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NEW YORK STATE  
OFFICE OF CHILDREN & FAMILY SERVICES  
52 WASHINGTON STREET  
RENSSELAER, NY 12144

Sheila J. Poole  
*Acting  
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## Local Commissioners Memorandum

<b>Transmittal:</b>	14-OCFS-LCM-02
<b>To:</b>	Local Department of Social Services Commissioners
<b>Issuing Division/Office:</b>	Division of Child Care Services Division of Administration
<b>Date:</b>	April 30, 2014
<b>Subject:</b>	<b>New York State Child Care Block Grant Subsidy Program Allocations for State Fiscal Year 2014 - 2015</b>
<b>Attachments:</b>	A: New York State Child Care Block Grant Local Department of Social Services Allocations B: Maintenance of Effort Level
<b>Attachment Available Online:</b>	Yes, as part of this policy (14-OCFS-LCM) at <a href="http://ocfs.state.ny.us/main/policies/external">http://ocfs.state.ny.us/main/policies/external</a>

### I. Purpose

The purpose of this Local Commissioners Memorandum (LCM) is to inform Local Department of Social Services (LDSS) of their allocations and maintenance of effort (MOE) levels for the New York State Child Care Block Grant (NYSCCBG) subsidy program for the period April 1, 2014 through March 31, 2015. This LCM also explains the allowable uses for these federal and State funds. The NYSCCBG appropriation for LDSSs for the period April 1, 2014 through March 31, 2015, State Fiscal Year (SFY) 2014-15 is \$794,071,409, which is a \$55 million increase over SFY 2013-14.

### II. Background

In order to participate in the NYSCCBG subsidy program, the commissioner of the

LDSS must agree to comply with the program requirements of the NYSCCBG, as set forth in Title 5-C of Article 6 of the Social Services Law; Title 18 of the New York State Code of Rules and Regulations (18 NYCRR) Parts 358, 404, 405, 407, 415, and 628; and Office of Children and Family Services (OCFS) policy directives, including Administrative Directives (ADMs), LCMs, and Informational Letters (INFs). Title 5-C of Article 6, under Section 410-x (4.), requires OCFS to establish in regulation the applicable market-related payment rates that will establish the ceilings for State and federal reimbursement for payments made under the NYSCCBG. The amount to be paid or allowed for child care assistance funded under the NYSCCBG and under Title XX shall be the actual cost of care but no more than the applicable rate established in regulations. LDSSs must pay the applicable market rate unless the actual cost of care is less, in which case LDSSs must pay the actual cost of care. The LDSS also must agree to comply with the requirements for the federal Child Care and Development Fund (CCDF). LDSSs provide such legal assurances as part of the Child and Family Services Plans they submit to OCFS.

### **III. Program Implications**

#### **ALLOCATION INFORMATION**

Attachment A provides LDSS allocations for the NYSCCBG subsidy funds for the period beginning April 1, 2014 and ending March 31, 2015. The allocations are listed for two six-month periods to reflect the Federal Fiscal Year (FFY), which differs from the SFY. The lists show allocations for the period April 1, 2014 to September 30, 2014, the last half of FFY 2013-14, and for the period October 1, 2014 to March 31, 2015, the first half of the FFY 2014-15. Previously, 13-OCFS-LCM-06, dated May 29, 2013, notified LDSSs of their NYSCCBG allocations for the first half of FFY 2013-14, October 1, 2013 to March 31, 2014. Any unspent funds allocated for that period will be carried into and be available for the period ending September 30, 2014. Any portion of a LDSS's NYSCCBG allocation for FFY 2013-14 (October 1, 2013 through September 30, 2014) that is not claimed by the LDSS by March 31, 2015, will remain available to the LDSS through the end of FFY 2014-15, which is September 30, 2015. This would include any Temporary Assistance to Needy Families (TANF) funds transferred from a LDSS's SFY 2014-15 Flexible Fund for Family Services (FFFS) allocation for the period April 1, 2014 to September 30, 2014. However, claims for expenditures for the period October 1, 2013 through September 30, 2014 cannot be rolled forward into the next FFY.

The allocation methodology for SFY 2014-15 reflects each LDSS's proportionate share of the block grant funds based on the average level of annual child care claims for FFY 2008-09 through FFY 2012-13. Rollover of unspent NYSCCBG funds is taken into account for those LDSSs that meet the following two criteria:

- If the LDSS's FFY 2012-13 rollover into FFY 2013-14 is more than 15 percent of its FFY 2012-13 NYSCCBG claims; AND
- The LDSS's FFY 2012-13 rollover amount exceeded 75 percent of its FFY 2011-12 rollover amount.

For any LDSS meeting both of these criteria, the base allocation is first reduced by an amount equal to 40 percent of the rollover amount from FFY 2012-13 into FFY 2013-14 (but not to exceed the five-year-average-claim base allocation).

