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Part 17 Chapter 1: Child Care Payment Program Policy Manual

# Child Care Payment Program (CCPP) Policy Manual

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MISSISSIPPI DEPARTMENT OF HUMAN SERVICES  
DIVISION OF EARLY CHILDHOOD CARE AND DEVELOPMENT  
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**MISSISSIPPI DEPARTMENT OF HUMAN SERVICES**  
**Division of Early Childhood Care and Development**  
**CHILD CARE PAYMENT PROGRAM POLICY MANUAL**

## **1. INTRODUCTION**

This manual contains the policies, procedures, rules, and responsibilities for the Mississippi Child Care Payment Program (CCPP), administered by the Division of Early Childhood Care and Development (DECCD) in the Mississippi Department of Human Services (MDHS). The CCPP is designed to assist low-income Mississippi families by offering a seamless system of high-quality child care to recipients of Child Care and Development Fund (CCDF) subsidies. The CCDF provides federal funds to subsidize the cost of child care for low-income families who are engaged in work, education, or job training and who have children under the age of 13 or children under age 19 who have special needs. Information contained in this manual is in compliance with the Child Care and Development Block Grant (CCDBG) Act of 2014, CCDF regulations, and the CCDF state plan. The CCDBG is designed to improve the overall quality of child care by defining health and safety standards for child care providers, enhancing the child care workforce, and offering CCDF recipients a choice in affordable child care from all available child care providers who participate in the CCPP. DECCD must assist eligible parent(s) in pursuing child care assistance by providing a list of CCPP-approved providers and access to information on child development while helping parents make informed consumer choices. DECCD also provides assistance and support to child care providers who aspire to offer the best quality child care possible. CCPP-approved providers are responsible for providing early childhood learning in an environment that meets health and safety standards outlined in the CCDBG.

## **2. GENERAL**

This section describes the legal authority of the Mississippi Department of Human Services (MDHS) as the Lead Agency in administering the Child Care Payment Program (CCPP) and the purpose of the CCPP and the Child Care and Development Fund (CCDF). This section includes a list of key terms and their definitions.

### **2.1 LEGAL AUTHORITY**

The Mississippi Department of Human Services (MDHS) and the Division of Early Childhood Care and Development (DECCD) administer the Child Care Payment Program (CCPP) and other programs and services funded by the Child Care and Development Fund (CCDF). The CCDF is authorized by the Child Care and Development Block Grant (CCDBG) Act of 2014, Section 418 of the Social Security Act, and the Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193). The CCDF is also authorized by amendments to the CCDBG regulations at 45 CFR 98 and published in the Federal Register, December 24, 2015, at 80 FR 80465.

### **2.2 PURPOSE**

- (1) The purpose of the Child Care Payment Program (CCPP) policy manual is to inform CCPP-approved providers about requirements for protecting and maintaining the health, safety, and well-being of children receiving child care assistance from CCDF subsidies as required by the CCDBG Act of 2014. This manual also intends to inform parents about eligibility requirements and the application process for child care assistance from CCDF subsidies.

- (2) The purpose of the CCPP, administered by the Mississippi Department of Human Services (MDHS), Division of Early Childhood Care and Development (DECCD), is to assist eligible, low-income Mississippi families, while they engage in work, education, or job training via the state's established workforce system, by offering a seamless system of high-quality child care to recipients of CCDF subsidies.
- (3) Per federal regulations §98.1, 80 FR 80562 (December 24, 2015), the purposes of the CCDF are to:
- A. Allow states to develop child care programs and policies that best meet the needs of its children and families;
  - B. Give families a choice in selecting child care services;
  - C. Offer consumer education to increase awareness of child care services and encourage families to become involved in their child's development in child care settings;
  - D. Maximize parents' options and support families seeking independence from public assistance;
  - E. Improve the quality of the state's child care services;
  - F. Improve the child care and development of children receiving CCDF subsidies;
  - G. Increase the share of low-income families and children, such as those served by the Temporary Assistance for Needy Families (TANF) program, Transitional Child Care (TCC) families, or homeless families and children, receiving high-quality child care services.

### 2.3 NON-DISCRIMINATION

Individuals shall not be discriminated against on the basis of race, color, national origin, religion, sex, age, sexual orientation, gender identity, or disability in the provision of child care services.

### 2.4 GLOSSARY OF TERMS

#### **ABSENT DAY**

Any day during which child care would have been provided to a child, who must be approved and scheduled to be in the care of the provider, if the child had been in attendance.

#### **ADULT**

A person who is age eighteen (18) years of age or older.

#### **ATTENDING EDUCATIONAL/JOB TRAINING**

Full-time enrollment in an education and/or job training program resulting in a degree or certificate designed to promote job skills and employability. Full-time enrollment is defined by the institutions providing the education and/or job training program.

#### **AUTHORIZED REPRESENTATIVE**

An individual who, via written authorization by the parent or legal guardian, may speak or act on the parent's behalf. Written authorization must come to the child care center or DECCD directly from the parent or legal guardian and be maintained in the appropriate file.

**BEFORE- AND AFTER-SCHOOL CARE**

Child care services for school-age children or those attending other educational programs such as Head Start or public pre-K during the hours before and after the regular school day. The regular school day is defined by the educational program providing the child care services.

**CARE GIVER**

An individual at least eighteen (18) years of age with at least a high school diploma or equivalent (GED) who provides direct child care, supervision, and guidance to an eligible child.

**CCPP-APPROVED PROVIDER**

A child care facility that has met the minimum requirements to be certified as a standard center and has been deemed eligible for CCPP reimbursement by DECCD, as defined by *A Family-Based Unified and Integrated Early Childhood System*.

**CHILD CARE AND DEVELOPMENT FUND (CCDF)**

A federally funded program designed to improve the quality of child care and provide access to child care services for eligible low-income families so they can work or attend an education or job training program.

**CHILD CARE CERTIFICATE**

Issued by DECCD directly to a parent(s) who has been determined eligible for CCDF funds. The certificate may only be used as payment for child care services. A child care certificate is assistance to the parent, not assistance to the provider.

**CHILD CARE MONTHLY CO-PAYMENT FEES FOR PARENTS**

A system of cost-sharing based on income and size of the family for families who participate in the Child Care Payment Program. Parents are required to pay a monthly co-payment fee to their child care provider of choice as a condition of program participation. Families receiving TANF and homeless families with no countable income are exempt from the co-payment requirement.

**CHILD CARE PAYMENT PROGRAM (CCPP)**

A program administered by MDHS that provides child care assistance to eligible low-income families.

**CHILD CARE SERVICES**

Care provided for a fee by a child care provider to an eligible child or children in the parent or guardian’s absence.

**CHILD CARE SLOT FACILITY**

A child care facility in receipt of funds to provide child care services according to the requirements in their subgrant agreement with DECCD.

**CHILD CARE SLOT PROVIDER**

A child care provider in receipt of funds to provide child care services according to the requirements in their subgrant agreement with DECCD, or an awarded fiscal agent providing child care slot services across other child care programs.

**CHILD CARE WEEK**

The period of time that child care is provided per week. The child care week may cover up to seven (7) days, as long as the DECCD Weekly Child Care Reimbursement rate is not exceeded and the child does not receive care in excess of 84 hours during a Sunday through Saturday week.

**CHILD WITH SPECIAL NEEDS**

A child under the age of 19 who meets the Supplement Security Income (SSI) definition of disability by having a medically determinable physical or mental impairment that results in marked and severe functional limitations, that can be expected to result in death, or that has lasted or can be expected to last for a continuous period of not less than twelve (12) months. Documentation of SSI benefits is sufficient to determine priority eligibility for child care. In the absence of SSI benefits, the applicant must submit a statement to DECCD from the child's physician indicating that the child's condition renders them incapable of age-appropriate self-care activities AND requires additional personnel with specialized training to help them function in a child care environment.

**COMPREHENSIVE CHILD CARE CENTER**

A child care center that has met requirements to be designated as comprehensive, as defined by *A Family-Based Unified and Integrated Early Childhood System*.

**CRITICAL VIOLATION**

Violation of rule(s) identified by the Mississippi State Department of Health (MSDH) in the *Regulations Governing Licensure of Child Care Facilities* as most critical because non-compliance with those rules poses a threat to the health, safety, or well-being of the children in care and to the operation of the center. A list of these critical violations is available on the DECCD website and the state's child care consumer education website.

**DEGREES OF KINDRED ACCORDING TO THE LAW**

The first degree of kindred refers to parents and children. The second degree of kindred refers to siblings (brothers and sisters), grandparents, and grandchildren. The third degree of kindred refers to uncles, aunts, nieces, nephews, great-grandparents, and great-grandchildren.

**DIRECTOR**

Per federal regulations, a person who has primary responsibility for the daily operations management of a child care provider, which may be a family child care home and which may serve children from birth to kindergarten entry and/or school-age children (§ 98.2, 80 FR 80563 (Dec. 24, 2015)).

**EARLY CHILDHOOD DEVELOPMENT PROGRAM**

A preschool program (ages birth to kindergarten) that provides child care services to eligible low-income parents who are working or enrolled in an educational or job training program.

**EDUCATIONAL PROGRAM/JOB TRAINING**

A program offering educational or job training content. These programs must be accredited by the State of Mississippi or a national organization.

**ELIGIBLE CHILD**

A child whose parent(s) or legal guardian(s) meet the eligibility requirements as set forth by the CCDBG Act.

**ELIGIBILITY PERIOD**

A period of at least twelve (12) months that a family is determined eligible for CCDF child care subsidies.

**EMERGENCY PREPAREDNESS**

Per the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a(a)(1)), all activities and processes designed to prepare for an unsafe event and deal with the immediate emergency conditions created by or associated with the event.

**ENGLISH LANGUAGE LEARNER**

An individual who is limited English proficient, as defined in Section 637 of the Head Start Act.

**EXTENDED DAY CHILD CARE**

Before- and after-school care for Early Head Start and Head Start children (birth up to age 5) and school-age children (ages 5-12) who need such care due to the work, education, or job training schedule of their parent(s).

**FAMILY**

A unit where a child resides with a parent who is related by blood, marriage, adoption, or legal guardianship.

**FAMILY OF ONE**

A child receiving child care services based upon his/her income received from SSI, foster board payment, and other sources.

**FRAUD**

Any instance in which a parent or provider applies for or receives CCDF subsidies by using false statements or any instance in which any person assists a parent or provider to receive such public assistance with knowledge of false statements.

**FULL-TIME CHILD CARE**

Child care provided for six or more hours of a 24-hour day. Full-time child care should meet the needs and reflect the work, education, or job-training schedule of the parent with a maximum of 30 minutes of travel time each way.

**GROSS INCOME**

The parent's income before any deductions.

**HEALTHY HOMES MISSISSIPPI (HHM)**

A home-visiting program offered by MDHS that serves low-income pregnant mothers and families with children younger than three months old. The program is designed to link parents with various community services, child development and nutrition resources, and safety education. Program staff are a source of emotional and practical support for new parents.

**HOMELESS CHILDREN**

The McKinney-Vento Homeless Education Assistance Improvements Act of 2001 defines homeless children and youth as "individuals who lack a fixed, regular, and adequate nighttime residence." Examples of homeless children and youth include those who 1) share the housing of other persons due to loss of housing, economic hardship, or a similar reason (sometimes referred to as doubled-up); 2) live in motels, in hotels, or on camping grounds due to lack of adequate alternative accommodations; 3) live in emergency or transitional shelters; 4) were abandoned in hospitals; 5) await foster care placement; 6) have a primary nighttime residence that is not ordinarily used as a regular sleeping accommodation for human beings; 7) live in caves, parks, public spaces, abandoned buildings, substandard housing, and bus or train stations; and 8) are migratory children and youth living in any circumstances described above.

**INCOME**

Funds received by all applicable individuals as described in this policy that are not supplemented by any public assistance other than medical assistance or the Supplemental Nutrition Assistance Program (SNAP) and that do not exceed 85 percent of the State Median Income (SMI).

**INFANTS**

Children from birth through 12 months.

**IN LOCO PARENTIS**

In place of a parent, such as a guardian, relative, or friend with whom the child resides if the child's parent is unable to act as the parent or has delegated his or her authority to someone else. The term describes someone who provides care and supervision like a parent but without going through the formalities of legal adoption or guardianship. Requires submission of a Guardianship/In Loco Parentis Verification form as part of the Child Care Payment Program (CCPP) application process on the Division of Early Childhood Care and Development (DECCD) website or the state's child care consumer education website.

**LEAD AGENCY**

The Mississippi Department of Human Services (MDHS) is the state entity that serves as the Lead Agency for the administration of programs and services funded by the Child Care and Development Fund.

**LICENSED CHILD CARE FACILITY**

A non-residential facility that is licensed by the Mississippi State Department of Health (MSDH) to regularly provide shelter and personal care for six or more children who are not related to the operator within the third degree computed according to the civil law and who receive care for any part of a 24-hour day (Miss. Code § 43-20-5). No parent or guardian receiving assistance from the CCPP may provide care for their own child in this setting.

**LICENSED CHILD CARE PROVIDER**

A provider licensed to provide child care services for fewer than 24 hours per day per child in a non-residential setting, unless care in excess of 24 hours is due to the nature of the parents' work, education, or training. No parent or guardian receiving assistance from the CCPP may provide care for their own child in this setting.

**LICENSING OR REGULATORY REQUIREMENTS**

Requirements necessary for a provider to legally provide child care services in a state or locality, including regulations and requirements established under State, Local, or Tribal law. The Mississippi Child Care Licensing Law (see Miss. Code §43-20) provides the legal authority under which the Mississippi State Department of Health (MSDH) prescribes minimum regulations for child care facilities defined under the law.

**LICENSE-EXEMPT CHILD CARE PROVIDERS**

A non-residential facility where child care is provided that is exempt from licensure under state law. These facilities must be in receipt of a letter of exemption from the Mississippi State Department of Health. License-exempt facilities must follow MSDH rules regarding rations and group size, submit to monitoring by DECCD, and meet minimum requirements to be certified as a standard child care center in order to be approved for the CCPP.

**LOW-INCOME**

Income that is greater than 50 percent of the State Median Income (SMI) but equal to or less than 85 percent of the SMI.

**MINIMUM CO-PAYMENT FEE**

An assessment of \$10.00 per month for full-time child care services and \$5.00 per month for part-time child care services.

**MDHS TANF CASEWORKER**

An employee of the Mississippi Department of Human Services (MDHS) Division of Field Operations who provides case management services, supportive services, and referrals for child care services to active TANF participants at the local/county level.

**NATURAL DISASTER**

Per Section 602(a)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a(a)(1)), refers to catastrophic events that cause, or may cause, substantial damage or injury to civilian property or persons. Examples of these events include but are not limited to hurricanes, tornados, floods, earthquakes, fires, or snowstorms.

**NONTRADITIONAL CARE**

Includes week night care and supervision of children for less than 24 hours per day within the twelve hours between 6:00 p.m. and 5:59 a.m., or weekend care and supervision of children between 6:00 p.m. Friday and 5:59 a.m. Monday.

**NOTICE OF REDETERMINATION**

Informs the parent and provider of a child’s upcoming redetermination of eligibility. Redetermination is based upon the 12-month anniversary of the child’s initial eligibility or prior redetermination. The parent will be sent a 60-day and then a 30-day Notice of Redetermination through postal mail and/or email. Notice of Redetermination includes instructions for submitting the online redetermination application, a list of supporting documentation to determine eligibility that the parent must submit, and a due date by which the application and supporting documentation must be submitted to maintain continuity of child care.

**PARENT**

A mother or father by blood, marriage, or adoption; a legal guardian; or another person standing in loco parentis.

**PARENT WITH A DISABILITY**

A parent who meets the SSI definition of disability by being unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than twelve (12) months. Documentation of SSI benefits is necessary to determine priority eligibility for child care. If the parent with disability is unable to manage their personal affairs, the application should be made in the name of the parent/guardian or the responsible adult. If the parent with disability receives SSI, the co-payment of \$10.00 should be applied to the family.

**PART-TIME CHILD CARE**

Child care provided for fewer than six (6) hours of a 24-hour day.

**PRESCHOOL-AGE CHILD**

Children from three (3) years of age up to their first day of kindergarten.

**PROVIDER**

The entity providing child care services as defined in this document.

**REDETERMINATION OF ELIGIBILITY**

Eligibility for child care assistance through the Child Care Payment Program (CCPP) will be redetermined at the end of a 12-month eligibility period.

**RESIDING/LIVING WITH**

Living with, including taking meals and sleeping in the same house, for a majority of a seven-day period beginning Sunday and ending Saturday.

**SEASONAL WORKERS**

Individuals who are temporarily unemployed due to the nature of their work.

**SCHOOL-AGE CHILD**

A child who is five (5) years of age or older and eligible to be enrolled in public school.

**SOCIAL SECURITY BENEFITS**

May be paid to individuals and certain members of their family if the individual worked long enough and paid Social Security taxes.

**STANDARD CHILD CARE CENTER**

A child care center that has met the minimum requirements for participation in the CCPP, as defined by *A Family-Based Unified and Integrated Early Childhood System*.

**STATE MEDIAN INCOME (SMI)**

The median income of all Mississippi workers.

