restaurant server, cosmetologist, or operator of a vehicle-for-hire; or

- ☐ To verify income from self-employment, independent contracts, gig work, or other non-traditional work arrangements applicants can provide one of the following:
 - Recent tax returns, 1099s, or other wage statements;
 - Contracts that demonstrate income earned within 45 calendar days;
 - Payment receipts for services rendered within 45 calendar days;
 - Bank statements that demonstrate income earned within 45 calendar days;
 - Recent profit/loss statements;
 - Self-employment ledgers demonstrating income within 45 calendar days; or
 - Any other documentation that reasonably establishes self-employment income earned within 45 calendar days.

3.2.7 Qualifying Need (for applicants qualifying under 2.4.1)

3.2.7a Working Parent(s) or Guardian(s)

Acceptable documentation for verification of employment includes one of the following:

- ☐ Pay statement dated within 45 calendar days of the application verifying employment including the applicant's name, address, and wages or salary;
- ☐ A signed letter verifying employment from the employer on official business letterhead that includes the applicant's name, address, start date of employment, and wages or salary, dated within 45 calendar days of the application;
- ☐ To verify self-employment, independent contracts, gig work, or other non-traditional work arrangements applicants can provide **one of the following** documents, which must be current and/or dated within 45 calendar days of the application:
 - Current and valid business license;
 - Most recent tax returns, 1099s, or other wage statements;
 - Contracts that demonstrate income earned within 45 days;
 - Payment receipts for services rendered within 45 days;
 - Bank statements that demonstrate income earned within 45 calendar days;
 - Recent profit/loss statements;

- Self-employment ledgers demonstrating income within 45 calendar days; or
- Any other documentation that reasonably establishes self-employment income earned within 45 calendar days;
- ☐ Documentation of paid leave benefits dated within 45 calendar days of the application; or
- ☐ When documentation cannot be provided to prove self-employment income, applicants can self-certify by providing a signed and dated statement that includes a description of their work, and the amount of income earned in the past 45 calendar days.

3.2.7b Job Training or Education Program

Acceptable documentation for verification of attending a job training or educational program includes one of the following:

- ☐ A letter from the job training program confirming the student's current enrollment dated within 45 calendar days of the application;
- ☐ Receipt of payment for the job training program that includes the student's name and address dated within 45 calendar days of the application;
- ☐ School-issued documentation proving current enrollment in an educational program;
- ☐ A valid student ID;
- ☐ A student's current class schedule on school letterhead or from the registrar;
- ☐ A school-issued receipt of payment for the educational program for the current semester; or
- ☐ A financial aid letter for the current semester.

3.2.7c Job Search

Acceptable documentation for verification of participation in job search activities includes one of the following:

- ☐ Verification of current participation in a DC agency job search or work experience program dated within 45 calendar days of the application; or
- ☐ Proof of current receipt of unemployment insurance benefits.

3.2.7d TANF Recipients and Payees

Acceptable documentation for verification of receipt of TANF benefits includes one of the following:

- ☐ Documentation or referral from ESA verifying TANF status and/or receipt of benefits within 45 calendar days of the application;
- ☐ Documentation for benefits for the child, including the child's name on the statement dated within 45 calendar days of the application; or

- ☐ Confirmation of current job search or job training from TANF Employment Program or TANF Employment Provider (TEP).

3.2.7e Participants in the SNAP E&T

Acceptable documentation for verification of participation in the SNAP E&T Program includes:

- ☐ Documentation from ESA verifying SNAP E&T participation and status dated within 45 calendar days of the application.

3.2.8 Qualifying Need

3.2.8a Children Under Protective Services

Acceptable documentation for verification of the receipt of protective services includes one of the following:

- ☐ Protective supervision court order;
- ☐ Documentation from a CFSA vendor, including placement letter;
- ☐ Referral Form from CFSA;
- ☐ Custody order; or
- ☐ Other court documents.

Applicants are given a 60 calendar day grace period to provide any additional documentation necessary to determine eligibility.

Upon initial eligibility determination, children eligible for child care subsidy under this category are permitted to enroll in the child care placement before completion of all required documentation. The provider will be paid for child care services rendered during the grace period. If, after full documentation is provided, the child is found to be ineligible, subsidized child care services will be terminated.

Adoptive parents who adopt a child within 30 calendar days of the end of the child's eligibility period are given a 60 calendar day grace period from the date of redetermination to provide any additional documentation necessary to determine eligibility and to comply with immunization and health requirements.

3.2.8b Children with Disabilities

Acceptable documentation for verification of the classification of a child with disabilities includes one of the following:

- ☐ A copy of the child's current Individualized Education Plan (IEP);
- ☐ A copy of the child's current Individual Family Service Plan (IFSP);
- ☐ A copy of the child's current Section 504 Accommodation Plan;
- ☐ Documentation from Strong Start, DC's early intervention program, identifying eligibility for early intervention services; or
- ☐ Documentation of a diagnosed physical or mental condition that has a

high probability of resulting in a [developmental delay or disability](#) by a qualified medical/clinical professional.

3.2.8c Children of Adults with Disabilities

Acceptable documentation for verification of classification as an adult with disabilities includes one of the following:

- ☐ A written statement from a licensed physician on official letterhead that recommends the need for child care services due to the adult's disability;
- ☐ Documentation from DDS substantiating the effects of the adult's condition on daily functioning in connection to the child; or
- ☐ Documentation of participation in vocational rehabilitation services from DDS, including a referral from DDS.