**SUMMER CARE**

Child care for eligible children during the summer months, when primary school settings are not in session.

**SUPPLEMENTAL SECURITY INCOME (SSI)**

A monthly payment to a person for having a medically proven physical or mental condition that causes marked and severe functional limitations that are expected to last at least 12 months in duration. Unlike Social Security Benefits, SSI benefits are not based on your prior work or a family member's prior work.

**TEACHER**

Per federal regulations, a lead teacher, teacher, teacher assistant, or teacher aide who is employed by a child care provider for compensation on a regular basis and whose responsibilities and activities are to organize, guide, and implement activities in a group or individual basis, or to assist a teacher or lead teacher in such activities, to further the cognitive, social, emotional, and physical development of children from birth to kindergarten entry and/or school-age children; and who may be a family child care provider (§ 98.2, 80 FR 80563 (Dec. 24, 2015)).

**TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)**

Benefits offered through the block grant that replaced the Aid to Families with Dependent Children (AFDC) and Job Opportunities and Basic Skills (JOBS) program. Benefits are time-limited, mandating that families move quickly into work activities that lead to self-sufficiency.

**TERMINATED CHILD CARE CERTIFICATE**

A certificate that has been used as payment for child care services for a period of time and is no longer valid. Reasons that certificates would be terminated include but are not limited to the following: provision of false information used to issue/maintain a certificate, change in a provider, or lack of a request for reimbursement on a Child Care Certificate within 60 days after the certificate has been issued.

**TODDLER**

Any child who is more than 12 months old but less than 36 months old.

**TRANSITIONAL CHILD CARE (TCC)**

Up to 24 months of subsidized child care for eligible parents, issued by the MDHS Division of Field Operations.

**VERY LOW-INCOME**

Income at or below 50 percent of the State Median Income (SMI).

**WITHOUT REGARD TO INCOME (WRI)**

Income that is irrelevant; therefore, it is not to be considered. The only children who are to be considered **WITHOUT REGARD TO INCOME** are those in court-ordered cases and served by the Mississippi Department of Child Protection Services (MDCPS).

**WORKING**

Performing duties to earn a wage (for a minimum of 25 hours per week) or to complete educational/ job training such as practicums or internships (enrollment for education/training must be full time).

### 3. APPLICATIONS PROCEDURES FOR FAMILIES

This section describes application procedures for families who seek assistance for child care through the Child Care Payment Program (CCPP). Procedures for enrolling a child with a DECCD-approved child care slot provider are also included in this section. Procedures for the non-availability of funds conclude this section.

#### 3.1 PARENTAL CHOICE

Parents have the right to choose the type of child care they would like for their child. The Division of Early Childhood Care and Development (DECCD) has categorized the choices available to parents as follows: a standard child care center or a comprehensive child care center. Parents participating in the CCPP must select a CCPP-approved provider. No payments shall be issued for care provided while a provider is seeking to become a CCPP-approved provider.

#### 3.2 APPLICATION PROCEDURES

- (1) DECCD accepts applications throughout the year. Client referrals from TANF, TCC, Healthy Homes Mississippi (HMM), homeless children, or the Mississippi Department of Child Protection Services (MDCPS) are accepted throughout the year from Case Managers. All families eligible to receive services shall be added to the CCPP, as funding allows. When funding is available, eligible families shall be served on a first-come, first-serve basis by date of application. When funding is not available, eligible families shall be added to the “Pending Funding” list (described in Section 3.4).
- (2) Applications must be completed online at the DECCD website or on the state’s child care consumer education website. Parents who do not have reliable internet access may visit their local public library or any other local public entity that might provide such service. Parents, not providers, shall fill out the application; however, providers at their discretion may make computers available to parents for the completion of the application.
  - A. Before submitting an application, parents have the opportunity to review income eligibility requirements to determine if they qualify for assistance based on monthly gross income and family size. An eligibility checklist that includes a list of the required documentation to complete the application process is also available on the DECCD website and the state’s child care consumer education website for parents to review before submitting an application.
  - B. As part of the application process, parents must select a CCPP-approved provider. Parents may search for a CCPP-approved provider by name, type (identified in Section 3.1), city, or county on the DECCD website or the child care consumer education website. No payments will be issued for care provided while a provider is seeking to become a CCPP-approved provider.
    - i. Parents who choose a DECCD-approved slot provider should review the application procedures described in Section 3.3.
  - C. After a parent has submitted the application, DECCD shall send the parent an email that lists additional documentation (described in Section 4.2) the parent must submit to DECCD to confirm eligibility for child care assistance.
  - D. Parents requiring technical assistance in completing the application may contact DECCD or see their selected child care provider.
- (3) After submitting the application, parents shall return all required documentation at the request of DECCD via postal mail, electronic mail, or uploaded via web form. DECCD shall review the

information to determine eligibility and send a written notice of eligibility, ineligibility, or non-availability of funds within ten (10) business days. Refer to Section 3.4 for policies and procedures when no funding is available. If the parent falls within an eligibility priority group for which funds are available, a certificate shall be issued and emailed to the parent and the selected child care provider within one (1) business day of completion of the approval process.

- (4) DECCD shall inform families who apply for CCPP of other programs or services for which the family may be eligible. This information is provided in an email to applicants and shall include a link to Mississippi's child care consumer education website (described in Section 7.1).
- (5) Families who have been determined eligible for CCPP assistance should be prepared to give their selected CCPP-approved provider a Mississippi State Department of Health (MSDH) Certificate of Immunization Compliance Form 121 for each child enrolling in child care.
  - A. In accordance with CCDBG 658E(c)(3), homeless children and children in foster care who receive CCPP assistance shall be granted a twenty-four (24) hour grace period from the date of admission into a CCPP-approved child care program to obtain the necessary immunization records. Payment for these children during the grace period shall not be considered an error or an improper payment.

### 3.3 APPLICATION PROCEDURES FOR CHILDCARE SLOTS WITH A DECCD-APPROVED SLOT PROVIDER

- (1) Parents may choose to enroll their child(ren) with a provider who has contracted with DECCD to supply a given number of child care slots. These child care providers are referred to as slot providers. Slot providers may have slots available to CCDF-eligible families even when a family has been placed on the "Pending Funding" list (described in Section 3.4). Parents can search for local slot providers on the DECCD website or Mississippi's child care consumer education website.
- (2) In order to apply for a child care slot, parents must contact the slot provider directly to get pre-approval for enrollment in the program. A list of slot providers and their contact information shall be available on the DECCD website. If the slot provider has an open slot, the slot provider shall generate a unique approval code that the parent can use to complete the online parent application. The slot provider shall generate a separate approval code for each child that will be valid for a period of time.
- (3) The slot provider has complete discretion in determining the length of time that the slot will be held while the parent completes the online application process. When the slot provider generates the unique approval code, he or she can designate an expiration date when the approval code will no longer be valid. If the parent is unable to complete the application before the expiration date, the parent should contact the slot provider. If the slot provider still has an available slot, he or she can extend the expiration date.
- (4) Children must be determined eligible for child care subsidies by DECCD in order to fill a child care slot. DECCD has sole authority to determine eligibility for the child care subsidy program, including child care slots. However, DECCD has no authority over the pre-approval process. Slot providers have sole authority to issue approval codes and extend expiration dates for pre-approved slots.
- (5) A parent, whose initial point of entry into the CCPP is their child's enrollment with a slot provider, may be placed on the Pending Funding list if he or she needs to seek care from another provider.

### 3.4 NON-AVAILABILITY OF FUNDS

- (1) DECCD accepts applications for services throughout the year. When available funding has been expended, applicants shall receive notification that their application is “Pending Funding.” Applications with a status of “Pending Funding” shall remain in the online application system for a period of twelve (12) months. After this period, parents shall receive a notice via postal mail and/or email to update their application online. Parents who do not have reliable internet access may visit their local public library or any other public entity that might provide such service to access and update their online application. All applications not updated after thirty (30) days from notification shall be removed, and parents shall submit a new application if they wish to seek child care services at a future time.
- (2) Applications with a status of “Pending Funding” have not been determined eligible by DECCD staff. Once funding becomes available, applications with a status of “Pending Funding” shall be served according to the date of application. DECCD shall notify the parent via email and/or postal mail of the status change from “Pending Funding,” and the parent will be asked to submit required documentation. The parent shall be granted sixty (60) days to submit the required documentation. Once deemed eligible after required documentation is submitted, DECCD shall issue a certificate to the parent. All other applications shall remain in “Pending Funding” status and shall follow update procedures described above (1).

## 4. ELIGIBILITY REQUIREMENTS FOR CHILDREN

This section describes eligibility requirements for a child’s participation in the Child Care Payment Program (CCPP). In accordance with CCDBG 658P(4), a child must meet the following requirements to be eligible for services: (1) be under the age of 13 or under the age of 19 with special needs per the SSI definition of disability; (2) reside with a family whose income does not exceed 85 percent of the State Median Income (SMI) for a family of the same size and whose assets do not exceed \$1,000,000 (as certified by a member of the family); and (3)(a) reside with a parent(s) who is working, attending a job training program, or enrolled in an educational program or (b) receive, or need to receive, protection services and resides with a parent or parents not described in (3)(a). This section also identifies the populations that receive priority based on referrals from and participation in other MDHS programs. The criteria to be classified in each of the priority populations is described in this section, as is the supporting documentation required to determine eligibility. The initial eligibility period for child care services is also described and is followed by a subsection describing the redetermination of eligibility criteria. This section concludes with a discussion of the process that may be used to increase access to child care services in areas with high concentrations of poverty.

### 4.1 ELIGIBILITY PRIORITY POPULATIONS

If funds are available, eligible children and families are served on a first-come, first-served basis. Services to any and all populations are dependent upon the availability of funds. Funds are dedicated for referred clients (noted below). For all other populations, DECCD shall rely on the following priority list when determining how to initiate or terminate authorizations for child care:

- 1<sup>st</sup> Referred Clients
  - A. Child care for Temporary Assistance for Needy Families (TANF) recipients;
  - B. Child care for Transitional Child Care (TCC) recipients;

- C. Child care for children who are homeless (defined in the Glossary of Terms);
  - D. Child care for children served by the Mississippi Department of Child Protection Services (MDCPS);
  - E. Child care for children served by the Healthy Homes Mississippi (HHM) home visitation program.
- 2<sup>nd</sup> Special needs populations whose income is less than 85 percent of the State Median Income (SMI), in the following order:
- A. Children of single parents with disabilities;
  - B. Children with special needs;
  - C. Children of parent(s) deployed in the Mississippi National Guard or Reserve.
- 3<sup>rd</sup> Children of very low-income working parent(s) whose income is at or below 50 percent of the State Median Income (SMI), in the following order:
- A. Children of teen parent(s) currently enrolled in high school full time;
  - B. Children of all other eligible parent(s) at this income level, including parents enrolled in an approved educational or job training program, whether working or not.
- 4<sup>th</sup> Based upon the availability of funding, children of parent(s) working the required 25 hours per week and/or are enrolled in an approved educational or job training program and whose income is greater than 50 percent but less than 85 percent of the SMI.

## 4.2 ELIGIBILITY DETERMINATION FOR SERVICES

### (1) Eligibility Guidelines By Priority Group

#### A. Referred Clients

- i. TANF clients are not required to complete a CCPP application form. Eligibility for CCPP for TANF parent(s) is determined by the MDHS Division of Field Operations Case Manager for full- or part-time care. TANF clients shall receive a certificate based on the referral date entered by the TANF Case Manager. The TANF parent is required to comply with all the requirements of the TANF program in order to remain eligible for child care assistance.
- ii. Clients referred for Transitional Child Care (TCC) are not required to complete an application form. Eligibility for TCC is determined by the MDHS Division of Field Operations Case Manager. TCC clients shall receive a certificate based on the referral date entered by the Case Manager. Termination of child care services to clients receiving TCC may occur if the case manager determines that the client is not in compliance with case requirements prescribed by MDHS.
- iii. Homeless clients are not required to complete an application form. Eligibility for CCPP shall be determined by caseworkers within a MDHS-approved agency serving homeless families. Homeless clients shall receive a certificate based on the referral date entered by the referring agent/case manager.

- iv. Children being served by the Mississippi Department of Child Protection Services (MDCPS) are eligible for child care services without regard to income of the guardian. Children served by MDCPS shall receive funding based on the referral date entered by the case manager; an application form is not required.
- v. Children being served by the Healthy Homes Mississippi (HHM) home visitation program administered by MDHS are eligible for child care services. Children shall be served based on the referral date received from HHM Family Support Workers; an application form is not required.

B. Special Needs Populations With Income Less than 85 Percent of SMI:

- i. Children of single parents with a disability may be eligible for CCPP. The parent must meet the SSI definition of disability by being unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than twelve months. Documentation of SSI benefits is necessary to determine priority eligibility for child care. If the parent with a disability is unable to manage their personal affairs, the application should be made in the name of the parent/guardian or the responsible adult.
- ii. Children with special needs may qualify for child care under CCPP. In order to qualify, the parent(s) must be working at least 25 hours per week, be enrolled full-time in an educational program, or engaged in an approved job training program. Job-search activities through a local WIN Job Center, unpaid work hours required to complete course work for the school curriculum, and/or work study may be counted toward the work requirement for the parent. Documentation (described in (3) of this section) must be provided. The family's gross income must not exceed 85 percent of the State Median Income (SMI). Irregular hours of employment and income shall be averaged.
- iii. Children of parent(s) deployed in the Mississippi National Guard or Reserve may qualify for CCPP if the family's gross income does not exceed 85 percent of the State Median Income (SMI).

C. Very Low-Income Families:

- i. In order to qualify for full-time child care, the parent must be working at least 25 hours per week or be enrolled full-time in high school, in a full-time General Educational Development (GED) program, or in another approved educational or training program. Job-search activities through a local WIN Job Center or unpaid work hours required to complete course work for the school curriculum and/or work study may be counted toward the work requirement for the parent. Documentation (described in (3) of this section) must be provided. In a two-parent family, either each parent must be working at least 25 hours per week or one parent must be working at least 25 hours per week and the other parent must be enrolled in an approved full-time educational or training program. The family's gross income must be at 50 percent or below the State Median Income (SMI). Irregular hours of employment and income shall be averaged.

D. Low-Income Families:

- i. In order to qualify for full-time child care, the parent must be working at least 25 hours per week or be enrolled full-time in high school, in a full-time General Educational Development (GED) program, or in another approved educational or training program. Job-search activities through a local WIN Job Center or unpaid work hours required to complete course work for the school curriculum and/or work study may be counted toward the work requirement for the parent. Documentation (described in (3) of this section) must be provided. In a two-parent family, either each parent must be working at least 25 hours per week or one parent must be working at least 25 hours per week and the other parent must be enrolled in an approved full-time educational or job training program. The family's gross income must be greater than 50 percent of the State Median Income (SMI) and at or below 85 percent of SMI. Irregular hours of employment and income shall be averaged.

E. Resident In/Out of State Students:

- i. If a parent attends school in/out of state, the application shall be made in the parent's name using the address where the child(ren) resides. Parents with residences outside the state of Mississippi shall apply with their state of residence.

(2) Income to be considered in calculating total family income:

- A. The gross income of the applicant and spouse should be considered if the spouse is living in the home. Spouse's income will not be considered in calculating total family income if the applicant and spouse are separated and residing in a separate residence. All income above or less than 40 hours per week is considered irregular income. Irregular income and commissions shall be averaged. For commissions and tips, the amount on the paycheck stub or statement from an employer shall be averaged and added to regular work income. Bonus monies shall not be considered as income. If a parent is self-employed, individual/family total income is considered.
  - B. Social Security benefits for parents and child(ren) must be counted as income.
  - C. If a parent receives Supplemental Security Income (SSI), it shall be counted as income. If a child(ren) receives SSI, the SSI for the child(ren) shall not be counted as income.
  - D. Income earned by an adult living in the home, not married to the applicant but who is the biological parent of the child for whom services are being requested, shall be counted. Income or work status of another adult residing in the home with the applicant and to whom the applicant is not married shall not be counted. Such individuals shall not be considered in determining the size of the household unless they are the biological parents of the child(ren) for whom application for service is being made.
  - E. As part of the income verification process, working parents who are not part of a referred population (described in Section 4.1) and who filed an income tax return shall provide a copy of their most recent federal income tax return to verify earned income tax credit (EITC).
- E. Child support
- i. All parents must comply with Child Support Enforcement requirements in order to be eligible for child care assistance. Parents must complete a Verification for Child Support Services form as part of the application process.

- ii. All single or separated parents who do not currently have an open child support case must contact the MDHS County Child Support Office for an appointment to open a case(s) or to request a statement that the child or children are exempt and the parent is excused from cooperating. Parents who have an existing order for child support issued by a judge are not required to contact the MDHS Division of Field Operations. Married parents are not required to have an open child support case.
- iii. The MDHS Division of Field Operations may provide exemptions based upon Claims of Good Cause such as but not limited to:
  - a. The noncustodial parent has caused physical and/or emotional harm to the child.
  - b. Physical and/or emotional harm caused by the noncustodial parent to the relative caring for the child limiting the custodial parent's ability to care for the child.
  - c. A child conceived as a result of incest or rape.
  - d. Pending legal adoption proceedings.
  - e. A public or private social services agency assisting the custodial parent in the decision to keep the child or to release the child for adoption.

F. Any teen parent enrolled full-time in high school or in a General Educational Development (GED) program may make an application in his/her own name as a family unit separate from his/her parent. If the teen parent in high school is living with his/her parent(s), the parent of the teen must meet the work requirements; however, the teen's parents' income should not be considered. If a teen parent lives in the home with his/her parent(s) or guardian, then the parent(s) or guardian of a teen parent under the age of 18 must sign the certificate and forms along with the teen parent.

G. No adult living in the home with the child shall be paid for child care. The parent of a child shall not be reimbursed for providing child care for his/her own child(ren), regardless of the location of their residence.

### (3) Documents Required for Eligibility Determination

#### A. Income Documents:

- i. Two paycheck stubs from within the past thirty (30) days. If paid once a month, only one check stub is required. Irregular hours of employment and income shall be averaged.
- ii. If a new job, the employer's letter on employer's company letterhead or employer's notarized statement verifying employment, income, rate of pay, and number of hours worked. Actual check stubs must be submitted within thirty (30) days.
- iii. Parents paid in cash shall obtain a certified letter from the employer on company letterhead or the employer's notarized statement verifying employment, income, rate of pay, and number of hours worked.
- iv. Parents employed by temporary agencies shall be certified with an original letter from an employer on company letterhead verifying employment, rate of pay, and number of hours worked. The letter of employment must be followed up with check stubs within thirty (30) days.

- v. If self-employed, a copy of an Estimated Quarterly Tax Report or other acceptable form of income documentation approved by DECCD. The other acceptable form of income documentation shall include a Federal 1040 Tax Form with the Profit/Loss Statement (Schedule C). DECCD will use the Total Sales and Receipts amount located on the Profit/Loss Statement to determine if the work requirement has been met. DECCD shall use the amount located on Line 22 of the Federal 1040 Tax Form to determine income eligibility.

#### B. Educational Documents

- i. Parents enrolled in an approved educational program must provide enrollment documentation in the form of a letter from the institution's registrar confirming current full time enrollment. This letter shall include the title of the course(s) in which the parent is enrolled, credit hours per course, and duration of the program, and the letter must be accompanied by a transcript. General Educational Development (GED) classes should be handled the same as any other approved educational training.

#### C. Additional Required Documentation

- i. Long-Form Birth Certificate
  - a. A 90-day grace period shall be allowed to receive the birth certificate for a newborn.
  - b. A 30-day grace period shall be allowed for all other children.
- ii. Verification of social security numbers can be obtained from a copy of the social security card, the Form 121 Certificate of Immunization issued by the Mississippi State Department of Health (MSDH), or other official document showing the child's and/or a parent's name and social security number.
- iii. DECCD must provide a statement that makes it clear to CCPP applicants that the provision of a Social Security Number (SSN) is voluntary and that benefits will not be denied or withheld for the failure to furnish an SSN. Social Security Numbers are used to prevent multiple cases or authorizations for care within the CCPP data system.
- iv. Proof of Residency
  - a. To verify proof of residence, the parent must supply a current driver's license or state-issued I.D. and at least two (2) additional documents, such as a current bank statement, cell phone bill, utility bill, or cable bill. The addresses on the driver's license or state-issued I.D. and the two (2) additional documents must match and corroborate the address of residence supplied in the application for child care assistance.

#### D. Requirements for a Parent with a Disability

- v. If a two-parent family applies for assistance and one parent is working and the other has a disability and is unable to care for the child(ren) as a result, child care assistance may be provided if the parent submits proof of SSI benefits. Priority eligibility for child care services can only be extended to single parents with disabilities.

- vi. If a single parent is disabled and has a responsible guardian, the application shall be made in the responsible guardian's name. The responsible guardian is the person responsible for the parent's affairs; the guardian must meet the 25 hours per work requirement unless they are 65 years of age or provide proof that they have retired from full-time employment. The parent must also submit proof of SSI benefits. The parent should be assessed a monthly co-payment of \$10.
- vii. If a single parent is disabled and there is no responsible guardian, the application shall be made in the single parent's name. Child care assistance may be provided if the parent submits proof of SSI benefits. The disabled parent shall be assessed a monthly co-payment of \$10.
- viii. If the guardian with whom the child(ren) reside(s) has a disability, child care may be provided if the guardian submits proof of SSI benefits. Verification of cooperation with child support enforcement is required if the biological parents are not deceased.

E. Parents Enlisted in the United States Military and Deployed

- ix. When parents are enlisted in the United States Military and deployed, the eligibility shall remain the same until the parent can provide the Military Income. The parent shall provide the Military Income as soon as he or she has documentation. The responsible guardian's income shall not be counted, but the responsible guardian must meet the 25 hours per week work requirement, unless they are 65 years of age or provide proof that they have retired from full-time employment.

F. Pell Grants

- x. Pell Grants shall not be considered as income when determining eligibility. Pell Grant funds and child care subsidy payments can be used simultaneously for child care services.

#### 4.3 12-MONTH CCPP ELIGIBILITY PERIOD

- (1) In accordance with CCDBG (658E(c)(2)(N)(i)(I)), families who are determined eligible to participate in the CCPP shall be afforded a minimum of twelve (12) months of eligibility for assistance provided that the family remains eligible. The 12-month eligibility period begins on the date that the client is determined eligible.
- (2) At the end of the 12-month eligibility period, a redetermination of eligibility for families who receive assistance from CCPP will occur per the procedures described in Section 4.4.

#### 4.4 REDETERMINATION OF ELIGIBILITY

- (1) Children receiving child care assistance through CCPP shall be redetermined for eligibility at the end of the 12-month eligibility period in accordance with CCDBG 658E(c)(2)(N).
- (2) Redetermination of Eligibility Guidelines by Priority Group

A. Referred Clients

- i. TANF clients are exempt from redetermination and shall receive twelve (12) months of Child Care Payment Program (CCPP) services. The referring agency case worker shall determine if the client is compliant with all the requirements of the TANF program and the CCPP eligibility requirements in order to remain eligible for child care assistance. If the TANF client is no longer eligible for the TANF program but has not yet received the

full twelve (12) months of CCPP services, the client shall receive a certificate from MDHS and continue to receive CCPP services until the end of the twelve (12) months, during which the client may submit an application to continue to receive CCPP services, though the application may be subject to non-availability of funds (as described in Section 3.4). If the TANF client is no longer eligible for the TANF program and has already received the full twelve (12) months of CCPP services, MDHS shall terminate all services with a two (2) week's notice. The notice shall contain information about the CCPP application process and eligibility requirements.

- ii. TCC clients are exempt from redetermination and shall receive twelve (12) months of Child Care Payment Program (CCPP) services. The referring agency case worker shall determine if the client is compliant with all the requirements of the TCC program and the eligibility requirements of the CCDF in order to remain eligible for child care assistance. If the TCC client is no longer eligible for the TCC program requirements but has not yet received the full twelve (12) months of CCPP services, the client shall receive a certificate from MDHS and continue to receive CCPP services until the end of the twelve (12) months, during which the client may submit an application to continue to receive CCPP services, though the application may be subject to non-availability of funds (as described in Section 3.4). If the TCC client is no longer eligible for the TCC program and has already received the full twelve (12) months of CCPP services, MDHS shall terminate all services with a two (2) week's notice. The notice shall contain information about the CCPP application process and eligibility requirements.
- iii. Homeless children shall be redetermined annually based on the twelve (12) month anniversary of their referral. DECCD shall initiate the redetermination process by sending the parent and child care provider a 60-day and then a 30-day Notice of Redetermination through postal mail and/or email. The Notice of Redetermination shall include instructions for submitting the online redetermination application and a list of supporting documentation that the parent must provide to confirm eligibility. The family's gross income must not exceed 85 percent of the State Median Income (SMI). The parent shall submit the online redetermination application and return the required documentation by the due date indicated on the Notice of Redetermination. Parents who do not have reliable internet access may complete an online redetermination application at their local public library or any other public entity that might provide such service.
- iv. Clients referred to the CCPP by the Mississippi Department of Child Protection Services (MDCPS) shall be redetermined annually; however, the referring agency case worker will be responsible for submitting the renewal information directly to DECCD. When a child's case is closed by MDCPS but the child has not yet received twelve (12) months of CCPP services, the guardian of the child shall receive a certificate from MDHS so that the child continues to receive CCPP services until the end of the twelve (12) months, during which the guardian may submit an application for the child to continue to receive CCPP services, though the application may be subject to non-availability of funds (as described in Section 3.4). If the child's case is closed by MDCPS and has already received the full twelve (12) months of CCPP services, MDHS shall terminate all services with a two (2) week's notice. DECCD shall send a notice to the guardian that a new application must be submitted to continue receiving child care assistance. This

notice shall contain information about the CCPP application process and eligibility requirements.

- v. HHM clients are exempt from redetermination and shall receive twelve (12) months of Child Care Payment Program (CCPP) services. If the client is no longer participating in the HHM program but has not yet received the full twelve (12) months of CCPP services, the client shall receive a certificate from MDHS and continue to receive CCPP services until the end of the twelve (12) months, during which the client may submit an application to continue to receive CCPP services, though the application may be subject to non-availability of funds (as described in Section 3.4). If the client is no longer participating in the HHM program and has already received the full twelve (12) months of CCPP services, MDHS shall terminate all services with a two (2) week's notice. DECCD shall send a notice to the client that a new application must be submitted to continue receiving child care assistance. This notice shall contain information about the CCPP application process and eligibility requirements.

**B. Special Needs Populations With Income Less than 85 Percent of SMI**

- i. Children of single parents with disabilities who receive child care assistance shall be redetermined annually based on the twelve (12) month anniversary of initial eligibility or previous redetermination. DECCD shall initiate the redetermination process by sending the parent and child care provider a 60-day and then a 30-day Notice of Redetermination through postal mail and/or email. The Notice of Redetermination shall include instructions for submitting the online redetermination application and a list of supporting documentation that the parent must provide to confirm eligibility. The parent shall meet the SSI definition of disability by being unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than twelve months. The parent shall submit the online redetermination application and return the required documentation by the due date indicated on the Notice of Redetermination. Parents who do not have reliable internet access may complete an online redetermination application at their local public library or any other public entity that might provide such service.
- ii. Children with special needs who receive child care assistance shall be redetermined annually based on the twelve (12) month anniversary of the initial eligibility or previous redetermination. DECCD shall initiate the redetermination process by sending the parent and child care provider a 60-day and then a 30-day Notice of Redetermination through postal mail and/or email. The Notice of Redetermination shall include instructions for submitting the online redetermination application and a list of supporting documentation that the parent must provide to confirm eligibility. In order to remain eligible, the parent(s) must be working at least 25 hours per week, be enrolled full-time in an educational program, or engaged in an approved job training program. Job-search activities through a local WIN Job Center or unpaid work hours required to complete course work for the school curriculum and/or work study may be counted toward the work requirement for the parent. The family's gross income must not exceed 85 percent of the State Median Income (SMI). The parent shall submit the online redetermination application and return the required documentation by the due date indicated on the Notice of Redetermination. Parents who do not have reliable internet access may complete an

online redetermination application at their local public library or any other public entity that might provide such service.

- iii. Children of parent(s) deployed in the Mississippi National Guard or Reserve who receive child care assistance shall be redetermined annually based on the twelve (12) month anniversary of the initial eligibility or previous redetermination. DECCD shall initiate the redetermination process by sending the parent and child care provider a 60-day and then a 30-day Notice of Redetermination through postal mail and/or email. The Notice of Redetermination shall include instructions for submitting the online redetermination application and a list of supporting documentation that the parent must provide to confirm eligibility. The family's gross income must not exceed 85 percent of the State Median Income (SMI). The parent shall submit the online redetermination application and return the required documentation by the due date indicated on the Notice of Redetermination. Parents who do not have reliable internet access may complete an online redetermination application at their local public library or any other public entity that might provide such service.

#### C. Very Low-income

- i. Eligibility for the CCPP shall be redetermined annually based upon the twelve (12) month anniversary of the initial eligibility or previous redetermination. DECCD shall initiate the redetermination process by sending the parent and child care provider a 60-day and then a 30-day Notice of Redetermination through postal mail and/or email. The Notice of Redetermination shall include instructions for submitting the online redetermination application and a list of supporting documentation that the parent must provide to confirm eligibility. The parent must be working at least 25 hours per week or be enrolled full-time in high school, in a full-time General Educational Development (GED) program, or in another approved educational or training program. Job-search activities through a local WIN Job Center or unpaid work hours required to complete course work for the school curriculum and/or work study may be counted toward the work requirement for the parent. In a two-parent family, either each parent must be working at least 25 hours per week or one parent must be working at least 25 hours per week and the other parent must be enrolled in an approved full-time educational or training program. The family's gross income must be at 50 percent or below the State Median Income (SMI). Irregular hours of employment and income shall be averaged. The parent shall submit the online redetermination application and return the required documentation by the due date indicated on the Notice of Redetermination. Parents who do not have reliable internet access may complete an online redetermination application at their local public library or any other public entity that might provide such service.

#### D. Low-Income

- i. Eligibility for the CCPP shall be redetermined annually based upon the twelve (12) month anniversary of the initial eligibility or previous redetermination. DECCD shall initiate the redetermination process by sending the parent and child care provider a 60-day and then a 30-day Notice of Redetermination through postal mail and/or email. The Notice of Redetermination shall include instructions for submitting the online redetermination application and a list of supporting documentation that the parent must provide to confirm eligibility. The parent must be working at least 25 hours per week or

be enrolled full-time in high school, in a full-time General Educational Development (GED) program, or in another approved educational or training program. Job-search activities through a local WIN Job Center or unpaid work hours required to complete course work for the school curriculum and/or work study may be counted toward the work requirement for the parent. In a two-parent family, either each parent must be working at least 25 hours per week or one parent must be working at least 25 hours per week and the other parent must be enrolled in an approved full-time educational or job training program. The family's gross income must be greater than 50 percent of the State Median Income (SMI) and at or below 85 percent of SMI. Irregular hours of employment and income shall be averaged. The parent shall submit the online redetermination application and return the required documentation by the due date indicated on the Notice of Redetermination. Parents who do not have reliable internet access may complete an online redetermination application at their local public library or any other public entity that might provide such service.

- (3) If the redetermination process finds that the parent and child meet eligibility requirements, child care services shall be extended for twelve (12) months, and a certificate shall be issued and emailed to the parent and the selected child care provider within one (1) business day of completion of the redetermination process.
- (4) Parents who fail to comply with the redetermination process shall be issued a two (2) week notice of termination and shall be required to submit a new application if they wish to continue to receive child care subsidies after the date of termination. New applications shall be processed by date received and are subject to eligibility and available funding. The child care provider shall also be notified of the child's upcoming termination of CCPP-funded child care.
- (5) When income is recalculated for redetermination and there is an increase in a co-payment fee, a notice shall be sent to the parent and the provider in the form of a new certificate. The updated co-payment fee is effective on the first day of the month following the redetermination of eligibility.
- (6) Upon redetermination of eligibility, a child who has reached age 13 (or age 19 if the child has special needs as defined by the SSI definition of disability) is no longer eligible for CCDF subsidies. A two (2) week notice of termination of CCPP-funded child care shall be sent to the parent and the child care provider.
- (7) Upon redetermination of eligibility, families whose income increased beyond 85 percent of the State Median Income (SMI) are no longer eligible for CCDF subsidies and shall be given a two (2) week notice of termination of CCPP-funded child care.

#### 4.5 AREAS WITH HIGH CONCENTRATIONS OF POVERTY

In accordance with CCDBG 658E(c)(2)(Q) and to increase access to child care for families receiving CCDF assistance, DECCD shall conduct a county-level needs assessment on an annual basis. This needs assessment shall use the most current data available to identify the Mississippi counties with high concentrations of children living in poverty. High concentration of poverty is defined as a county where the percentage of children living in poverty is more than one (1) standard deviation above the most current state mean value for the percentage of children living in poverty. Counties that meet this definition for a high concentration of poverty shall be designated as priority areas where DECCD shall work with local MDHS offices and other local child care stakeholders to increase parents' awareness about the CCPP and to develop and implement strategies to increase the availability of high-quality child

care programs. Some of these strategies may include, but are not limited to, decreasing family co-pays for high-quality child care programs and/or increasing subsidy rates in high-quality programs, offering grants to high-quality providers to increase staff and open spots for children served by CCDF subsidies, or assisting child care providers in improving their quality of care through professional development opportunities.

For each county in Mississippi, DECCD shall also identify the current number of CCPP-approved child care providers and CCPP-assisted children enrolled in child care. Counties that do not contain CCPP-approved child care shall also be designated as priority areas and will require collaboration between DECCD, local MDHS offices, and local child care stakeholders to develop and implement strategies (such as those identified in the preceding paragraph) to increase the number of available high-quality providers.

Other county-level indicators of at-risk populations, such as the current unemployment rate, teen birth rate, percentage of single parent families, percentage of children served by TANF, or percentage of children served by the Mississippi Department of Child Protection Services (MDCPS), may also be considered to ensure that an area will have a sufficient supply of high-quality child care programs available to children served by CCDF subsidies.