3.2.8d Children Experiencing Homelessness

Acceptable documentation for verification of homelessness includes:

- ☐ OSSE's Child Care Referral Form from an approved homeless shelter or homeless prevention site.

Applicants are given a 60 calendar day grace period to provide any additional documentation necessary to determine eligibility.

Upon initial eligibility determination, children eligible for a child care subsidy under this category are permitted to enroll in the child care placement before completion of all required documentation. The provider will be paid for child care services rendered during the grace period. If, after full documentation is provided, the child experiencing homelessness is found to be ineligible, subsidized child care services will be terminated.

3.2.8e Children of Teen Parents

Acceptable documentation for verification of classification as a teen parent includes one of the following showing the applicant is 19 years of age or younger:

- ☐ Government-issued ID;
- ☐ Passport; or
- ☐ Birth certificate.

3.2.8f Children of Elder Caregivers

Acceptable documentation for verification of elder caregiver status includes one of the following:

- ☐ Government-issued ID or birth certificate showing the applicant is 62 years of age or older;
- ☐ Documentation of receipt of Social Security benefits; or

- ☐ Documentation of receipt of Supplemental Security Income (SSI) payments.

3.2.8g Children enrolled in Head Start, Early Head Start, or QIN

Acceptable documentation for verification of enrollment in Head Start, Early Head Start, or QIN includes one of the following:

- ☐ OSSE's Child Care Referral Form;
- ☐ Signed family partnership agreement; or
- ☐ Signed letter on Head Start or Early Head Start program letterhead confirming program enrollment.

Applicants are given a 60 calendar day grace period to provide any additional documentation necessary to determine eligibility.

Upon initial eligibility determination, children eligible for a child care subsidy under this category are permitted to enroll in the child care placement before completion of all required documentation. The provider will be paid for child care services rendered during the grace period. If, after full documentation is provided, the child is found to be ineligible, subsidized child care services will be terminated.

3.2.8h Families Experiencing Domestic/Family Violence

Acceptable documentation for verification of a family experiencing domestic/family violence includes one of the following:

- ☐ A police or incident report;
- ☐ A court document, including a current civil protection order;
- ☐ A signed statement from a social worker, counselor, attorney, or doctor; or
- ☐ When documentation cannot be provided a signed written statement to self-verify that the family is affected by family or domestic violence.

Families experiencing domestic/family violence may apply with a non-disclosed address for safety reasons. Families can use a letter from a domestic violence program with a non-disclosed address to satisfy the residency requirement.

Applicants are given a 60 calendar day grace period to provide any additional documentation necessary to determine eligibility.

Upon initial eligibility determination, children eligible for a child care subsidy under this category are permitted to enroll in the child care placement before completion of all required documentation. The provider will be paid for child

care services rendered during the grace period. If, after full documentation is provided, the child is found to be ineligible, subsidized child care services will be terminated.

3.2.8i Children with a Parent(s) or Guardian(s) Participating in Addiction Recovery Programs

Acceptable documentation for verification of a parent(s) or guardian(s) participating in an addiction recovery program includes one of the following:

- ☐ Court-mandated treatment records dated within 45 calendar days of the application;
- ☐ Attendance records within 45 calendar days of the application from substance use disorder/addiction treatment or rehabilitation program;
- ☐ Referral Form from CFSA confirming compliance with the recovery program dated within 45 days of the application; or
- ☐ Written verification of attendance dated within 45 days of the application from a licensed physician, an advanced practice registered nurse (APRN), a licensed behavioral health professional, a licensed physician assistant, a licensed alcohol and drug counselor (LADC), a certified recovery support worker (CRSW), or a board-certified psychologist.

3.3 Priority for Services

Should a waiting list for child care subsidies be in effect, the following children will have priority for subsidized child care services. Should it be necessary, OSSE may issue further prioritization from among this group:

- Children of families with very low family incomes, which includes the following groups:
 - Children in families with income below 150 percent FPL;
 - Participants in SNAP E&T;
 - TANF recipients and payees;
 - Parent(s) or guardian(s) in job training or postsecondary education programs; and
 - Parent(s) or guardian(s) in job search.
- Children under protective services and vulnerable children, which includes the following groups:
 - Children with disabilities;
 - Children of adults with disabilities;
 - Children experiencing homelessness;
 - Children of teen parents;
 - Children of elder caregivers;
 - Children enrolled in Head Start, Early Head Start, or the QIN;
 - Children in families experiencing domestic/family violence; and
 - Children with a parent(s) or guardian(s) participating in addiction recovery programs.

Section 4. Authorization of Care

Once a child is determined eligible for child care subsidy, care will be authorized based on the type and quantity of care needed. The hours of authorized traditional care do not need to match the work, education, or training schedule of the family. Families may attest to the need for traditional services, which may include travel time, studying time, and other relevant factors, without supporting documentation. Families in need of non-traditional or extended services are required to provide evidence or documentation to confirm the need for care during non-traditional hours.

4.1 Traditional, Non-Traditional, and Extended Day Services

Child care subsidies are provided for traditional hour care, non-traditional hour care, or extended care, as defined below:

- **Traditional services:** Child care services provided between the hours of 7 a.m.-6 p.m. Monday through Friday.
- **Non-traditional services:** Child care services provided outside the hours of 7 a.m.-6 p.m. Monday through Friday. This includes early morning, evening, overnight, and weekend child care.
- **Extended services:** Child care services that include care during “traditional” hours (7 a.m.-6 p.m., Monday through Friday) and at least one hour of “non-traditional” care outside of those hours in the morning or evening.

Care may be provided in part-time or full-time increments:

- **Part-time:** Traditional, non-traditional, or extended services of less than 6 hours per day.
- **Full-time:** Traditional or non-traditional services of 6 to 11 hours per day or extended services of 6 to 14 hours per day.

4.2 Child Development Facilities

Once a child is determined eligible, the eligibility staff will work with the family to determine the type of child care arrangement that best meets the needs of the child and family. Families are encouraged to visit the selected facility and confirm that there is an open slot available for the child before the child's admission into the program occurs.

The following child development facilities are available to families who are eligible to receive a child care subsidy:

- Licensed child development center (operated by Level I and Level II child care providers that have a current valid Child Care Subsidy Provider Agreement);

- Licensed child development home or expanded home (operated by Level I child care provider that has a current valid Child Care Subsidy Provider Agreement);
- In-home care (care that is provided in the child's home by a license-exempt provider with a current, valid Child Care Subsidy Provider Agreement).

Child development home providers who apply for a child care subsidy may not select themselves as the child care provider for their own child.

DC's Child Care Resource and Referral (CCR&R) agency, DC Child Care Connections (DC CCC) is available to help families select a child development facility. DC CCC can be reached by emailing OSSE.DCchildcareconnections@dc.gov or calling (202) 829-2500. DC CCC also offers a resource center that families can visit in person. Families can also visit [My Child Care DC](http://MyChildCareDC.org) (mychildcare.dc.gov) to search for facilities that participate in the Child Care Subsidy Program. Using My Child Care DC, families can explore, compare, and connect with child care facilities.

4.3 Child Care Admission Process

Depending on who determines the eligibility, the following actions are required to complete admission:

- **If DHS CCSD determines eligibility:** the family will receive an Admission Form to sign and submit to the provider no later than the first day the child attends the child development facility or is enrolled in the Child Care Subsidy Program.
- **If a Level II child care provider determines eligibility:** the family will submit all documents to the child care provider and will receive eligibility determination from the child care provider. If determined eligible, the child can start attending the facility.

The Admission Form is valid for 30 days from the start date entered by the eligibility worker. The admission form includes the following information: type of care (traditional or non-traditional), child's name, parent/guardian information, child care provider information, assigned co-pay information, eligibility worker's contact information, and parent's or guardian's signature. The provider must enter the date the child started receiving care and sign and date the form.

Families may request a change in their child(ren)'s placement by submitting a request to their eligibility worker. Once the change in placement is granted, the eligibility worker will end the services at the previous provider and issue a new Admission Form for the new provider.

Section 5. Family Co-payments and Fees

5.1 Family Co-payment Requirements

OSSE establishes a sliding fee scale for family co-payments, based on family size and income, which is available on the OSSE website and on My Child Care DC (mychildcare.dc.gov). Co-payments are adjusted for full-time and part-time enrollment and there is no additional co-payment required when more than two children are receiving subsidized child care. When there are multiple children in one family, the co-payment applies to the two youngest children receiving subsidized care.

Families are responsible for paying the co-payment to the provider, following the provider's written payment policy. Providers should give receipts to families for all co-payments received.

The child care facility may terminate a child's placement following two weeks' notice when payment has not been made for 30 or more days. If a child's placement is terminated due to failure to pay co-payment, the family's assigned eligibility worker must determine if a redetermination of co-payment is necessary. Eligible children will receive a new placement even when the family owes money to a previous provider.

OSSE is not responsible for the collection of family fees or co-payments.

5.2 Co-payment Exemptions

The following families are exempt from co-payment fees:

- Children in families with income below 150 percent of the FPL;
- Parent(s) or guardian(s) engaged in job search;
- TANF recipients and payees;
- SNAP E&T participants;
- Children under protective services;
- Children with disabilities;
- Children of adults with disabilities;
- Children experiencing homelessness;
- Children of teen parents;
- Children of elder caregivers;
- Children enrolled in Head Start, Early Head Start, or the QIN;
- Children in families experiencing domestic/family violence; and
- Children with a parent(s) or guardian(s) participating in addiction recovery programs.

5.3 Co-payment Changes

Co-payments may not be increased during an eligibility period. However, co-payment may be decreased during the eligibility period due to a change in qualifying activity, loss of employment, decrease in income, or increase in family size.

The family's assigned eligibility worker will determine if the co-payment fee decreases after a reported change. If there is a decrease in co-payment, the assigned eligibility worker must complete a Co-Payment Change Notification Form. The eligibility worker will then share the Co-Payment Change Notification Form with the parent(s) or guardian(s) to sign and provide the signed form to the child development facility (if the eligibility worker is from DHS CCSD).

5.4 Additional Fees

In addition to the co-payment, providers may establish and collect a late fee from families who do not pick up their children on time and may collect payment for transportation costs, if applicable, as agreed upon in writing.

Providers are prohibited from collecting any other fees from the family even if the price of care charged to private paying families exceeds the subsidy payment rate.

Section 6. Eligibility Period and Temporary Changes

6.1 Minimum 12-Month Eligibility Period

Once a child is determined eligible to receive child care subsidies, the child will be considered to meet all eligibility requirements for such assistance and will receive assistance for a minimum of 12 months before eligibility is redetermined. A child will remain eligible for the Child Care Subsidy Program throughout the eligibility period regardless of:

- Any change in gross family income, provided the gross family income does not exceed 85 percent of the SMI for a family of the same size for more than 90 calendar days;
- A temporary change, as defined herein, in the child's parent(s) or guardian(s) participation in work, training, or education;
- Any change in the status of a child under protective services or considered to be a vulnerable child;
- A child turning 13 during the eligibility period, or 19 if the child has a disability; or
- Any change in residency *within* DC.