## 5. CO-PAYMENT FEES

This section describes the co-payment fee process.

### 5.1 DETERMINING CO-PAYMENT FEES

- (1) TANF parents shall not be assessed a co-payment fee.
- (2) Homeless families with no countable income shall not be assessed a co-payment fee.
- (3) For all other parents, co-payment fees shall be determined based on the parent's family size and income according to the CCDF Child Care Monthly Co-Payment Fee Scale for Parents, published on the DECCD website and the state's child care consumer education website, unless otherwise indicated in the following section.

### 5.2 ASSESSING CO-PAYMENT FEES PER CHILD

- (1) If a parent has one child receiving full-time child care service, the total co-payment fee shall be placed on that child's certificate. If a parent has one child receiving part-time child care services, only half of the total co-payment fee shall be placed on the child's certificate.
- (2) If one child is in full-time child care and part-time child care during the same month, the co-payment fee shall be assessed on the majority of the type of care provided. For example, if a child is served 16 part-time days and five full-time days, the part-time co-payment fee shall be assessed for the month.
- (3) If a parent has more than one child receiving full-time service, the total co-payment fee is divided equally among the number of children receiving care. If two or more children are receiving part-time services, one half of the divided fee should be placed on each certificate. If a parent has children receiving before- and after-hours child care and holiday/summer child care, a full co-payment fee and a half co-payment fee shall be placed on each certificate, and the appropriate fee is deducted during the payment cycle.
- (4) Families who will be assessed a minimum co-payment fee are:

- i. Children served by the Mississippi Department of Child Protection Services (MDCPS).
  - ii. Children participating in the Healthy Homes Mississippi (HHM) home visitation program.
  - iii. Children with special needs. Special needs status must be documented. If there are other children in the family who are receiving child care services, the monthly co-payment fee shall be \$10 or the child's prorated share of the family's co-payment fee, whichever is less. Services for children with special needs shall continue until the child reaches 19 years of age.
  - iv. Parents with a disability who are receiving SSI.
- (5) The provider shall not charge parents any cost over the assigned co-payment fee unless the cost for child care to the general public is higher than the amount paid by the Child Care Payment Program (CCPP).

### 5.3 NON-PAYMENT OF CO-PAYMENT FEES

- (1) Co-payment fees shall be paid during the current month directly to the provider according to payment arrangements established by the provider and parent. Providers shall maintain proof of collection of co-payment fees, identified separately from tuition overage payments made by parents. Providers shall provide proof of co-payment fees to parents in the form of a receipt that includes the parent's name, date and amount of payment, center name (if applicable), and the child care provider's name and signature. If a parent fails to pay the co-payment fee prior to the end of the month, the provider shall notify DECCD. Non-payment of co-payment fees shall result in termination of the parent from CCPP. If the parent requests a change in child care provider with an outstanding balance of co-payment fees to the current provider, the parent shall pay all co-payment fees before a new certificate is issued. It is the responsibility of the provider to report non-payment of co-payment fees to DECCD.

### 5.4 CO-PAYMENT RECOUPMENT/REPAYMENT

- (1) If a parent's fee was assessed at a rate higher than the correct fee and the parent has made payment to the provider, the parent shall be reimbursed by the provider for the difference for each month paid. The correct fee shall be noted on the certificate and a notice of the change forwarded to the provider and the parent.
- (2) If a parent's fee was assessed at a rate lower than the correct fee, the parent shall be responsible for reimbursing the provider for the difference between the corrected co-payment amount and the incorrect co-payment amount that was paid.

### 5.5 PRORATING CO-PAYMENT FEES

- (1) The assessed co-payment fee reflects a monthly rate regardless of attendance. If a child is enrolled between the 1st and 15th of the month, the full monthly co-payment fee shall be assessed for the first month of service. If the child is enrolled between the 16th and last day of the month, one-half of the monthly co-payment fee shall be assessed for the first month of service. If a parent desires to change a provider during the month, the parent shall pay the appropriate co-payment fee to any subsequent providers.

## 6. INTERRUPTION OF CHILD CARE SERVICES

### 6.1 REASONS FOR TERMINATION

- (1) Non-payment of co-payment fees may result in termination from the Child Care Payment Program (CCPP) for a one (1) year period.
- (2) If at any time a parent, guardian, or another person assisting the parent/guardian provides fraudulent information, child care services shall be immediately terminated, and the client shall be ineligible to reapply for a one (1) year period. DECCD may elect to permanently disbar parents from participation in CCPP due to repeat offenses in accordance with Section 11.7 of this document.
- (3) A child care certificate may be terminated upon the request of the parent or by DECCD in accordance with CCPP policy.
- (4) Child care assistance shall be terminated at the end of the twelve (12) month eligibility or redetermination period if a child has reached the maximum age of eligibility. A two (2) week notice of termination of CCPP-funded child care shall be sent to the parent and the child care provider.
- (5) Upon redetermination of eligibility, families whose income increased beyond 85 percent of the State Median Income (SMI) are no longer eligible for CCDF subsidies and shall be given a two (2) week notice of termination of CCPP-funded child care.

### 6.2 CHANGE IN PROVIDER

- (1) Parents are allowed to change providers when the current provider is no longer preferred. Parents must request a change in provider from DECCD by submitting a Change in Provider Form (available on the DECCD website or the state's child care consumer education website) prior to withdrawing the child, unless under emergency circumstances. The parent(s) shall give at least two (2) weeks prior notice to the current provider before withdrawing the child from the center unless there are extenuating circumstances. Change of Provider forms that are not received within the two (2) week time frame shall be processed two (2) weeks from the date of receipt. While parents have the right to exercise parental choice in selecting a child care provider, certificates shall not be issued to a provider until they have met all requirements to become a CCPP-approved provider. Parents receiving child care assistance through CCPP must select a CCPP-approved provider. No payments shall be issued for care provided while a provider is seeking to become an approved provider.

## 7. CHILD CARE CONSUMER EDUCATION

This section describes information that CCDBG requires to be disseminated to parents, providers, and the general public through the state's child care consumer education website. This website shall be designed to assist parents in making informed choices about the child care services that best suits their needs, to promote involvement of parents and family members in the development of child care settings, to support the role of parents as their child's teacher and advocate, and to provide helpful information to parents who are served by the child care assistance system, partner agencies, and child care sites (45 CFR §98.1). This section also describes resources related to developmental screenings to assist eligible parents and CCPP-approved providers. This section concludes with a description of inspection reports made available on the consumer education website.

## 7.1 CHILD CARE CONSUMER EDUCATION WEBSITE

- (1) In compliance with CCDBG 658E(c)(2)(E), the child care consumer education website shall be designed to be an up-to-date and comprehensive resource regarding child care in Mississippi. This website shall provide:
  - A. The ability to find and learn about a local child care provider, including results of inspection reports, corrective actions taken (if applicable), last date of inspection, hours of operation, contact information, and child care rates;
  - B. Compliance requirements for child care providers seeking to become CCPP-approved providers, including the health and safety standards to which they must adhere, the criminal background check process, procedures for monitoring/inspections, and types of offenses that prevent individuals from being child care providers;
  - C. Information on available local community resources, such as state agencies, faith-based organizations (FBO), community-based organizations (CBO), or health care providers, including the services they provide and contact information;
  - D. Information about the Child Care Payment Program (CCPP), including the application process and parent co-payment rates;
  - E. Information about other public services for which a child/family may be eligible, including but not limited to Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Women, Infants, and Children (WIC) program, Head Start, and Medicaid;
  - F. Contact information for MDHS and DECCD and of child care resource and referral agencies (CCR&R);
  - G. Information about and on how to access services offered (including developmental services) by the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program and the Individuals with Disabilities Education Act (IDEA);
  - H. Current best practices and research on child care and development, family engagement, and physical health and development;
  - I. Data on the number of deaths, serious injuries, and substantiated instances of child abuse in child care settings;
  - J. The state's position statement on social-emotional-behavioral health of children and on the suspensions and expulsion of children birth to age five in early childhood programs receiving CCDF;
  - K. Information about social-emotional-behavioral and early childhood mental health available from the Mississippi Department of Education (MDE) and the Mississippi Department of Mental Health (MDMH);
  - L. Access to other communication methods, such as mobile applications or social media outlets, including the ability to request email communication;
  - M. Information about the State Early Childhood Advisory Council (SECAC), including its roles, responsibilities, and membership;

- N. Links to related federal resources, such as the Administration for Children and Families (ACF), the Centers for Disease Control and Prevention (CDC), and the National Institute of Child Health and Human Development (NICHD);
- O. The number for the CCPP hotline, as well as an online form to report abuse, neglect, or fraud;
- P. Electronic copies of child care brochures from multiple resources, including MDHS and MSDH;
- Q. The ability to submit general questions to or request information from MDHS.

## 7.2 DEVELOPMENTAL SCREENINGS

In accordance with CCDBG 658E(c)(2)(E)(ii), the state's child care consumer education website shall include current information on resources and services available to parents and child care providers for conducting developmental screenings. The website shall also describe the process for CCPP-approved child care providers to provider referrals to services, when appropriate, for children participating in the CCPP. These referred services include the use of the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program and development screening services available under the Individuals with Disabilities Education Act (IDEA). The website shall also describe how a family or eligible child care provider may utilize the resources and services to obtain developmental screenings for children receiving child care assistance and who may be at risk for cognitive or other developmental delays.

## 7.3 INSPECTION REPORTS

Monitoring and inspection reports of all CCPP-approved providers will be accessible on the consumer education website. Parents and other individuals who wish to access these reports will be able to search by provider name, provider type, city, county, or year. Reports will include the date of the inspection, any findings or violations, information on corrective action (if applicable), and the date the corrective action was satisfactorily completed. Non-critical findings or violations that satisfy the requirements of the corrective action plan may be removed from the website if the provider does not have multiple findings or violations in a single visit and if approved by DECCD.

# 8. PARENTAL COMPLAINTS AND COMPLAINT INVESTIGATIONS

This section describes procedures for parents who wish to file a complaint against a CCPP-approved child care provider and the process of investigating and substantiating complaints. Substantiated parental complaints shall be addressed according to the policies outlined in this section.

## 8.1 CHILD CARE FACILITY COMPLAINT HOTLINE

In accordance with the CCDBG 658E(c)(2)(C), the state shall maintain a record of substantiated parental complaints against child care providers. The Mississippi State Department of Health (MSDH) provides a Child Care Facility Complaint Hotline (listed on the MSDH website, the DECCD website, and the state's child care consumer education website) for parents to report complaints. Unless ordered by a court, the identity of the individual who reported the complaint shall not be disclosed outside of MSDH and/or MDSH investigative staff. The Child Care Facility Complaint Hotline is answered during regular business days. At night and on weekends or holidays, the complainant may leave a concern and callback information via the voice-message service. On the next working day, MSDH staff retrieve all hotline voice messages and record complainant information. An MSDH official will return a call to the complainant for additional details if necessary.

## 8.2 COMPLAINT INVESTIGATIONS

- (1) Complaints against a child care facility shall be reported to the Mississippi Department of Health (MSDH) via the Child Care Division. All such complaints shall be logged and maintained by the MSDH. MSDH is responsible for investigating each complaint filed against a child care provider. At no time shall a licensing official refuse to respond to a complaint made. MSDH may request assistance from MDHS and DECCD as needed during a complaint investigation. MSDH will maintain records of complaints made against a child care provider, these records may be obtained by making a Public Records request to the MSDH.

## 9. PROVIDERS

This section describes eligibility requirements for child care providers seeking to participate in the Child Care Payment Program (CCPP). The process to become a CCPP-approved provider is also described. Providers must meet the state's eligibility requirements, register with the Mississippi Department of Human Services (MDHS), obtain background checks, and receive orientation training in accordance with state policy. This section also describes procedures for payments to providers for child care services, provider reimbursement, monitoring procedures, emergency preparedness and response plans, and professional development.

### 9.1 ELIGIBILITY PROCESS FOR CCPP-APPROVED PROVIDERS

- (1) Parents have the right to choose the child care they would like for their children. The Division of Early Childhood Care and Development (DECCD) has categorized the choices available to parents as follows: a standard child care provider and a comprehensive child care provider. Parents participating in the CCPP must select a CCPP-approved provider. No payments shall be issued for care provided while a provider is seeking to become a CCPP-approved provider.
- (2) Licensed Child Care Centers
  - A. In order to receive reimbursement for services rendered, all child care centers must be, at a minimum, certified as a standard child care center. The application and requirements to become a standard child care center can be found on the state's consumer education website ([secac.ms.gov](http://secac.ms.gov)) and the DECCD website.
  - B. If a CCPP-approved provider fails to maintain certification as a standard center and services are being provided to children receiving CCPP funds, DECCD may continue to pay the provider under the following conditions:
    - i. MSDH has not officially closed the center;
    - ii. The center's director submits a written request, on center letterhead, for child care payments to continue; and
    - iii. The center provides copies of the licensing renewal fee payment, documentation of a current inspection, and a copy of correspondence from the licensing division stating why the license has not been renewed.
    - iv. A center failing to maintain the minimum status of a standard child care center shall be reimbursed for children with a current certificate up to the time frame allowed by MSDH; however, no new certificates shall be issued until the center is in compliance with standard center requirements.

- v. No payments shall be issued for care provided while a provider is seeking to become a CCPP-approved provider.
  - vi. The decision to continue payments under these circumstances is solely at the discretion of the Director of the Division of Early Childhood Care & Development (DECCD). All requests for payments under these conditions shall be submitted in the form of a written request to the Director of DECCD describing the basis for the request to waive Provider Termination.
- (4) CCPP-approved providers must comply with the following health and safety requirements:
- i. Complete orientation training (as described in Sections 9.4 and 9.11.1) within the first ninety (90) days of employment;
  - ii. Renew minimum health and safety training (as described in Section 9.11.1) and fire standards;
  - iii. Keep a record of immunizations for themselves, other adults providing child care in the facility, and all children in their care as documented by Form 121 Certificate of Immunization issued by the Mississippi State Department of Health (MSDH);
    - a. In accordance with CCDBG 658E(c)(3), homeless children and children in foster care who receive CCPP assistance may be granted a twenty-four (24) hour grace period from the date of admission into a CCPP-approved child care program to obtain the necessary immunization records. Payment for these children during the grace period shall not be considered an error or an improper payment.
  - iv. Keep a copy of the Basic Health, Safety and Nutrition Assurances. A signed copy of the Basic Health, Safety and Nutrition Assurances certifying that they will follow the guidelines shall also be filed with DECCD;
  - v. Give parents unlimited access to their child(ren) while the child(ren) are under the provider's care;
  - vi. Provide a current emergency preparedness and response (EPR) plan (as described in Section 9.8.1); and
  - vii. Establish a plan for promoting developmentally appropriate social emotional behavioral health to ensure that children in their care receive an age-appropriate developmental and behavioral screening upon enrollment, when developmental concerns arise, or annually (as described in Section 9.9).
- (5) A child care provider may not be reimbursed if they reside in the same household as the eligible child. Proof of separate residence may be required. To document proof of residence, the provider must supply a current driver's license or state-issued I.D. and at least two (2) other forms of identification, such as a current bank statement, cell phone bill, utility bill, or cable bill, that show the the same address on the provider's current driver's license or state-issued I.D. Addresses on these documents must match the address given as the location of care submitted on the application.
- (6) No payments shall be issued for care provided while a provider is seeking CCPP-approved provider status.

## 9.2 PROVIDER REGISTRATION

- (1) To become a CCDF-approved child care provider, providers must:
  - A. Complete an online application at the DECCD website. Providers who do not have reliable internet access may visit their local public library or any other public entity that might provide such service to access the online application.
  - B. Send supporting documentation to complete the application process to DECCD via computer upload, postal mail, or fax.
  - C. Attend and complete a provider e-ledger training webinar held on the first and third Tuesday of every month at 12:30 p.m. Applicants must register in advance on the DECCD website, and they shall receive an email confirmation containing a code to access the online training webinar. Applicants who do not attend the entire session shall not receive credit for attendance and shall not be approved to participate in the CCPP.
    - i. The e-ledger training covers the provider payment process, coding for child attendance, policies outlined in the current CCPP policy manual, and the process for recognizing and reporting child abuse and neglect.
- (2) Once an application has been processed, the online e-ledger training webinar has been completed satisfactorily, and a provider has been determined eligible, an effective date to begin providing childcare shall be sent to the approved applicant. If the application is processed in advance, the effective date for providers who complete the online training webinar on the first Tuesday of the month shall be the 16th day of the same month. Eligible providers who attend the online training on the third Tuesday of the month shall be effective on the 1st day of the next month.
- (3) CCPP-approved providers shall renew their registration with MDHS on an annual basis.