A family may add children to their case by providing proof of the relationship (i.e., birth or adoption of a new child). In such cases, the redetermination date for the child(ren) already receiving subsidies will be extended so that all children in the family have the same redetermination date and all children receive assistance for no less than 12 months before redetermining eligibility.

A child participating in the QIN may be determined eligible for a period of up to 36 months or until Sept. 30 of the year when the child turns 3 years old, if later.

6.2 Reporting Changes

Families must report the following changes to their eligibility worker. These changes will not affect a child's eligibility for care, but must still be reported according to the timelines below:

- Families are required to report any changes in telephone number, email address, or mailing address within 10 calendar days of the change.
- Families must report if a child changes child development facilities or no longer attends a child development facility within three calendar days of the child's last day at the most recent facility.
- Families must report any changes in guardianship of the child(ren) within three calendar days.

Families must report to their eligibility worker the following changes in their status of eligibility within 10 calendar days. These changes may result in a termination:

- Any change in residency outside of DC;
- A non-temporary change, as defined in Section 6.3.1; or
- An increase in income such that the family's income exceeds 85 percent of the SMI for a family of the same size for more than 90 calendar days.

If eligibility is affected, the family will receive written notice of termination. A child may continue to receive the subsidy for 90 calendar days from the date a termination notice is issued.

If an eligibility review is conducted during the 12-month eligibility period and the child is found to still be eligible for services, the next redetermination date will be pushed forward an additional 12 months.

6.3 Temporary and Non-temporary Changes

6.3.1 Temporary Changes

Temporary changes in a family's participation in work, training, or education may not impact a child's eligibility during the eligibility period. A temporary change is defined as:

- Any time-limited absence from work for an employed parent(s) or guardian(s) due to the need to care for a family member with a serious illness or health condition or to care for one's health condition or illness;
- Any time-limited absence from work due to the birth or adoption of a child or caring for a newly fostered child;
- Any interruption in work for a seasonal worker who is not working between regular industry work seasons;
- Any student holiday or break, including over the summer, for a parent(s) or guardian(s) attending a job training or education program;
- Any reduction in work, training, or education hours, as long as the parent(s) or guardian(s) is still employed or enrolled in job training or education; or
- Any other cessation of work or attendance at a training or education program that does not exceed 90 calendar days.

In the cases of temporary changes in a parent(s) or guardian(s)'s work or educational activity, a child will remain eligible for child care subsidies through the end of the 12-month eligibility period.

6.3.2 Non-temporary Changes

A "non-temporary" change is a cessation in a parent(s) or guardian(s)'s participation in work, training, or education that exceeds 90 calendar days and is not included in the definition of "temporary change."

If a parent(s) or guardian(s) experiences a non-temporary change in the status of work, training, or education, a termination letter will be issued.

The child may continue to receive child care subsidies for 90 calendar days from the date the letter is issued. Should the parent(s) or guardian(s) begin a new job, education, or training program during this 90-day period, the termination will be voided.

Section 7. Child Attendance

7.1 Attendance

Children are expected to attend child care on a full- or part-time basis per the admission form. Children are considered absent when they are enrolled and are not in attendance. An absence may be **excused** or **unexcused**.

7.2 Excused Absences

Families must notify the child care facility in writing of plans to be absent when possible. The following, with documentation, are considered **excused absences**:

- Child's injury or illness;
- Parent(s) or guardian(s)'s illness;
- Child's medical or dental appointment;
- Death in the family;
- Vacation with prior notice;
- Observance of a religious holiday;
- Chronic illness with documentation on file (an illness documented by a doctor for a child, which may require the child to be absent excessively each month);
- Family emergency; and
- For before- and after-school services only, suspension from school with notification.

7.3 Unexcused Absence

An unexcused absence is any day(s) that a child is enrolled but not in attendance at the facility on a day that it is open, and the family does not provide documentation of an excused absence.

Following 30 consecutive unexcused absent days, a child's subsidy eligibility will be terminated. The child care provider must make at least two attempts during the 30 days of unexcused absences to contact the family of a non-attending child to inform them that their child care subsidy may be terminated. Following 30 consecutive unexcused absences, the provider is required to report to OSSE and the child's subsidy will be terminated.

Section 8. Eligibility Redetermination

An eligibility redetermination is required at the end of the eligibility period. Families will not have their eligibility for child care services redetermined before the end of their eligibility period. The minimum 12-month eligibility period begins when subsidy eligibility is confirmed for the most recent child that is approved.

8.1 Redetermination

Sixty calendar days before the end of the established eligibility period, the family's assigned eligibility worker will inform the family of the upcoming redetermination process by sending a Notice of Eligibility Redetermination. The notice can also be given in person by Level II child care providers. The notice specifies the documentation needed to redetermine eligibility for the next period. Similar to applying for the child care subsidy, families can complete the eligibility redetermination process by using the online subsidy application or visiting DHS or a Level II child care provider in person.

All families are required to provide the following documents for redetermination:

- Proof of income earned during the last 45 days (unless exempt);
- Proof of DC residency;
- Proof of qualifying need category; and
- Proof of any changes from what was reported in the initial application, including:
 - Change in family size; or
 - Change in custody arrangements.

Families must submit requested documentation at least 15 calendar days before the end of their eligibility period to ensure there is no disruption in services. If a family does not supply all the required eligibility information by the deadline, they will be terminated from the Child Care Subsidy Program.

Eligibility staff must ensure that applicants are not required to unduly disrupt their education, training, or employment to complete the eligibility redetermination process.

If a child is found ineligible after the redetermination application is reviewed, the family has 15 calendar days to appeal the eligibility decision. If the family does not submit an appeal, the child care subsidy will be terminated at the end of the eligibility period. Please see Section 11 for more information on Appeals and Administrative Hearings.

8.2 Graduated Phase Out

A family whose income is over the initial income eligibility threshold at redetermination will still be considered eligible for child care subsidy provided their family income is at or below 85 percent of the current SMI and they meet other required eligibility criteria.

If a family's income is above 85 percent of the current SMI at redetermination, they may continue to receive subsidized care for up to 90 calendar days. At the end of the 90 calendar days of continued assistance, if the family income is again at or below 85 percent of the current SMI, assistance cannot be terminated, and the child will continue receiving assistance until the next scheduled redetermination. The subsidy will be terminated if the family's income remains above 85 percent of SMI after 90 calendar days.

Section 9. Families Participating in the QIN

The QIN provides comprehensive and continuous early childhood development services to infants, toddlers, and their families with low incomes and those who meet other Early Head Start categorical eligibility and priority populations criteria. This section outlines child care subsidy policies unique to subsidy-eligible children and their families participating in the QIN.

- **Qualifying Need:** Qualifying work activity requirements are waived for families with children participating in the QIN.
- **Family Co-payment:** Co-payment requirements are waived for families with a child participating in the QIN, including for children receiving subsidized child care who do not participate in the QIN.
- **Citizenship/Immigration Status:** Citizenship/immigration status requirements are waived for children participating in the QIN.
- **Eligibility Period:** Once deemed eligible for subsidized child care, a child participating in the QIN remains eligible for up to 36 months or until Sept. 30 of the year when the child turns 3 years old. If the family has additional children participating in the Child Care Subsidy Program, the other children's eligibility period will be extended to align with the child who is participating in the QIN and their eligibility period.
- **Termination of Services Due to Absences:** A child may be terminated from services following 60 consecutive days of absences. The QIN will make multiple attempts to contact the family before taking this step.
- **Termination of Services Due to Non-temporary Changes:** Families must report if the child is no longer a DC resident or if the child's family income exceeds 85 percent of the SMI for more than 90 calendar days. A termination notice will be issued, effective immediately.

Section 10. Termination of Subsidized Child Care

10.1 Reasons for Termination

Subsidized child care services will be terminated in the following circumstances:

- When a child is confirmed to no longer be a resident of DC, a termination notice will be issued, effective immediately;
- When a child's family income exceeds 85 percent of the SMI for more than 90 calendar days, a termination notice will be issued, effective immediately;
- When a child turns age 14, or age 20 if the child has a disability, a termination notice will be issued, effective immediately;
- When fraudulent behavior is confirmed through investigation (see Section 12 for more information), a termination notice will be issued, effective immediately, and the individual may be permanently barred from receiving child care subsidy through the Child Care Subsidy Program;
- When a family fails to complete an eligibility redetermination, including failure to provide the required supporting documentation, a termination notice will be issued, and termination of services will occur 30 calendar days following the termination notice; and
- When a child has 30 consecutive unexcused absences, a termination notice will be issued, effective immediately.

If a family requests that their child care subsidy be ended, the child may be disenrolled from their provider and the provider will no longer receive payment. A subsidy termination notice will be issued at the end of their eligibility period.

A family may appeal an eligibility finding or termination by filing an appeal, as outlined in Section 11.

Section 11. Appeal and Administrative Hearings

Child care subsidy applicants have the right to appeal and receive a fair hearing on decisions made about their eligibility for and the authorization of subsidized child care including, but not limited to:

- Denial of application;
- Termination of services; or
- Dispute over the amount of the co-payment.

11.1 Appeals and Administrative Hearings

The appeals process is intended to ensure that child care subsidies are awarded based on applicable laws and regulations and that any co-payment calculation is accurate. If a family disputes the decision made related to a child care subsidy determination, they are entitled to appeal the decision as outlined below.

- **First Level of Resolution Attempt:** The family may request an appeal by submitting a written request within 15 calendar days for appeal to DHS CCSD or a Level II child care provider, which will result in an in-person or virtual meeting.
- **Second Level of Resolution Attempt:** If the family is dissatisfied with the outcome of the meeting, they may request that the appeal be escalated to OSSE for review within five days of the appeal decision.
- **Third Level of Resolution Attempt:** If the family is dissatisfied with the outcome of OSSE's review, the family may submit an appeal request to the Office of Administrative Hearings (OAH) within five days of the decision. Information on how to file an appeal can be found on the OAH website (oah.dc.gov).

Previously authorized services and payment for child care may be continued in the original amount without interruption until a final appeal decision is rendered.

For individuals disputing an application denial, services will not be provided until an appeal decision is issued.

After a decision is made, the OAH must notify the applicant in writing of the decision. All appeal decisions made by the OAH are final.

Section 12. Provider Payments

Child care providers participating in the subsidy program receive monthly payments from the District. Providers are paid a daily rate based on the child's age and whether the service being provided is full-time or part-time, traditional or non-traditional hours, and according to the provider's quality designation. Payment is made for each enrolled child's authorized services for each day the facility is open or during approved paid closures (as detailed below).

Payments are made pursuant to the Provider Agreement and processed by the Office of the Chief Financial Officer (OCFO) through the District Integrated Financial System (DIFS).