## 9.3 BACKGROUND CHECK

- (1) In accordance with the CCDBG 658H, a comprehensive criminal background check is required to investigate if a CCPP-approved child care provider has a history of abuse, neglect, or other criminal behavior that might threaten the health and safety of children.
  - A. Per Mississippi State Department of Health (MSDH) licensure regulations (Miss. Code § 43-20-8), background checks are required for all licensed providers and prospective staff, regardless of whether the provider receives CCDF funds and will be monitored by the MSDH.
  - B. Background checks are required for license-exempt child care providers who are approved to receive CCDF funds.
- (2) These comprehensive criminal background checks shall include a search of:
  - A. The Federal Bureau of Investigation (FBI) criminal records, based on fingerprints;
  - B. The National Sex Offender Registry;
  - C. The child abuse central registry, including every state where the individual resided in the preceding five (5) years;
  - D. The state criminal registry check using fingerprints, including every state where the individual resided in the preceding five (5) years; and

- E. The state sex offender registry, including every state where the individual resided in the preceding five (5) years.
- (3) A background check shall be conducted within 45 days of the provider's submitted request.
  - (4) An individual shall be denied employment in a child care facility and/or a provider will be deemed ineligible for assistance for any of the following:
    - A. Refusal to consent to the background check;
    - B. Knowingly making a materially false statement in connection with the background check;
    - C. Being a sex offender, registered or otherwise;
    - D. Convicted of a felony consisting of:
      - i. Murder;
      - ii. Child abuse or neglect;
      - iii. Crime against children, including pornography;
      - iv. Spousal abuse;
      - v. Rape or sexual assault;
      - vi. Kidnapping;
      - vii. Arson;
      - viii. Physical assault or battery; or
      - ix. A drug-related offense committed in the past five (5) years.
    - E. Convicted of a violent misdemeanor as an adult against a child.
  - (5) To maintain the privacy of the individual for which a background check is conducted, the provider who requested the background check shall only be informed of the individual's eligibility or ineligibility for employment.
  - (6) New background checks are required every five (5) years.
  - (7) The fee for processing applications and administering a criminal background check shall not exceed the actual costs for processing and administration (Miss. Code § 43-20-8(8)).
  - (8) Information about the provider background check process shall be made publicly available on the consumer education website.
  - (9) Individuals may appeal the results of a criminal background check as described in Section 10.

#### 9.4 ORIENTATION TRAINING

- (1) All CCPP-approved providers are required to complete three (3) hours of orientation training within ninety (90) days from their hire date or the date the center was approved by the DECCD and related to the following topics (as described in Section 9.11.1):
  - A. Prevention and control of infectious diseases (including immunization);

- B. Prevention of sudden infant death syndrome and use of safe-sleeping practices;
- C. Administration of medication, consistent with standards for parental consent;
- D. Prevention of and response to emergencies due to food and allergic reactions;
- E. Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic;
- F. Prevention of shaken baby syndrome and abusive head trauma;
- G. Emergency preparedness and response planning for emergencies resulting from a natural disaster or a human-caused event (such as violence at a child care facility);
- H. Handling and storage of hazardous materials and the appropriate disposal of biocontaminants;
- I. Precautions in transporting children (if applicable);
- J. Pediatric first aid and cardiopulmonary resuscitation (CPR);
- K. Child abuse and neglect;

- i. Per the CCDBG 658E(c)(2)(L) and Miss. Code Ann. § 43-21-353, providers and all responsible parties must report child abuse and neglect if they suspect that a child in their care is being abused or neglected by a parent, family member, child care worker, or other individual with access to the child. Providers and all responsible parties shall submit criminal child abuse reports directly to MDHS, Department of Child Protection Services for investigation.

When a report is received, the report is screened by a MDHS Child Protection Services supervisor to decide whether it should be investigated. If the report warrants an investigation, it is then assigned to a licensed social worker for investigation. When the facts back up an abuse report, the Department will make a report to the district attorney within 72 hours. The district attorney determines whether criminal charges can be filed.

If criminal charges are filed against a child care worker, MDHS shall make an additional report to the licensing agency.

- L. Child development.

(2) All CCPP-approved providers shall document receipt of their orientation training.

(3) This orientation training may be transferable to other child care facilities within the state.

## 9.5 PAYMENTS TO PROVIDERS FOR CHILD CARE SERVICES

### 9.5.1 SIGN-IN/OUT SHEETS

- (1) Providers are required to maintain a record of accurate attendance and absences on sign-in/sign-out sheets and on daily class rolls for each child. Providers shall retain sign-in/sign-out sheets for a period of three (3) years. The sign-in/sign-out sheets must show the child's first and last name (as listed on the child care certificate), the full name of the parent/guardian or parent's authorized representative, the time the child is signed in with the signature of the person signing the child in each day, and the time the child is signed out with the signature of the person signing the child out each day. If sign-

in/sign-out sheets are not maintained and made available upon request and/or for monitoring processes or do not follow the policies described above, funds issued based on missing/erroneous information shall be recouped by DECCD.

### 9.5.2 PAYMENT LEDGER PROCESSES

- (1) Payment ledgers shall be submitted electronically through the Child Care Payment System (CCPS) once a month. Providers have the opportunity to submit ledgers during one of two payment cycles during the month; however, providers shall only receive one payment per month for services rendered. Ledgers shall open to providers on the first day of the month and remain open until 11:59 p.m. CST on the fifth day of the month. Providers who submit their ledgers by the fifth day of the month shall be issued payment by the 15th day of the month. Providers who fail to submit their payment ledger by the fifth day of the month have the option to submit their ledger by 11:59 p.m. CST on the 15th day of the month. Providers who submit their ledgers by the 15th day of the month shall be issued payment by the last day of the month.

### 9.5.3 LEDGER PAYMENTS

- (1) If it is necessary to adjust the amount of funds issued based on the attendance information submitted to DECCD, an adjustment shall be made in the Child Care Payment System (CCPS) reflecting the change.
- (2) Any error listed on the certificate that will cause payments to calculate incorrectly must be submitted to DECCD within ten (10) days of the date that the copy of the certificate is issued to the provider. Such errors include but are not limited to incorrect payment rates, incorrect care type (full-time vs full-/part-time), or incorrect date of birth for the child. DECCD shall not adjust underpayments to providers as a result of these errors if the errors are not reported to DECCD within 10 days of issuing the certificate copy to the provider. Corrections will be made to ensure future payments will be calculated correctly. DECCD shall not adjust underpayments for children who are missing from ledgers if the error is not reported within ten (10) days of the ledger submission. Any errors must be reported using the Provider Request for Child Information Correction Form, which is available on the DECCD website.

### 9.5.4 RATES AND CENTER POLICIES

- (1) CCPP-approved providers must file a copy of their published rates with DECCD annually.
- (2) Providers shall not charge a higher rate to families in the certificate program than the rate charged to the general public.
- (3) If the child care center's policy states that a program stipend will be provided to non-certificate children, the provider must document the amount and the source of funds for each child on a monthly basis. Parent co-payment fees shall not be used as children's stipends. This documentation must be in a hard-copy form, such as check stubs, receipts, and other relevant records that will show Mississippi Department of Human Services (MDHS) auditors a clear paper trail of cash infusion from non-tuition sources and non-child-care-certificate monies sufficient to cover the full amount of tuition without any stipends.
- (4) DECCD shall not monitor any fiscal or children's files without the director or an approved supervisor staff person in attendance. Only necessary documentation (described in Section 9.7) shall be requested from the parent and provider.

- (5) Parents employed at a licensed center may be eligible for a child care certificate, provided that the parents do not care for their own child(ren). Eligible child(ren) of child care workers cannot be included in a group assigned to the parent to maintain the adult/child ratio required by the Mississippi State Department of Health (MSDH) Child Care Facilities Licensure Division.
- (6) Rates of reimbursement shall be assigned on a certificate based on the provider type (standard or comprehensive) and age of child. A full-time rate may be charged for nontraditional child care. Nontraditional child care is appropriate when a parent requires full-time child care in lieu of before- and after-school care.
- (7) Reimbursement Rates for School-Age Children
  - A. School-age children and children who attend other programs such as Head Start shall be reimbursed at the part-time rate for excused absences and during holidays except during times when it is documented that the child(ren) attended the CCPP-approved child care center for the full day because the school was not open or for out-of-school suspension during the school year. Full-time reimbursement shall be issued for full-time care provided by CCPP-approved centers when the primary school setting is closed or when the child is given an out-of-school suspension.
  - B. Providers shall be reimbursed at a part-time rate for any day in which a school-age child or child with a full-time/part-time certificate is present for a full day of care while their primary school setting is open.
  - C. Summer child care for school-age children shall be reimbursed at the full-time rate for documented excused absences (described in Section 9.5.5), unexcused absences (up to their allotted number as described in Section 9.5.5), and holidays (as described in Section 9.5.5).
  - D. Full-time certificate payments for school-age children shall not be issued to students enrolled in first grade through 12th grade unless full-time care is needed during nontraditional hours and/or the primary/secondary school setting is closed.
- (8) Full-time certificate payments may be issued for three- and four-year-olds enrolled in public or private pre-kindergarten programs where tuition is assessed. Families who continue to meet eligibility criteria may apply to continue services until the child reaches 13 years of age or 19 years of age if the child is defined as special needs. Additionally, five (5) year old children whose parent(s) elect not to enroll their child(ren) in a public kindergarten program may receive full-time certificate funds until they reach the age of six (6), which is the compulsory age for school attendance in the state of Mississippi.
- (9) Homeless children or children in foster care who receive CCPP assistance may be granted a twenty-four (24) hour grace period from the date of admission into a CCPP-approved child care program to obtain the necessary immunization records. Payments for such a child during this grace period shall not be considered an error or improper payment.

### 9.5.5 ALLOWABLE LEAVE TIME FOR PARENTS

- (1) Natural Disaster
  - A. Child care services shall be continued when parents are off work due to circumstances beyond the parent's control, such as hurricanes, floods, and tornado. CCPP-approved child care providers shall be reimbursed when the center is closed temporarily in the event of an emergency declared by the President of the United States or Governor of Mississippi or an event that results from a

natural disaster or human-caused event for up to ten (10) business days per occurrence, unless the parent needs to make alternate care arrangements.

- (2) A pregnant mother shall be allowed six (6) weeks of child care assistance during maternity leave. Documentation from a physician of the maternity leave must be included in the parent's file. If more leave time is required due to medical reasons, a physician's statement must be submitted to DECCD.
- (3) Fathers shall be allowed six (6) weeks of child care assistance related to the birth of a child if the employer/educational institution approves the leave time and if the father resides in the same household with the child. Documentation in the form of a letter on an employer/educational letterhead allowing the leave of absence for this reason must be submitted to DECCD.
- (4) Parent(s) shall be allowed six (6) weeks of child care assistance in cases of adoption of a new child or when a foster child is placed in the home if the employer/educational institution approves the leave time.
- (5) Parent(s) shall be allowed up to thirty (30) days of sick leave from their job if documented by their employer and physician. Extenuating circumstances in which additional time is required shall be handled on a case-by-case basis.
- (6) A child shall be allowed fifteen (15) paid unexcused absence days per federal fiscal year (beginning October 1 and ending September 30). Families have a choice of when they want to use these paid unexcused absence days. Additional paid excused absence days may be allowed due to court-ordered visitations, chronic illness, contagious illness, and medical treatment for children with special needs and if appropriate supporting documentation is provided either prior to or up to three (3) business days after the absence. Appropriate supporting documentation must be provided from a licensed healthcare provider (on letterhead) for chronic illness, contagious illnesses, and medical treatment for children with special needs. Documentation (on letterhead) for court-ordered visitations must be provided by the caseworker. Providers must maintain this documentation (as described in Section 9.5.1) and must code the paid excused absence per the child care payment system attendance codes.
- (7) DECCD shall pay for up to eleven (11) holidays (listed in (8) below) for the period beginning October 1 through September 30. If the Governor allows days in addition to the list below in observance of a holiday, providers shall be notified that they are also allowed these extra days. If the identified holiday falls on a weekend, the DECCD Director shall designate weekdays to observe the holiday at their discretion.
- (8) Approved paid holidays for CCPP-approved providers:

January 1	New Year's Day
The Third Monday of January	Dr. Martin Luther King, Jr.'s Birthday and Robert E. Lee's Birthday
Spring (date varies annually)	Good Friday
The Last Monday of May	National Memorial Day/Jefferson Davis' Birthday
July 4	Independence Day
The First Monday of September	Labor Day

November	Thanksgiving Day & the Friday After
December 24	Christmas Eve
December 25	Christmas Day
December 31	New Year's Eve

#### 9.5.6 OVER-PAYMENTS AND UNDER-PAYMENTS

- (1) If a provider discovers an error in the payment issued, the provider shall notify the DECCD to request an adjustment within 30 days of the issuance of the payment. Questionable payments or incorrect payments shall be adjusted during the next regularly scheduled payment cycle.

#### 9.5.7 ABSENTEES AND NOTICE

- (1) If a child is absent for more than two consecutive weeks for medical reasons, the parent is required to submit a doctor's statement. Extenuating circumstances shall be handled on a case-by-case basis.
- (2) In the case of a court-ordered visitation, DECCD must be notified, and a copy of the visitation order from the court must be kept on file by the provider. Any days a child is absent due to court-ordered visitation shall be considered excused absences and will not count toward a child's paid unexcused absence days. Parents are responsible for paying their determined co-payment amount in full even if the child does not attend due to court-ordered visitation.
- (3) The Child Care Payment Program (CCPP) shall provide a two (2) week notice for the termination of all certificates issued to CCPP-approved providers, except in the instance of substantiated provider fraud, policy violations, events that threaten the health or safety of a child, or the conviction of the child care provider for any crime if the criminal acts could have a detrimental effect on the children in their care.
- (4) A child care center shall remain open on days when children are taken on field trips, or any other day outside of the approved holiday list provided by DECCD, for any children who cannot attend the field trips or who still need child care during holidays not approved by DECCD.

#### 9.5.8 CHANGES IN TAX IDENTIFICATION

- (1) DECCD shall only issue payments through the CCPP to the individual or entity attached to the Employee Identification Number (EIN) or Social Security Number (SSN) on record. If a provider elects to change from an EIN to an SSN, DECCD shall only approve the change if there is no lien or levy against the EIN of record. In the event that a facility changes ownership, the current provider shall alert DECCD prior to the change in ownership so that all certificates can be terminated and reissued to the new owner upon the last day of operation. If the new owner fails to complete the CCPP approval process prior to the first date of operation under new ownership, there shall be a lapse in payment until the new owner completes the CCPP approval process. No payments shall be made for any care provided while this lapse in approval occurs.

### 9.5.9 TAX IDENTIFICATION AND FEDERAL BACKUP WITHHOLDING

- (1) DECCD shall not approve an application for an individual or center to become a CCPP-approved provider if information on the W-9 is missing or incorrect. The W-9 must be signed and dated in order to be accepted by DECCD.
- (2) In the event that a CCPP-approved provider has a missing or incorrect Tax Identification Number (TIN), DECCD shall deduct the Backup Withholding (BWH-B) Rate of 28 percent from future payments through the CCPP program until the correct TIN or name is supplied to DECCD. A TIN shall be considered to be missing or incorrect if it is not provided, has more or less than nine numbers, has an alpha character as one of the nine positions, or is in the proper format with a NAME/TIN combination that does not match or cannot be found in IRS or SSA files.
  - A. If a CCPP-approved provider has a missing TIN, DECCD shall notify the provider via certified mail and immediately apply backup withholding until a W-9/TIN is supplied.
  - B. If a CCPP-approved provider has an incorrect name/TIN, DECCD shall send via certified mail a First B-Notice and a W-9 form. The envelope shall be clearly marked that important tax information is enclosed. The provider shall be given thirty (30) business days to respond to complete the W-9 with a correct name/TIN. Failure to respond to the first B-Notice within thirty (30) business days will result in immediate backup withholding until the completed W-9 is returned.
  - C. If DECCD receives a second notification from the IRS within a three-year period that the provider TIN is incorrect, DECCD shall issue a Second B Notice to the provider. The Second B Notice shall not include a copy of the W-9. The provider shall be given thirty (30) business days to provide DECCD with a copy of his or her Social Security Card or a 147C. Failure to respond to the second B-Notice within thirty (30) business days shall result in immediate backup withholding until the documentation is provided.
- (3) Tax-exempt organizations, government agencies, and corporations may be exempt from backup withholding according to IRS regulation.
- (4) DECCD shall keep a record of withholdings in order to submit an Annual Return of Withheld Federal Income Tax Form 945 to the IRS.

### 9.6 PROVIDER REIMBURSEMENT

- (1) DECCD sets rates for reimbursement to CCPP-approved providers based on whether the center is designated as standard or comprehensive. These reimbursement rates shall be published on the DECCD website and the state's child care consumer education website.
- (2) Reimbursement rates shall be reviewed every three (3) years to ensure the rate is adequate and to ensure equal access to services for children in the CCPP.
- (3) The process for determining provider reimbursement rates is described as follows:
  - A. Mississippi's child care reimbursement rate is set at 75 percent of the state's average child care payment rates by age of child, child's full- or part-time status, and facility type based on the most recent Market Rate Survey (MRS).
  - B. The methodology for the most current MRS shall be available on the DECCD website and the state's child care consumer education website.

## 9.7 MONITORING PROCEDURES

(1) **Annual Inspections:** All providers participating in the certificate program shall have an inspection at least once annually in accordance with federal requirements (CCDBG 658E(c)(2)(K)).