Level I providers receive a subsidy payment which is the difference between the OSSE payment rate and the assigned co-payment for each enrolled child. Level II providers receive the full OSSE payment rate to compensate for the additional responsibility, time, and costs incurred related to determining eligibility.

DC is not responsible to recover any monies that are owed to a provider by the parent(s) or guardian(s).

12.1 Paid Facility Closures

OSSE will pay child care providers participating in the Child Care Subsidy Program for all days that their facilities are open and providing services, regardless of children's attendance in care. In addition, OSSE will issue payment for days that facilities are closed, under the circumstances listed below. Child care providers are required to maintain a record of all planned and unplanned closure days and all communications to families related to closure days if they were not part of the schedule at the beginning of the program year. Licensed child development facilities must follow all procedures for reporting planned and unplanned closures established in OSSE's child development facility licensing regulations (5A DCMR 100).

12.1.1 Holiday Closures

OSSE will pay child care providers for enrolled children on federal and District holidays regardless of whether their facility is open or closed. Providers may, but are not required to, provide child care services on holidays (see list below). All holiday closures are to be communicated in advance to families as part of the program's standard operating schedule.

1. New Year's Day (Jan. 1)
2. Martin Luther King, Jr. Day (third Monday in January)
3. Presidents' Day (third Monday in February)
4. DC Emancipation Day (April 16)

5. Memorial Day (last Monday in May)
6. Juneteenth (June 19)
7. Independence Day (July 4)
8. Labor Day (first Monday in September)
9. Indigenous People's Day (second Monday in October)
10. Veterans Day (Nov. 11)*
11. Thanksgiving Day (fourth Thursday in November)
12. Christmas Day (Dec. 25)
13. Jan. 20 during years there is a Presidential Inauguration.

*Child care providers are permitted to close on the day after Thanksgiving, in lieu of closing on Veterans Day, provided the closure is communicated in advance to families as part of the program's standard operating schedule.

**In the event that the day after Thanksgiving is declared a DC Government holiday by the Mayor, child care providers will be paid for the DC government holiday whether they are open or closed. A provider that chooses to remain open on the day after Thanksgiving and provides services when the day has been declared a DC government holiday may choose to close their facility another day in December and will still be paid for that day, provided they inform families and OSSE of the closure at least two weeks in advance. A provider that previously chose to operate on Veterans Day in order to close with pay on the day after Thanksgiving may, in the event the Mayor declares the day after Thanksgiving a DC government holiday, choose to close their facility another day in December and will still be paid for that day, provided they inform families and OSSE of the closure at least two weeks in advance.

In general, providers should give as much notice as possible to families about any upcoming facility closure. An unplanned holiday closure as a result of a declaration of a DC holiday not included in the list above should be submitted to the provider's education services monitor (ESM) as an approved closure.

12.1.2 Professional Development Closures

Child care providers may receive payment for enrolled children for up to five days (seven days for providers participating in QIN) during which no child care services are provided so that facility staff may participate in professional development. These planned closures must be identified and communicated to families at least four weeks in advance.

12.1.3 Discretionary Closures

Child care providers may receive payment for enrolled children for up to five closure days (in addition to holiday and professional development closures), at the discretion of the provider so long as the planned closure is communicated to families at least two weeks in advance. The closure must be requested using the Discretionary Closure Form and submitted to their ESM. If advance notice is not possible (e.g., due to

provider illness or other emergency beyond the provider's control), the provider must report the closure via OSSE's Unusual Incident Report (UIR) form and inform their ESM within 24 hours.

12.1.4 Inclement Weather and Emergency Closures

Child care providers will receive payment for closures when inclement weather causes DC Public Schools to close and for closures resulting from temporary emergencies (no longer than five business days) that prevent the building from being used to provide child care services (e.g., water main break, power outage), provided the closure is reported via OSSE's UIR form within 24 hours.

12.2 Payment Errors

Child care providers must report payment errors, whether overpayments or underpayments, to OSSE according to the terms of their Provider Agreement. Providers are responsible for reviewing their monthly pay statements and ensuring the accuracy of each payment. If an error is identified, the provider must submit an error report to OSSE's eligibility monitoring unit by the 10th calendar day of the following month. Errors resulting in underpayments will only be considered for the most recent monthly payment.

Recoupment for overpayments to providers will be recovered, regardless of the amount, through deduction(s) from future payments. Correction for underpayments will be made in full by OSSE on the pay cycle following confirmation of monies owed.

OSSE reserves the right to deny payment for any discrepancies reported more than 90 days after the date the payment was issued or cross into another fiscal year budget, as well as any discrepancy that fails to meet the requirements for appropriate supporting documentation to verify the request.

12.3 Recoupment

OSSE will identify any necessary recoupments within 30 calendar days following the submission of a provider's error report and will send a recoupment notice, if applicable, to a provider no later than 45 calendar days following the submission of the provider's error report to notify the provider of the recoupment amount and timeline.

A provider may appeal a recoupment plan by submitting an appeal request to OSSE within 10 business days of receipt of the Notification of the Recoupment Plan. OSSE will investigate all appeal requests. If the provider's appeal is deemed valid, then the recoupment amount will be refunded, if appropriate, in the next payment cycle. All appeal determinations are final.