### A. Licensed Child Care Centers

- i. The Mississippi State Department of Health (MSDH) has the primary responsibility of conducting annual unannounced inspections of licensed child care centers.
- ii. DECCD may conduct a monitoring visit of a CCPP-approved licensed child care center when the provider's records indicate a need for technical assistance or to conduct a record review. Any observed or suspected health and safety violation(s) shall be reported to MSDH.

### B. License-Exempt Providers

- i. Child care monitoring agents from DECCD shall conduct annual inspections of CCPP-approved license-exempt providers. These agents shall conduct both announced and unannounced annual-inspection visits. If the monitoring visit results in a finding(s) or violation(s), the provider may receive a follow-up visit within three (3) months to ensure compliance with the corrective action plan. The monitoring visits shall include a record review as outlined in (2) of this subsection and a review of compliance with health and safety regulations as outlined in (5) of this subsection.
- ii. Child care monitoring agents must satisfactorily complete training before visiting child care providers for inspection. This training shall include the procedures for conducting a visit, proficiency with the information provided in this manual, and the process for reporting findings or violations. This training shall be renewed on an annual basis.

C. Inspection reports and any corrective actions (if applicable) shall be made publicly available on the state's child care consumer education website (described in Section 7.1). A full history of inspection reports shall be made publicly available on the child care consumer education website for a minimum of five (5) years. Non-critical findings or violations that satisfy the requirements of the corrective action plan may be removed from the website if the provider does not have multiple findings or violations in a single visit and if approved by DECCD.

(2) **Record Reviews:** Monitoring visits shall include a review of the following records, which shall be made available to the monitoring agent or investigator:

- A. **Attendance Records:** CCPP-approved providers must maintain a daily attendance roster (sign-in/sign-out sheets) for each child in accordance with Section 9.5.1. The attendance recorded on the center's attendance roster shall be compared to the attendance reported to DECCD. All documentation related to child attendance shall be reviewed.
- B. **Published Rates:** The provider's published rates charged to the general public shall be compared to the rates requested and received on each certificate.
- C. **Documentation of Copayment Fees Collected:** Monitoring agents shall verify the payment of copayment fees. CCPP-approved providers shall maintain a record of the payment of monthly copayment fees.

- D. Licensure: A copy of the center's license or letter of exemption, if applicable, shall be requested if a current copy is not on file with DECCD.
- E. Statement of Agreement: Records shall be reviewed to verify that the provider has retained a copy of the Statement of Agreement.
- F. Hours of Operation: The center shall be monitored to make sure that the hours of operation meet the needs of full-time working parents plus travel time. The center must be open at least five (5) days per week.
- G. Capacity: Attendance shall be checked to ensure that the provider is not receiving more (CCDF and TANF) certificates than its licensed or allowed capacity would allow at any given time (for example, nontraditional shifts and before- and after-school care). If it is determined during the monitoring visit that attendance exceeds the provider's licensed or allowed capacity, the situation shall be reported to the Mississippi State Department of Health (MSDH) Child Care Facilities Licensure Division and DECCD. Attendance in excess of licensed or allowed capacity is considered fraudulent and shall result in a recoupment of funds issued for certificates in excess of licensed or allowed capacity.
- H. Immunization Records:
  - i. Licensed CCPP-approved providers shall continue to comply with MSDH immunization regulations, ensure that the children in their facilities are immunized appropriately by age (unless the child has a properly documented exemption for medical reasons), and keep appropriate immunization records.
  - ii. License-exempt CCPP-approved providers shall maintain immunization records (Form 121 Certificate of Immunization issued by the Mississippi State Department of Health) for all children in their care, themselves, and other approved caregivers and provide copies to monitoring agents upon request.
  - iii. In accordance with CCDBG 658E(c)(3), homeless children and children in foster care who receive CCPP assistance shall be granted a twenty-four (24) hour grace period from the date of admission into a CCPP-approved child care program to obtain the necessary immunization records. No provider shall be punished for not having immunization records for homeless children and children in foster care who have been enrolled in care for fewer than twenty-four (24) hours prior to the time of inspection.
- I. Proof of Staff Training: All providers must maintain documentation of the accrual of orientation and ongoing training requirements as described in Section 9.11.
- J. Record of Emergency Drills:
  - i. Licensed CCPP-approved providers must maintain a record of emergency drills as required by the Mississippi State Department of Health (MSDH), Child Care Facilities Licensure Division.
  - ii. License-exempt CCPP-approved providers must maintain a record of annual emergency drills as described in Section 9.8.1.
- K. Health and Safety: All providers must maintain documentation of any medication administered to a child. The record must show the written authorization from the parent to administer medication,

name of medication, dosage, date and time of administration, and signature of dispensing caregiver. This record shall also note any allergies and medical needs of the child.

(3) **Fines:**

- A. Per the Center Statement of Agreement, all child care providers are notified that monitoring may be announced or unannounced. Refusal to cooperate in the monitoring process shall result in a financial penalty of \$1,000, which will be deducted from future payment through the CCPP.

(4) **Findings:**

- A. Findings shall be recorded on an official inspection form. A copy of the completed inspection form shall be given to providers at the time of inspection.
- B. If a center is not accurately recording attendance or is charging different rates, the center shall receive a letter concerning the finding(s). Any overpayments that occurred because of these two situations shall be recouped.
- C. A center or provider with findings or violations that pose a health and safety risk (critical violation) to children may be monitored again by either announced or unannounced visits to monitor compliance with corrective action plans. If, on a follow-up visit, the center/provider is still in non-compliance under the original finding(s), a copy of all correspondence regarding the matter shall be forwarded to the Director of DECCD, and processes for Suspension or Debarment described in Section 11.7 shall be engaged. Such incidences shall also be publicly reported on the state's child care consumer education website.

- (5) **Health and Safety:** License-exempt CCPP-approved providers shall be monitored for compliance with the following Health and Safety regulations as required by federal law (CCDBG 658E(c)(2)(J)). These standards are reiterated in the Basic Health, Safety, and Nutritional Assurances form signed by the provider as part of the registration process. When conducting an on-site inspection of a child care provider, child care monitoring agents shall utilize the Monitoring Checklist, which is available on the DECCD website and the state's child care consumer education website. Records of successful completion of all trainings shall be maintained on site.

A. Prevention/Control of Infectious Disease:

- i. A current MSDH Form 121 Certificate of Immunization must be kept on site for all providers and children at all times.
  - a. In accordance with CCDBG 658E(c)(3), homeless children and children in foster care who receive CCPP assistance shall be granted a twenty-four (24) hour grace period from the date of admission into a CCPP-approved child care program to obtain the necessary immunization records. No provider shall be required to have immunization records for homeless children and children in foster care who have been enrolled in their care for fewer than twenty-four (24) hours prior to the time of inspection.
- ii. Sick children and children with contagious conditions must be isolated and have a parent immediately notified to pick up the child as soon as possible.
- iii. Children must be checked each day upon arrival for contagious or infectious disease and not admitted if ill.

- iv. Providers must report infectious disease to the local Health Department.
- v. The provider and any persons in the facility shall be free of contagious conditions.
- vi. Children shall not use a common towel or wash cloth. All toilet rooms used by children shall have toilet paper, soap, and individual disposable towels.

B. Sudden Infant Death Syndrome (SIDS) Prevention and Safe-Sleeping Practices:

- i. Per MSDH *Regulations Governing Licensure of Child Care Facilities* (Rule 2.9.4), an infant shall be placed on his/her back for sleeping unless written physician orders to the contrary are in the child's record. Sleeping infants shall be within view of the staff and visually checked regularly when sleeping. Nothing shall obstruct the view of the staff or prevent the staff from clearly seeing infants or children.
- ii. Per MSDH *Regulations Governing Licensure of Child Care Facilities* (Rule 2.9.4), infants shall be dressed in clothing appropriate for sleeping that is designed to keep the infant warm without the possible hazard of head covering or entrapment. The room shall be kept at a draft-free seasonally appropriate temperature of 65 degrees Fahrenheit to 78 degrees Fahrenheit. If a child is already asleep and not dressed in clothing appropriate for sleeping, the caregiver does not need to awaken the infant to change his or her clothes.
- iii. Cribs must meet federal standards. Upon purchase of a crib, providers must obtain documentation verifying that the crib meets current federal standards. Providers must keep this documentation for their records.
- iv. Cribs shall only be used for sleep purposes.
- v. Per MSDH *Regulations Governing Licensure of Child Care Facilities* (Rule 2.9.4), providers shall use a firm mattress covered by a fitted sheet.
- vi. Per MSDH *Regulations Governing Licensure of Child Care Facilities* (Rule 2.9.4), items such as but not limited to pillows, blankets, sheepskins, bumpers, soft objects, stuffed toys, and loose bedding, shall not be in the crib.
- vii. For children who are not infants, there must be clean individual beds, cots, mattresses, or mats provided for each child to use for naps or sleeping.
- viii. Cribs and mattresses must be thoroughly cleaned and sanitized before assignment for use by another child. Soiled linens should be changed immediately with clean linens. Linens shall be washed at least twice per week and kept clean.

C. Medication Administration and Parental Consent:

- i. The administration of medication by caregivers must be limited to prescription or non-prescription medication as directed by the prescribing health care providers for a specific child. The medication must also be accompanied by the written permission of the parent.
- ii. Prescription medication must be properly labeled with the child's name; name and contact information of the prescribing physician or nurse practitioner; name and strength of the medication; date the prescription was filled; expiration date; and instructions for administration and storage.

- iii. Non-prescription medication must be brought to the child care provider by the parent in the original container and labeled with the child's name, dosage, legible instructions for administration and storage, and any specific warnings.
- iv. Medication shall be inaccessible to children and shall have child-resistant caps, if applicable.
- v. Medication prescribed for one individual shall never be administered to another individual.
- vi. Unused medication shall be returned to the parent.
- vii. The administration of medication by caregivers to a child shall be documented in the child's record. The record must show the written authorization from the parent to administer medication, name of medication, dosage, date and time of administration, and signature of dispensing caregiver. This record shall also note any allergies and medical needs of the child.

D. Prevention/Response to Allergic Reactions:

- i. Parents are required to inform child care providers of any allergies (food or otherwise) of their children through written documentation that identifies each item to which the child is allergic, provides legible instructions on how to avoid the item, lists symptoms of an allergic reaction, and includes the name(s), dose(s), and method(s) of administration of medication(s) to treat the allergic reaction.
- ii. Caregivers must immediately notify the parent of any suspected allergic reactions, including any contact with the item to which the child is allergic.

E. Environmental Safety:

- i. A caregiver shall maintain the facility, grounds, and equipment in safe condition. The facility and grounds must be clean and free of debris or other potentially dangerous hazards. All equipment must be in good repair.
- ii. Garbage and/or trash must be removed from the facility regularly and from the grounds at least once a week. Garbage shall be kept in a closed container and out of reach of children.
- iii. All electrical outlets within reach of children shall have safety outlets or have protective covers.
- iv. A caregiver shall not use multiple plugs or gang plugs unless surge protection devices are used.
- v. A caregiver shall keep the temperature of inside areas used by children at no less than 65 degrees (Fahrenheit) and no more than 78 degrees (Fahrenheit).
- vi. The facility must be adequately ventilated at all times.
- vii. Per MSDH *Regulations Governing Licensure of Child Care Facilities* (Rule 1.11.8), electric fans, if used, shall be mounted high on the wall or ceiling or shall be guarded to limit the size of the opening in the blade guard to less than one-half of an inch.

- viii. Per MSDH *Regulations Governing Licensure of Child Care Facilities* (Rule 1.11.8), portable, open flame, and kerosene space heaters are prohibited. Portable gas stoves shall not be used for heating.
- ix. Per MSDH *Regulations Governing Licensure of Child Care Facilities* (Rule 1.11.8), electric space heaters shall be UL-approved; inaccessible to children; and stable; shall have protective covering; and shall be placed at least three feet from curtains, papers, and furniture.
- x. Per MSDH *Regulations Governing Licensure of Child Care Facilities* (Rule 1.11.8), fireplaces and fireplace inserts shall be screened securely or equipped with protective guards while in use. The areas shall be properly drafted. The child care facility shall provide evidence of cleaning the chimney at least once a year or as frequently as necessary to prevent excessive buildup of combustibles in the chimney. Record of chimney clearing shall be retained by the provider.
- xi. Per MSDH *Regulations Governing Licensure of Child Care Facilities* (Rule 1.11.8), heating units that utilize gas shall be installed and maintained in accordance with the manufacturer's instructions, be vented properly to the outside, and be supplied with sufficient combustion air as required by the International Fuel Gas Code.
  - a. If the area of the state where the facility is located does not utilize the International Fuel Gas Code, the installation and maintenance of any heating units that utilize gas shall be in accordance with the manufacturer's instructions and any local ordinances that apply.
- xii. It is the responsibility of the child care provider to provide the monitoring agent with documentation that the heating units meet the stated standards.
- xiii. A facility shall install barriers or take other steps to ensure heating units are inaccessible to children. Heating units include hot-water pipes, hot-water baseboard heaters hotter than 110 degrees Fahrenheit, fireplaces, fireplace inserts, and wood stoves.
- xiv. All facilities shall have hot and cold running water. Water coming from a faucet shall be below 110 degrees (Fahrenheit) in all areas accessible to children. A facility may install a water-tempering control valve ahead of all domestic water-heater piping.
- xv. A caregiver must provide safe playing areas inside and outside the facility. Outside play areas must be consistent with city/municipality regulations.
- xvi. A caregiver's outside play area must be safe, clean, and free of any debris. The caregiver shall fence the outside play area when it is next to a highway, busy street, ditch, or other hazardous area or when determined to be necessary for safety by the registered authority. The fence shall have one latched gate for emergency exits.
- xvii. The use of a trampoline is prohibited at any time during the hours of operation or by any children receiving care at the home.
- xviii. The facility must have a working landline telephone or cell phone and a valid working phone number on file with DECCD at all times. DECCD shall be notified if the telephone number is temporarily out of service.

- xix. A caregiver shall unload all guns, including pellet or BB guns, rifles, shotguns, and handguns, and keep them in a locked area inaccessible to children. Gun ammunition and gun cleaning supplies shall also be in a locked area inaccessible to children.
- xx. A caregiver shall keep all weapons in a locked area inaccessible to children.
- xxi. A caregiver shall prohibit smoking, tobacco use, illegal drug use, and the drinking of alcoholic beverages in all areas, including vehicles, when children are present. Possessing or knowingly permitting illegal drugs or non-prescription controlled substances to be possessed or sold on the premises at any time, regardless of whether children are present, is prohibited.
- xxii. A caregiver shall store combustible and flammable materials in a safe area away from water heater rooms, furnace rooms, heaters, fireplaces, or laundry rooms.
- xxiii. A child care facility shall have two (2) major exits readily accessible to children with no obstructions in the pathways of these exits.
- xxiv. Toys and objects (including high chairs, playpens, and cribs) shall be safe, durable, easy to clean, and nontoxic.
- xxv. A caregiver with pets shall comply with the following requirements:
  - a. A caregiver shall inform parents or guardians in writing before pets are allowed at the residence.
  - b. A caregiver shall inoculate any pets as prescribed by a veterinarian and keep a record of proof of inoculation prior to the pet's presence at the residence.
  - c. A caregiver shall not allow on the premises pets or other animals that are undomesticated, dangerous, contagious, or vicious in nature.
  - d. Areas of confinement, such as cages and pens, and outdoor areas shall be cleaned of excrement daily.
  - e. A caregiver must be physically present during the handling of all pets or other animals.

F. Prevention of Shaken Baby Syndrome and Abusive Head Trauma:

- i. Infants and toddlers shall not be shaken or thrown. To calm a crying infant or toddler, a caregiver shall gently rock the child, sing or talk softly to the child, or offer the child a pacifier.
- ii. Infants or toddlers who will not stop crying shall be checked for signs of illness, such as fever. Parents shall be contacted if the child shows signs of illness.
- iii. No form of corporal or harsh punishment, including yelling, slapping, spanking, or total isolation, shall be used as a discipline measure.
- iv. Any occurrence of an infant or toddler being shaken or thrown by a caregiver or a parent shall be reported to the Mississippi Department of Child Protection Services (MDCPS).

G. Emergency Preparedness:

- i. An up-to-date emergency/disaster preparedness and response (EPR) plan must be on file and available.
- ii. All providers shall post emergency numbers for the police, fire department, ambulance, poison control center, and other emergency personnel or first responders in a visible location.
- iii. All caregivers shall have working smoke detectors in an amount consistent with and installed per manufacturer's instructions.
- iv. All caregivers shall have a fire extinguisher that is serviced annually by a qualified fire extinguisher technician.
- v. A box of baking soda must be kept in the kitchen to help extinguish small grease fires.

H. Handling and Storage of Hazardous Materials:

- i. A caregiver shall keep all hazardous materials, including medications, poisons, toxic materials, cleaning agents, pesticides, alcohol, sharp or pointed objects, and any other dangerous materials, in a storage area inaccessible to children.
- ii. A caregiver shall change wet and soiled diapers and clothing promptly. A caregiver shall not change a diaper in a food preparation area. Caregivers shall wash their hands before diapering children and wash their hands and the child's hands after every diaper change. A caregiver shall change a child's diaper on a clean, safe, waterproof surface; discard any disposable covers; and disinfect the surface after each diaper change.
  - a. If a child's clothing is soiled at any point, the caregiver shall change the child's clothing and store the soiled clothing in a securely tied plastic bag to send home with the child.

I. Transportation Safety:

- i. A child shall only be transported in a vehicle of any type if the child is properly secured in an age-appropriate restraining device.
- ii. Children shall only be transported in vehicles that have current registration and insurance coverage.
- iii. The driver shall have a valid driver's license and comply with motor vehicle and traffic laws.

J. Pediatric First Aid and Cardiopulmonary Resuscitation (CPR):

- i. All caregivers must be satisfactorily trained in Infant and Child CPR and basic first aid.
- ii. At least one caregiver with a current CPR certification must physically be present during all times when children are in care.
- iii. The facility shall have a first-aid kit stored in a convenient place inaccessible to children but easily accessible to the caregiver. The kit shall contain at least adhesive bandages, gauze pads, adhesive tape, scissors, soap, non-porous latex gloves, and a thermometer.

K. Child Abuse and Neglect:

- i. Monitoring agents shall observe children within the child care facility for visible signs of abuse or neglect. Any suspicion of abuse or neglect shall be reported to the Mississippi Department of Child Protection Services (MDCPS).
- ii. Monitoring agents shall check training records to ensure that caregivers, teachers, and directors have been trained in compliance with Mississippi's child abuse reporting laws.
- iii. Monitoring agents shall check for the presence of individuals residing in the facility who have not submitted to a Child Abuse and Neglect registry check and/or comprehensive background check.

L. Health and Safety Training:

- i. Providers shall have documentation of successful orientation and ongoing training hours as described in Section 9.11.

M. Notifying Parent(s):

- i. A child's parent shall be notified immediately of emergency or urgent issues. Such notifications, including the issue/event, the date and time of the issue, and how the issue was addressed shall be noted in the child's record.

(6) Pictures may be taken at the time of any monitoring visit for the purpose of documentation.

## 9.8 EMERGENCY/DISASTER PREPAREDNESS AND RESPONSE

CCDBG mandates that all child care providers who are approved by DECCD to accept CCDF subsidies must have an emergency preparedness and response (EPR) plan to protect the health and safety of children and staff. CCPP-approved providers in Mississippi should have an EPR in place. This section identifies the items that a provider must include in their EPR, the frequency with which the EPR should be reviewed and/or updated, dissemination procedures for the EPR, frequency of emergency-related drills, additional emergency preparedness resources, and requirements for personnel training related to emergency response.

### 9.8.1 EMERGENCY/DISASTER PREPAREDNESS AND RESPONSE (EPR) PLAN

(1) CCPP-approved child care providers are required to have a written EPR plan in the event of a fire, natural disaster, or other threatening situation that may pose a health or safety hazard to the children in the center in accordance with federal law CCDBG 658(c)(2)(U). The plan shall include but is not limited to:

- A. Two designated emergency relocation sites (which align with regulations from MSDH);
  - i. One site must be a minimum of one mile away from the facility.
  - ii. One site must be at least five miles away from the facility for more widespread emergencies.
- B. Procedures for evacuation, relocation, shelter in place, and lockdown;
  - i. The procedures shall include how children will be safely transported, if necessary, in an emergency situation.
- C. Procedures for notifying parents of emergency or urgent situations and of the relocation, if applicable, to ensure family reunification;

- D. Procedures to address the needs of individual children, including infants and toddlers, children with chronic medical conditions, and children with special needs;
  - E. Guidelines regarding continuity of care;
  - F. Identification of staff responsibilities and assignment of tasks, as appropriate;
  - G. Coordination with local emergency management officials; and
  - H. Information on staff training or orientation to ensure that staff are familiar with the plan's components.
- (2) CCPP-approved child care providers shall review and update their EPR plans on an annual basis and after any relevant incident.
- (3) CCPP-approved child care providers shall retain an updated copy of the EPR plan for evacuation, provide an updated copy of the plan to appropriate local emergency management officials, and provide a copy of the plan to each parent of the child at the time of the child's enrollment in the program and whenever the plan is updated.
- (4) CCPP-approved licensed providers shall conduct and document emergency preparedness drills per the guidelines established by the MSDH Child Care Facilities Licensure Division. CCPP-approved license-exempt child care providers must conduct the following emergency preparedness drills and document such drills:
- A. A fire drill must be conducted during hours of operation at least twice annually.
  - B. A tornado drill must be conducted during hours of operation at least twice annually.
  - C. A lockdown drill must be conducted during hours of operation at least twice annually.
  - D. An earthquake drill may be conducted during hours of operation annually at the option of the provider.
- (5) Resources regarding disaster preparedness can be found on the DECCD website and the consumer education website. A template for preparing an EPR plan is provided on the DECCD website.
- (6) Training requirements related to emergency/disaster preparedness for child care providers, staff, and other personnel are located in Section 9.11.1.

### 9.8.2 OTHER URGENT OR EMERGENCY INCIDENTS

CCPP-approved providers shall also prepare a written plan for reporting and managing other types of urgent events, including but not limited to lost or missing children, suspected child abuse, intruders, mass shooting, or injuries or illnesses requiring medical attention or emergency care. All caregivers shall be trained on the procedures for reporting and managing emergency or urgent incidents.

### 9.8.3 DECCD RESPONSIBILITIES

In the event of an emergency declared by the President of the United States or Governor of Mississippi or that results from a natural disaster or human-caused event, the role of DECCD is to support child care providers and to assist in the provision of safe and healthy child care alternatives for families during and after such disasters or emergencies. DECCD is responsible for training DECCD staff on emergency preparedness and training of disaster teams, preparing and updating EPR plans, collaborating with early childhood partners about their roles in emergency preparedness and response, and making provisions for

the continuation of core DECCD functions. As part of emergency or disaster response, DECCD shall identify the needs of families currently receiving subsidized child care services, and implement procedures to process new applications for families needing assistance as a result of an emergency or disaster. Emergency procedures for CCDF-subsidized child care are described in the *Emergency Procedures for the Mississippi Child Care Payment Program* document on the DECCD website.

## 9.9 DEVELOPMENTAL AND BEHAVIORAL SCREENINGS

- (1) CCPP-approved providers shall establish a process for ensuring that children in their care receive an age-appropriate developmental and behavioral screening upon enrollment and when developmental concerns arise or annually. Providers must document the results of these screenings in their child records. Providers must submit their process to monitors during monitoring or inspection visits. The process for developmental and behavioral screenings shall include:
  - A. Identifying who will conduct the screening, whether it be the child care provider themselves, the provider connecting parents to resources to ensure that the screening occurs, a qualified local agency, or local health care provider.
    - i. Child care providers who opt to conduct the screening themselves must have the appropriate training.
  - B. Parent education, consent, and participation.
  - C. Connecting parents to available resources, including the consumer education website, and support, such as a local primary health care provider.

## 9.10 SOCIAL EMOTIONAL BEHAVIORAL HEALTH

- (1) In accordance with CCDBG 658E(c)(2)(G), CCPP-approved providers shall complete ongoing training and professional development that promote the social, emotional, physical, and cognitive development of the children in their care and exclusionary discipline practices.
- (2) CCPP-approved providers shall establish practices for promoting developmentally appropriate social-emotional-behavioral health practices and procedures for discipline and intervention. These procedures and practices shall be clearly communicated to all staff, families, and community partners.
- (3) DECCD recommends that child care providers limit the use of expulsion, suspension, and other exclusionary discipline practices; these practices should only be used as a last resort. Should a situation arise where there is documented evidence that all possible interventions and supports recommended by a qualified professional have been exhausted and it has been determined that transitioning a child to another program is necessary for the well-being of the child or his or her peers, providers are encouraged to take a series of documented steps to ensure a smooth transition into another setting that offers a rich social context and opportunities for interactions with socially competent peers so that the child's learning and social skills practice are optimized in a natural environment. If the child has a disability and is receiving services under the Individuals with Disabilities Education Act (IDEA), the provider and DECCD shall ensure that additional applicable procedural safeguards and requirements are met.
- (4) In order to set goals for improvement and analyze data to assess progress, DECCD shall coordinate with other early childhood programs in Mississippi to collect and analyze statewide data on expulsions, suspensions, and other exclusionary discipline practices.

- (5) DECCD will work with CCPP-approved providers and other Mississippi early childhood stakeholders to invest in child care workforce preparation and development. This process shall be designed to ensure that early childhood programs promote children’s social-emotional and behavioral health and eliminate or severely limit the use of expulsion, suspension, and other exclusionary discipline practices. This process shall include the use of a percentage of CCDBG funds for activities—such as entry-level credentials; higher education; statewide early childhood mental health consultation; statewide endorsements for infants, early childhood, and family mental health specialists; statewide models of positive behavior intervention and supports; and career pathways—that enhance the quality of child care programs and strengthen Mississippi’s child care workforce.
- (6) DECCD seeks to assist child care providers in improving program quality. To achieve this goal, DECCD shall collect and evaluate data to identify gaps in professional development, accessibility, affordability, and quality of child care workforce. To achieve this goal, staff qualifications should be high, and professional development should be provided on an ongoing basis, including professional development that addresses social-emotional-behavioral development and exclusionary discipline practices.

## 9.11 PROFESSIONAL DEVELOPMENT

This section describes the training requirements for all CCPP-approved child care providers, teachers, and directors. DECCD seeks to assist Mississippi child care providers in improving the quality of their child care services. To achieve this goal, DECCD shall collect and evaluate data to identify gaps in professional development, accessibility, affordability, and child care workforce quality. Child care providers and their personnel are required to complete orientation training and ongoing professional development on an annual basis or as necessary due to a violation or another incident.

### 9.11.1 TRAINING REQUIREMENTS FOR CHILD CARE PROVIDERS AND PERSONNEL

#### (1) Orientation Training:

- A. All caregivers, teachers, and directors in CCPP-approved care settings are required to complete three (3) hours of orientation training within ninety (90) days from their hire date. This training requirement is waived if the caregiver, teacher, or director has completed the training from a previous employer and provided the appropriate documentation of the training to the new employer and to DECCD.
  - i. CCPP-approved providers shall maintain documentation of completed orientation training for caregiver staff and volunteers who engage in child care. This documentation must be made available to monitors and/or DECCD upon request.
- B. Orientation training shall be delivered through a variety of platforms to meet the needs of child care providers. These platforms may include but are not limited to online training with proctored examinations or face-to-face lectures/workshops with proctored examinations.
  - i. Caregivers are required to register in advance for the training, attend the entire session, and score satisfactorily on the corresponding examination to receive a certificate of completion.
  - ii. Orientation training courses shall be provided free of charge, with the exception of certification of cardiopulmonary resuscitation (CPR) (see Section 9.7 regarding certification in CPR).

C. In accordance with CCDBG 658E(c)(2)(I), orientation training shall include all of the topic areas listed below and as outlined in Section 9.7:

- i. Prevention and control of infectious disease;
- ii. Prevention of Sudden Infant Death Syndrome (SIDS) and the use of safe-sleeping practices;
- iii. Administration of medication consistent with standards for parental consent;
- iv. Prevention and response to emergencies due to food and allergic reactions;
- v. Building and physical premises safety, including identification of and protection from hazards, bodies of water, and vehicular traffic;
- vi. Prevention of shaken baby syndrome and abusive head trauma;
- vii. Emergency preparedness and response planning for emergencies resulting from a natural disaster or human-caused event that shall include procedures for evacuation, relocation, shelter in place, lock down, staff and volunteer emergency preparedness training and practice drills, communication and reunification with families, continuity of operations, and accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions;
- viii. Handling and storage of hazardous materials and the appropriate disposal of biocontaminants;
- ix. Appropriate precautions in transporting children, if applicable;
- x. First aid and cardiopulmonary resuscitation (CPR);
- xi. Child abuse and neglect;
  1. Recognizing signs, symptoms, or behaviors of child abuse and neglect and MDHS reporting procedures for suspected child abuse or neglect cases. Caregivers are mandatory reporters of child abuse and neglect if the caregiver suspects that a child in their care is being abused or neglected by a parent, family member, child care worker, or other individual with access to the child. The caregiver should submit the report directly to the Mississippi Department of Child Protection Services; it is not sufficient for the caregiver to submit the report to their supervisor or child care director. All claims of report of abuse or neglect will be handled pursuant to state and federal laws and agency policy.
- xii.
- xiii. Child development.

(2) Ongoing Professional Development:

- A. All CCPP-approved providers, teachers, and directors shall follow licensing guidelines regarding the accrual of annual training hours.

- B. Providers must renew health and safety training listed in Section 9.11.1 according to the following schedule to remain eligible as a CCPP-approved provider:
- i. Providers shall renew training on the prevention and control of infectious diseases (including immunization) every two (2) years;
  - ii. Providers shall renew training on the prevention of sudden infant death syndrome and use of safe-sleeping practices every two (2) years;
  - iii. Providers shall renew training on the administration of medication, consistent with standards for parental consent, every two (2) years;
  - iv. Providers shall renew training on the prevention of and response to emergencies due to food and allergic reactions every two (2) years;
  - v. Providers shall renew training on building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic, every two (2) years;
  - vi. Providers shall renew training on the prevention of shaken baby syndrome and abusive head trauma every two (2) years;
  - vii. Providers shall annually renew training related to emergency preparedness and response planning for emergencies resulting from a natural disaster or a human-caused event (such as violence at a child care facility), within the meaning of those terms under Section 602(a) (1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a(a)(1));
  - viii. Providers shall renew training on the handling and storage of hazardous materials and the appropriate disposal of biocontaminants every two (2) years;
  - ix. Providers shall renew training on precautions in transporting children (if applicable) every two (2) years;
  - x. Providers shall renew training and/or certification on first aid and cardiopulmonary resuscitation (CPR) every two (2) years.

C. Child care providers shall maintain documentation of the completion of training hours. This documentation shall be made available to DECCD monitors upon request.

- (3) Professional development that addresses social-emotional-behavioral development, mental health, expulsion, and exclusionary discipline practices shall be conducted on an ongoing basis.
- (4) CCPP-approved providers shall also establish a process for ensuring that children in their care receive an age-appropriate developmental and behavioral screening upon enrollment.
- (5) In accordance with CCDBG 658E(c)(2)(P), DECCD shall engage other Mississippi agencies or organizations that deliver child care and development services to expand available training programs and continually improve the quality of child care services available in the state.
- (6) Failure to comply with orientation training or ongoing professional development requirements described above may result in suspension from the Child Care Payment Program (CCPP).

## 10. DISPUTES AND ADMINISTRATIVE HEARINGS

### (1) DEFINITION

- A. An administrative hearing is a process that provides a parent or provider an opportunity to appeal agency action or failure to act. When the parent or provider disagrees with action that has been taken, the hearing gives him/her the opportunity to more fully describe his/her circumstances, to present evidence supporting his/her claim, and to have his/her eligibility for the CCDF program reviewed by someone not involved in the original decision. Evidence that can be presented in a hearing is limited to circumstances known at the time the agency decision was made. The claimant, or the individual who has initiated the proceedings by requesting an administrative hearing, bears the ultimate burden of proof in order to change the present state of affairs with regard to any issue.

### (2) BASIS FOR A HEARING

- A. Any unresolved dispute concerning a question of fact under the Application/Agreement between DECCD and Parent or Provider shall be subject to a hearing.
- B. Some issues are not subject to the fair hearing process, such as policies or agency actions that comply with federal or state regulations.
- C. A parent applicant or subsidy recipient has a right to appeal decisions regarding eligibility for assistance, including the following issues:
  - i. Decisions regarding eligibility for the subsidy program;
  - ii. Denial of opportunity to make application or reapplication of benefits;
  - iii. Suspension or discontinuance of subsidy benefits in whole or in part;
  - iv. Decisions regarding good-cause exemptions from cooperation with the Division of Child Support Enforcement at MDHS;
  - v. Application of penalties that results in rejection of application, case closure, or reduction of benefits.
- D. A provider that has applied to participate in the subsidy program or that has already been approved by DECCD has a right to appeal decisions, including the following:
  - i. Denial of opportunity to make application or renewal of approved status;
  - ii. Application of penalties that result in rejection of application, suspension, or debarment;
  - iii. Recoupments or payment reductions.
- E. In accordance with CCDBG 658H(e)(3)(A), child care providers have the right to challenge the accuracy of a criminal background check that results in the ineligibility of a prospective employee for employment. Licensed providers should file the appeal with the Mississippi State Department of Health (MSDH) Division of Child Care Licensure. Unlicensed providers should request an administrative hearing through the Mississippi Department of Human Services, (MDHS) Division of Early Childhood Care and Development (DECCD).

### (3) REQUESTING AN ADMINISTRATIVE HEARING

- A. Before requesting an Administrative Hearing, the individual/claimant shall attempt to resolve the issue by communicating with DECCD child care subsidy eligibility staff. The individual/claimant shall first reach out to the service representative. If the individual/claimant is unable to resolve the issue to his/her satisfaction, he/she shall then contact the Subsidy Program Director, followed by the Policy Director. If DECCD staff is still unable to resolve the issue to the satisfaction of the individual/claimant, he/she may request an administrative hearing.
- B. The individual must make the request for a hearing in the form of a written and signed request to the attention of the Director of the Division of Early Childhood Care and Development (DECCD). The claimant may be represented by anyone he/she designates; however, he/she must give the designation in writing.
- C. The claimant may not request a hearing:
  - i. On behalf of another individual, or
  - ii. To discuss decisions regarding another person.