Section 13. Fraud

Fraud is defined as an offense committed by any person who obtains or attempts to obtain, or aids or abets any person, who under a scheme to deceive, knowingly falsifies, conceals, or covers up a material fact or makes or uses any false statement, writing or document to obtain a benefit or payment to which the family or child care provider would otherwise not be entitled. This intentional violation consists of any action by which an individual intentionally:

- Made a false or misleading statement to eligibility workers, either orally or in writing, to obtain child care services to which the household is not entitled;
- A child development facility falsely reported a child as enrolled;
- Concealed information or withheld facts to obtain services to which the family is not entitled; or
- Committed any act that constitutes a violation of:
 - Chapter 2 of Title 5A of the District of Columbia Municipal Regulations (5A DCMR § 200 et seq.).
 - The CCDBG Act and the implementing regulations, 45 C.F.R. Part 98; or
 - The Day Care Policy Act of 1979, effective Sept. 19, 1979 (D.C. Law 3-16, DC Official Code § 4-401 et seq.) (Day Care Act).

Recipient fraud includes, with intent to deceive, withholding information regarding eligibility factors such as gross annual family income, number of family members, ages of family members, employment status, knowingly using child care services for an ineligible child; or intentionally failing to report any changes which would affect the child's eligibility for child care subsidies.

All fraud investigations require the family to submit original documents for proof of eligibility.

13.1 Substantiated Fraud

A substantiated case of fraud is grounds for termination from the Child Care Subsidy Program. A family or child development facility whose fraudulent behavior has been confirmed through investigation may be permanently barred from participating in the Child Care Subsidy Program.

13.2 Reporting Fraud

Any child care provider, applicant/recipient, or other individual(s) who has reason to suspect any instance of fraud involving the Child Care Subsidy Program must contact OSSE immediately. OSSE will investigate all matters of alleged fraud. If OSSE determines that fraud has occurred, OSSE may take further action, potentially including but not limited to, the collection of funds improperly spent on child care from the family or child development facility or referring the matter to the Office of the Attorney General for possible criminal prosecution.

All cases of suspected fraud can be reported in the following ways:

- By mailing a fraud report to:
The Office of the State Superintendent of Education
Division of Early Learning
Attention: Licensing, Compliance and Subsidy Unit
1050 First St. NE, Sixth Floor
Washington, DC 20002
- Email: OSSE.ChildCareComplaints@dc.gov
- Complaint and Unusual Incidents Hotline: (202) 727-2993

Please include as much information as possible, such as:

- **Who** is involved? Report as much information as you have about the person or people you are calling or writing about, including full names. Describe relationships between people involved.
- **What** do you believe is the actual fraud, what did the person/people do? Describe exactly what is happening. What documentation or evidence do you have, or do you know exists?
- **When** did this last occur? Provide a date/time. Was this a one-time incident or is it an ongoing situation?
- **Where** is the activity taking place? If possible, give details such as the name and address of the child development facility and/or the family.
- **How** is this happening? How did you come to find out about it? Who else knows if this is happening, or is a witness?

Definitions

“Admission” is when a child(ren) who is determined eligible for the Child Care Subsidy Program begins services at a child development facility.

“Applicant” is the parent(s) or guardian(s) who makes the initial application for subsidized child care.

“Approved” is a case status meaning eligibility for subsidized child care has been established.

“Child Care and Development Fund” or “CCDF” is the federal program authorized under the Child Care and Development Block Grant (CCDBG) Act and reauthorized by the Personal Responsibility and Work Opportunity Act of 1996, and again by the CCDBG Act of 2014.

“Child and Family Services Agency” or “CFSA” is DC’s child protection agency which has the legal authority to protect children who are victims of, or at risk of, abuse or neglect.

“Child Care Subsidy Program” is DC’s program that assists income-eligible families and those with special family or child circumstances to pay for the cost of child care.

“Child development facility” is a center, home, expanded home, or other structure that provides care and other services, supervision, and guidance for children, infants, and toddlers on a regular basis, regardless of its designated name.

“Child development center” is a child development facility located in premises other than a dwelling occupied by the operator of the facility. This definition encompasses facilities generally known as child care centers, preschools, nursery schools, before- and after-school programs, and similar programs and facilities.

“Child development home” is a private residence that provides a child development program for children. Child development homes also include those facilities classified as “expanded child development homes.”

“Expanded child development home” is a child development home in which child care is provided by two or more caregivers for up to 12 children.

“Child with disabilities” is a child younger than the age of 19 with conditions or characteristics that reflect a need for particular care, services, or treatment, most commonly physical and/or mental disabilities and/or delays.

“Co-payment” is the amount a child’s family is required to pay to the child development facility for the daily cost of subsidized child care.

“Department of Human Services” or “DHS” is the DC agency that supports residents to connect to work opportunities, economic assistance, and supportive services.

“Department of Human Services, Child Care Services Division” or “DHS CCSD” is the office at DHS that completes the eligibility process for subsidized child care in DC.

“Department of Employment Services” or “DOES” is the DC agency that supports residents, job seekers, and employers to connect to opportunities and resources that empower fair, safe, effective working communities.

“Economic Security Administration” or “ESA” is the DC agency that qualifies eligibility for benefits under the TANF, Medical Assistance, SNAP (formerly Food Stamps), Child Care Subsidy Program, Burial Assistance, and Interim Disability Assistance.

“Eligibility redetermination” is the periodic renewal of child care eligibility in order to continue receiving assistance.

“Eligibility worker” is a DHS CCSD staff or Level II child care provider staff person responsible for determining a child’s eligibility for subsidized child care.

“Eligible” is used when a child(ren) has met all the criteria to be approved for receipt of a child care subsidy.

“Enrollment” is when a child is determined eligible and is enrolled in the Child Care Subsidy Program.

“Families with very low incomes” means a family having income at or below 150 percent of the FPL.