#### (4) TIME LIMIT FOR HEARING REQUEST

- A. An individual/claimant who requests a hearing as a result of a change in case or case closure has 90 days following the expiration of advance notice to request a hearing.

#### (5) INDIVIDUAL'S RIGHTS IN A HEARING

- A. The claimant has the following rights in a hearing:
  - i. To present facts about his/her circumstances and eligibility orally or through documentation;
  - ii. To have an attorney, relative, or friend to assist him/her if he/she wishes or to present the facts on his/her behalf.
- B. An administrative hearing is an informal proceeding that gives both parties their due process rights and a forum to provide evidence. An administrative hearing is not an adverse process. Questions shall be asked only for clarification. If a party has legal representation, the attorney shall only give legal advice to his/her client and not for direct or cross examination. The claimant shall not directly question the agency representative or eligibility worker who made the decision or executed the case action in question. During the hearing, a review shall be conducted of the information shared verbally by the claimant as well as any documentation that the lead agency has on file, including any case notes entered by DECCD staff members.

#### (6) BASIS FOR DISMISSING HEARING REQUEST

- A. DECCD may deny or dismiss a request for a hearing under the following circumstances:
  - i. The request for dismissal is written by the claimant or his/her designated representative, stating the reason.
  - ii. The request for a hearing is made on the sole issue of state or federal law requiring automatic subsidy adjustments, and the recipient does not make an individual appeal on incorrect computation of his/her subsidy. In this case, the Director of the DECCD may

deny the request for a hearing or proceed to issue a final decision based on the existing record.

- iii. The hearing is abandoned. Abandonment occurs when neither the claimant nor his/her representative appears at the time and place agreed upon for the hearing and has furnished no valid reason for this absence.
- iv. The claimant has failed to comply with an order, deadline, or other requirement. In this case, the Director of the DECCD may deny the request for a hearing or proceed to issue a final decision based on the existing record.

(7) ACKNOWLEDGEMENT OF HEARING REQUEST

- A. When the claimant makes a timely request for an administrative hearing, the Director of DECCD shall acknowledge receipt of the request within ten (10) business days after receipt of the request and shall schedule the agency conference at the earliest convenience of the Director of DECCD.

(8) STATE RESPONSIBILITY

- A. Review the record in preparation for the hearing and secure any additional evidence needed for the hearing.
- B. Provide informal procedures for the individual and his representative, if applicable, to present information about the case, to question the basis for the decision which the subsidy and/or policy unit has made, and to have an explanation of the eligibility requirements as they pertain to the claimant's situation.
- C. Consider carefully the information presented at the hearing and reaching a decision about the claimant's eligibility. In making this decision, DECCD will not use any material that was not discussed with the claimant during the hearing or not made available to the hearing officer at the time of the hearing.
- D. Notify the claimant of the decision reached by the Director of DECCD. These notices shall give information about the individual's right to appeal to the Executive Director of the Mississippi Department of Human Services.

(9) TIME AND PLACE OF HEARING

- A. The notice of the hearing shall be sent via postal mail, email, phone, and/or text message to the claimant at least five (5) days before the scheduled hearing day. The hearing shall be held at the office of the Director of the Division of Early Childhood Care and Development (DECCD).

(10) WHO MAY ATTEND

- A. A Mississippi Department of Human Services (MDHS) agency attorney shall serve as the Hearing Officer. The hearing is an orderly but informal proceeding, much in the nature of a conference. The term informal refers to the fact that regular court procedures, such as swearing in, are not followed. However, at the discretion of the Hearing Officer, he/she may swear in all persons present for the purpose of holding the hearing. A ruling of the State Attorney General empowers state staff with the authority to administer oaths and affirmations in accordance with state statute. The hearing shall not be open to the public. Those who should attend the hearing are the individual/claimant, his/her representative if applicable, the Hearing Officer, and the Director

of the Division of Early Childhood Care and Development (DECCD). All other persons who attend will attend only for the purpose of representing the state agency. All persons who attend the hearing shall be asked to give information pertinent to the issues under consideration.

(11) GROUP HEARINGS

- A. A group hearing can be held for a number of claimants under the following circumstances:
  - i. DECCD may consolidate the cases and conduct a single group hearing when the only issue involved is one of a single law or agency policy.
  - ii. The claimants may request a group hearing when there is one issue of agency policy common to all of them.
- B. Each individual claimant in a group hearing must be permitted to present his/her own case and be represented by his/her own lawyer or to withdraw from the group hearing and have his/her case heard individually.

(12) HOLDING THE HEARING

- A. The Hearing Officer will be a neutral observer who will conduct the hearing. The Director of DECCD will listen to both sides and then make a decision based upon the evidence that is provided.
- B. An administrative hearing is an informal proceeding that gives both parties their due process rights and a forum to provide evidence. An administrative hearing is not an adverse process. Questions shall only be asked for clarification. If a party has legal representation, the attorney shall only give legal advice to his/her client and not for direct or cross examination.
- C. The Hearing Officer shall open the hearing with an explanation of the purpose of the hearing and the manner in which it will be conducted. The Hearing Officer shall explain that the final decision regarding the dispute or the eligibility/ineligibility of the claimant will be made by the Director of DECCD on the basis of the facts brought out in the hearing and that the claimant will be notified by letter of the decision and the reasons why the decision was reached.
- D. The Hearing Officer shall make a general statement on eligibility requirements. The Hearing Officer shall define the issue in a way that the claimant can understand.
- E. The claimant shall be given an opportunity to make a full statement concerning his/her claim and shall be given assistance in bringing out all information on which he/she bases the claim. All persons representing the claimant and any state representatives shall have opportunity to state all facts pertinent to the points at issue and to make corrections or modifications in statements made by themselves or others testifying.
- F. The claimant shall have the privilege of examining written evidence, of questioning or refuting oral and written testimony, and of otherwise developing facts relevant to the issue or issues at hand, under the active leadership of the Hearing Officer.
- G. At all hearings, each party, witness, attorney, representative, or other person must show proper dignity, courtesy, and respect for the Hearing Officer and others participating and observing the hearing. The Hearing Officer is authorized to act as he/she considers necessary to maintain proper decorum and conduct. Actions may include but are not limited to recessing the hearing to be

reconvened at another time or excluding from the hearing any party under conditions that the Hearing Officer considers fair and just.

(13) SUMMARY AND DECISION

- A. The Director of the DECCD shall have the responsibility of preparing a statement summarizing the facts brought out in the hearing, indicating the policy governing the issue at hand, and making a final decision based on the facts presented. The decision shall be based only on evidence, testimony, and documents used at the hearing.
- B. The decision of the Director of DECCD is final and binding. When changes in the individual's situation, in the law, or in policy come about after a hearing decision has been made, the DECCD staff shall take regular action as they would with any other case.
- C. The Director of DECCD shall provide any necessary instructions to the subsidy unit for making money payments or adjustments.
- D. The decision of the Director of DECCD shall be put in writing. A copy of the decision shall be mailed or furnished to the claimant and shall be final and conclusive, unless, within thirty (30) days from the date of the decision, the claimant mails or delivers to the Executive Director of the Mississippi Department of Human Services a written request for review. Pending final decision of the Executive Director of the Mississippi Department of Human Services or his/her designee, DECCD shall proceed in accordance with the decision of the Director of DECCD.

(14) SECOND REQUEST

- A. The decision of MDHS is final. Should a claimant appeal a second time without a change in his/her circumstances or agency policy, the Director of DECCD shall contact the claimant in writing explaining this fact. If the individual's circumstances or policy has changed, the individual may request a new administrative hearing.

(15) STATE REVIEW OF THE ADMINISTRATIVE HEARING

- A. When the claimant receives an adverse decision during an administrative hearing, he/she may request that the Executive Director of the Mississippi Department of Human Services or his/her designed review the findings and decision made on that hearing. The claimant has thirty (30) days from the date of the decision to submit a written request for an appeal.
- B. If additional information is needed, the MDHS Executive Director shall contact the DECCD.
- C. The MDHS Executive Director shall review the administrative hearing record to determine:
  - i. Whether the record contains the essential information on the eligibility factors involved.
  - ii. That the summary of the agency conference contains a resume of the information that the individual brought out at the administrative hearing.
  - iii. That the decision of MDHS was based on the evidence in the administrative hearing record and was in line with appropriate policy and regulation.
- D. If the MDHS Executive Director finds that the Director of DECCD's decision was correct, he/she shall prepare a document summarizing the issue and the basis for the decision. For instances in which the Executive Director finds that the facts in the record are inadequate or that incorrect

policy has been applied, he/she shall direct the DECCD to get the facts or use correct policy and change the decision, reinstate the payment, or correct the amount of payment retroactively to the date of erroneous action.

- E. Pending final decision of the Executive Director or his/her designee, DECCD shall proceed in accordance with the decision of the Director of DECCD.

## 11. FRAUD AND ABUSE

This section outlines the policies and procedures for handling alleged or substantiated fraud in the Child Care Payment Program (CCPP) by a parent and/or provider.

### 11.1 POLICY STATEMENT

Any parent or provider who applies for or receives CCDF subsidies by using false statements, or any person who assists a parent or provider to receive such public assistance with knowledge of false statements, is committing fraud. If a suspicion of fraud is investigated and substantiated, the Director of the Division of Early Childhood Care and Development (DECCD) shall exercise discretion in determining the sanctions against the responsible party, which may include the following: recoupment of improper payments, suspension, debarment, or criminal prosecution.

### 11.2 TYPES OF IMPROPER PAYMENTS

- (1) An Administrative Error occurs when DECCD staff takes an incorrect action or fails to take an action that causes an improper payment.
- (2) An Intentional Program Violation (IPV) occurs when a parent or provider intentionally falsifies, misrepresents, or withholds information that could result in a family or provider becoming ineligible or approved or in reduced family benefits. Examples of IPVs include but are not limited to the following: overclaiming payment for child care services rendered, claiming payment for a child who no longer attends the child care facility, failing to maintain sign-in/sign-out sheets, forging sign-in/sign-out sheets, forging change-of-provider forms, forging signatures, failing to charge copayments, and having multiple certificates for the same child. Intentional Program Violations are considered fraudulent, and all Suspected Intentional Program Violations (SIPVs) shall be referred to the MDHS Division of Program Integrity (DPI).

### 11.3 MDHS DIVISION RESPONSIBILITIES

- (1) DECCD may conduct an internal audit of an Administrative Error if all the documentation necessary to conduct the audit is available to DECCD staff. Any findings that result from an internal audit shall be communicated to the responsible or affected party. This communication may be electronic. DECCD shall place the responsible or affected party on a recoupment plan to recover the improper payment. The recoupment plan may include garnishment of future CCPP payments. Payment plans shall not exceed twelve (12) months.
- (2) DECCD shall refer all Suspected Intentional Program Violations to DPI. DECCD staff shall not attempt to investigate any SIPVs on the part of a parent and/or provider. DECCD staff shall compile any documentation in their possession to support an investigation of suspected fraud or misuse of funds. Compiled documentation shall be referred directly to the Director of the DECCD for referral to DPI for investigation. When an SIPV is referred, DPI may decide to conduct an audit or a fraud investigation based on the allegations and compiled documentation. DECCD staff shall not alert the parent and/or provider of any suspicion of fraud or misuse of funds while a DPI audit or investigation

is pending. No DECCD staff member shall communicate with a provider or person of interest during an investigation of an SIPV. Funding shall continue during the audit or investigation.

#### 11.4 REFERRALS TO THE MISSISSIPPI STATE DEPARTMENT OF HEALTH

- (1) Any suspicion on the part of a DECCD or DPI staff member that a licensed center is not in compliance with the *Regulations Governing Licensure of Child Care Facilities* shall be reported immediately to the Mississippi State Department of Health (MSDH).
- (2) Licensure violations shall only be included in the findings of an audit or fraud investigation conducted by an MDHS employee when those violations result in an improper payment, such as attendance in excess of licensed capacity. A child care facility with a suspected licensure violation may remain CCPP approved until the facility is closed by MSDH.
- (3) Licensure violations that shall be reported to MSDH include but are not limited to:
  - A. Attendance in excess of licensed capacity;
  - B. Improper child-to-staff ratios;
  - C. Use of corporal punishment or verbal abuse;
  - D. Forged director or staff credentials;
  - E. Forged professional development certificates;
  - F. Substandard facilities; or
  - G. Environmental hazards.

#### 11.5 AUDIT FINDINGS

- (1) At the conclusion of an audit, DPI shall compile a report of any findings that will be briefed to the DECCD. During said briefing, DECCD shall direct DPI to initiate the recoupment process for any DPI audit that has resulted in questionable costs or improper payments. While not all audit findings are considered fraudulent, the report shall include and clearly indicate any activity that appears to be fraudulent, and such findings shall be subject to the fraud sanctions outlined in Sections 11.6 - 11.9. Individuals with repeated audit findings shall also be subject to fraud sanctions.
- (2) DECCD shall communicate the findings of the audit to the responsible party. Communication may be electronic. The correspondence shall include the total amount of funds to be recouped by DPI.
- (3) Any audit findings of apparent fraud shall be recorded in the Child Care Payment System (CCPS).

#### 11.6 SUBSTANTIATED INTENTIONAL PROGRAM VIOLATIONS

- (1) At the conclusion of a fraud investigation, DPI shall report any findings of fraud to the DECCD.
- (2) Upon a finding of substantiated fraud, the Director of DECCD shall utilize discretion in the administration of fraud sanctions, which may include:
  - A. Recoupment of improper payments;
  - B. Suspension or debarment from the CCPP; or
  - C. Criminal prosecution.

- (3) DECCD shall communicate the results of the investigation to the responsible party. Communication may be electronic. The correspondence shall detail any sanctions imposed at the discretion of the Director of DECCD. The correspondence as well as any record of substantiated fraud shall be recorded in the Child Care Payment System (CCPS).

### 11.7 SUSPENSION AND DEBARMENT

- (1) Upon the first offense, substantiated fraud on the part of a parent or provider may result in suspension from the CCPP for a period of one year. Repeat offenders are subject to permanent disbarment from the CCPP.
  - A. During suspension, a parent shall not apply for or receive CCPP funding until the date indicated on the Notice of Suspension.
  - B. During suspension or upon debarment, a provider shall not hold any administrative position in a facility or home in which CCPP subsidies are received. Additionally, the provider shall not hold any position responsible for the recording or tracking of enrollment and attendance or for the completing and reporting of family/child status and/or enrollment and attendance.
- (2) In the event that fraud is substantiated in a child care facility and the center/provider is suspended or permanently disbarred from the CCPP or if the child care facility fails to meet the corrective action plan for a critical violation by the follow-up inspection, DECCD shall assist the parent(s) with locating an alternative child care facility or home without an interruption in child care services, unless the parent(s) chooses to keep their child(ren) at the center and forfeit CCPP funding. In this situation, a notarized statement of fact from the parent(s) must be retained by DECCD. If it is determined that fraud was committed by a parent, the provider shall be allowed two (2) weeks' notice of termination.

### 11.8 RECOUPMENT OF FUNDS

- (1) DECCD shall be responsible for administering any recoupment plan that is the result of an internal audit.
- (2) DPI shall be responsible for administering any recoupment plan that is the result of any audit or fraud investigation that was conducted by DPI. DPI shall employ the following steps to recoup funds based upon substantiated fraud:
  - A. Issue a letter outlining the violated DECCD policy, the total amount of funds to be repaid, the legal action to be pursued if the parent or facility owner fails to cooperate, and a response time frame of 15 calendar days. The letter and a report shall be sent to the alleged offender by certified mail. A copy of the letter shall be retained by DPI and the Director of DECCD.
  - B. Track receipt of payments on a case-by-case basis until all funds have been recouped.
  - C. File criminal charges with the appropriate local law enforcement agency if the parent or provider fails to cooperate.
- (3) DPI shall report to DECCD the total funds recouped within the Fiscal Year (FY).

### 11.9 CRIMINAL PROSECUTION

- (1) Findings of substantiated fraud are subject to criminal prosecution at the discretion of the director of DECCD. Upon such a recommendation, DPI shall be responsible for pursuing criminal prosecution of the responsible party. Criminal prosecution shall be consistent with state and federal law.

- (2) When fraud is substantiated and DPI pursues criminal prosecution, the following steps shall occur:
- A. Applicable criminal charges shall be filed with the appropriate local law enforcement agency.
  - B. Upon conviction, funds shall be recovered through restitution ordered by the court. Checks issued by the court for restitution shall be made payable to Treasurer, State of Mississippi, and mailed directly to DPI.
    - i. Whether or not a conviction results, funds may be recouped by DPI, and the responsible party may be suspended or disbarred from the CCPP.
  - C. DPI staff shall track receipt of checks issued for payment of restitution on a case-by-case basis until all funds have been recovered.