“Federal poverty level” or “FPL” is a measure of income issued annually by HHS and used to determine whether the income level of an individual or family qualifies them for certain federal benefits and programs.

“Guardian” is an appointed legal guardian of a child by a court or an adult standing in loco parentis.

“Gig worker” is a worker whose primary income is derived from the on-call temporary work they perform, such as ridesharing companies and food delivery drivers.

“Gross annual family income” is the combined countable income, before taxes, of all family members living in the same household who are included for purposes of determining family size.

“Homelessness” is defined as experiencing the particular conditions and situations provided for in subtitle B of title VII of the McKinney-Vento Education for Homeless Children and Youth Act, 42 U.S.C. 11434a (2) including a child who is experiencing a lack of fixed, regular, and adequate nighttime residence, including those who are:

- Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
- Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
- Living in emergency or transitional shelters (including DC transitional housing);
- Abandoned in hospitals or awaiting foster care placement;

- In a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for humans;
- Living in cars, parks, public spaces, abandoned buildings, bus or train stations, or similar settings;
- Migratory children, as defined in section 1309 of the Elementary and Secondary Education Act of 1965 (20 USC§ 6399), who qualify as homeless because they live in circumstances described above; and
- Unaccompanied youth, including youths who are not in the physical custody of a parent(s) or guardian(s), qualify as homeless because they live in the circumstances described above.

“Individualized Education Program” or “IEP” is a written statement that specifies the special education programs and services to be provided to meet the unique educational needs of a child with a disability. The IEP is developed by a team of individuals knowledgeable about the child, including representatives from the child’s school, the child’s parent, and the child if appropriate.

“Individual Family Service Plan” or “IFSP” is a legal document that outlines the developmental supports and services children found eligible for early intervention services provided under Part C of the Individuals with Disabilities Education Act receive from early intervention programs.

“In loco parentis” is an adult(s) with whom a child is living who has assumed responsibility for the day-to-day care and supervision of the child.

"Income eligible" is an individual below an established income threshold for eligibility for the Child Care Subsidy Program.

“In-home care” is child care provided in the home of the child receiving a child care subsidy.

"Job search" is a structured period during which the participant is required to search for and/or obtain employment.

“Level I child care provider” is a child care provider that has a current valid Child Care Subsidy Provider Agreement and can provide subsidized child care services.

“Level II child care provider” is a child care center that has a current valid Child Care Subsidy Provider Agreement, can provide subsidized child care services, and is authorized to conduct initial eligibility determinations and redeterminations for families seeking child care subsidy.

“Non-temporary change” is a cessation of work or attendance at a training or education program that exceeds 90 calendar days and is not included in the definition of “temporary change.”

“The Office of Administrative Hearings” or “OAH” is an independent agency that serves as an administrative court and specializes mainly in cases involving government agency decisions and actions against individuals.

“The Office of the State Superintendent of Education” or “OSSE” is the state education agency for DC charged with raising the quality of education for all DC residents.

“Overpayment” is a circumstance that occurs when a child care provider receives a payment that is greater than the correct payment to which the payee was entitled based on services provided and documented, whether as the result of an OSSE error, inadvertent household or vendor error, or for other reasons.

"Parent" is a natural parent, stepparent, or parent by adoption who has custody or control of a child, including joint custody as defined in § 38–301 of the Code of the District of Columbia.

“Postsecondary education” is an education program following high school that leads to a degree, certification or other recognized credential, including undergraduate and postgraduate degree programs at universities or colleges and other professional certification courses.

“Provider” is an operator of one or more licensed child development center(s), a licensed child development home or expanded home, or a person approved as an in-home caregiver that enters into an agreement with OSSE to provide subsidized child care services.

“Recipient” is a child who is determined eligible for and receives subsidized child care.

“Resident” or “residence” is where a person(s) has established a physical presence, the actual occupation and inhabitation of a place of abode with the intent to dwell for a continuous period. In the absence of the contrary, the residence of a child shall be presumed to be the residence of the child’s parent(s) or guardian(s).

“Supplemental Nutrition Assistance Program” (formerly known as Food Stamps) or “SNAP” is a federal government program that provides food-purchasing assistance for low- and no-income people to help them maintain adequate nutrition and health.

“Supplemental Nutrition Assistance Program Employment and Training Program” or “SNAP E&T” is an employment and training service to able-bodied adults without dependents who participate in SNAP.

“Subsidized child care” is care that is provided in a licensed child development facility or in a child’s home for fewer than 24 consecutive hours a day for which the government provides reimbursement to the child care provider.

“TANF recipient” is an individual who receives assistance or benefits through the TANF program.

“TANF payee” is a guardian(s) or custodian(s) who is providing care to a child who is not their natural child and receiving financial assistance through ESA on behalf of the child.

“Teen parent” is a parent 19 years old or younger at the time of application for child care subsidy.

“Temporary Assistance for Needy Families” or “TANF” is a program administered by DHS that provides cash assistance to families in need, along with a suite of services to facilitate their path to success.

“Termination” is when a child is no longer eligible for the Child Care Subsidy Program and their subsidy is terminated.

“Underpayment” is a payment received by a provider that is less than the allowable amount owed for service provided by a particular child care agreement.

“Vulnerable child” is defined as:

- Child with disabilities;
- Child of adults with disabilities;
- Child in a family experiencing homelessness;
- Child of teen parents;
- Child of elder caregivers;
- Child enrolled in Head Start, Early Head Start, or the QIN;
- Child in a family experiencing domestic/family violence; or
- Child with parents participating in addiction recovery programs.