The statewide allocation reduction is then redistributed among LDSSs as follows. For LDSSs whose FFY 2012-13 NYSCCBG claims exceeded the sum of their SFY 2014-15 base allocations (as adjusted) and FFY 2012-13 rollover amounts, the amount of allocation reduction is redistributed on a pro-rated basis, proportionate to counties' share of the total excess claims. The sum of each LDSS's five-year-average-claim base allocation, allocation reduction and redistribution is its final SFY 2014-15 allocation.

While the NYSCCBG allocation is the primary resource available to LDSSs in meeting their child care subsidy needs for low-income families and individuals on public assistance, all LDSSs have the ability to use additional funds from the FFFS for child care subsidy costs. The SFY 2013-14 Enacted Budget continues to appropriate \$964 million of TANF funding for the FFFS. Under the FFFS, districts have the option to transfer a portion of their FFFS allocation to the Child Care and Development Block Grant (CCDBG). Federal law requires that any FFFS funding transferred to the CCDBG must be used for families and individuals with incomes below 200 percent of the federal poverty level. Consistent with federal statute, a statewide total of 30 percent of the State's total TANF funds may be transferred to the CCDBG and/or to the Title XX Social Services Block Grant, with an upward statewide limit of 10 percent for the Title XX transfer. Under Chapter 53 of the Laws of 2014, for SFY 2014-15, an LDSS may transfer up to 32 percent of its FFFS allocation to the CCDBG and Title XX combined, with up to 25 percent of its FFFS allocation going to Title XX. Any FFFS funding an LDSS chooses to use for child care must be transferred to the CCDBG and not claimed as a direct charge to TANF funding. In addition, local share requirements for child care subsidies paid on behalf of public assistance recipients and the local MOE are unchanged.

As was the case in SFY 2013-14, LDSS that have fully expended their allocation and have met their MOE may seek 50 percent federal reimbursement through the Supplemental Nutrition Assistance Program Employment & Training (SNAP E&T) formerly known as Food Stamp Employment and Training (FSET), dependent care funds. All SNAP E&T claims must be submitted to the New York State Office of Temporary and Disability Assistance (OTDA) by March 31, 2015. Further information about eligibility and claiming for FFY 2013-14 will be forthcoming shortly in an LCM from OTDA.

Each LDSS may expend, for administrative activities, no more than five percent of its NYSCCBG allocation, including any funds transferred from FFFS. Administrative activities do not include the costs of providing direct services such as eligibility determinations and re-determinations; preparation and participation in judicial hearings; child care placements; the recruitment, licensing, inspection, review and supervision of child care placements; rate setting for contract development; resource and referral services; training; or the establishment and maintenance of computerized child care information systems.

An LDSS, at its option, may make payments for eligible families for transportation to and from a child care provider. An LDSS will be reimbursed for transportation expenses charged by a child care provider that are separate and apart from the regular rate charged by the provider. Also, the LDSS may make arrangements using other providers of transportation services. Expenditures for transportation are reimbursed as a program cost under the LDSS's NYSCCBG allocation if the provision of transportation services is included in the LDSS's Child and Family Services Plan.

## **ELIGIBLE FAMILIES**

There are three broad categories of families eligible for child care services under the NYSCCBG when such care is not otherwise available from the caretaker(s) of the child in need of services. Eligible families are defined in 18 NYCRR Section 415.2. LDSSs are required to include this information in the LDSSs' Child and Family Services Plans, including those families that the LDSSs have chosen to serve and prioritize under the second and third categories listed below.

The first category is families that are eligible for a child care guarantee.

The second category is families that are eligible if funds are available. This category includes such families as low-income working families and teen parents who are completing high school.

The third category is families that are eligible if funds are available and if the LDSS includes them as eligible families in the child care section of the Child and Family Services Plan.

## **PARENTAL CHOICE**

LDSSs must inform parents or caretakers requesting NYSCCBG services that they may:

- choose to have care provided by one of the child day care providers with whom the LDSS has contracted for the provision of child care services; or
- request a child care certificate, which enables the parents or caretakers to select from a full range of child care arrangements, including care by regulated child care providers and providers of legally exempt child care.

The child's parents or caretakers must be given discretion in selecting or arranging for the purchase of child care services from any eligible provider. The case record should document that parents or caretakers have been apprised of the full range of providers eligible for payment and of their right to elect to use a child care certificate. LDSSs must allow parents to select, and must have a method to pay, any and all legal providers with whom they do not contract. A contract may not be made a condition of receiving payment from NYSCCBG funds.

**REIMBURSEMENT**

Claims for expenditures for child care services for families receiving public assistance will be reimbursed at 75 percent with NYSCCBG funds, up to the LDSS's NYSCCBG allocation ceiling. Claims for expenditures for child care for all other eligible families will be reimbursed at 100 percent with NYSCCBG funds, as long as the LDSS's MOE is met, up to the LDSS's NYSCCBG allocation ceiling.

**MAINTENANCE OF EFFORT**

LDSSs must maintain local spending for child care services at a level established by OCFS in accordance with State statute. The MOE for each LDSS is listed in Attachment B. Note that the MOE has not changed from the previous year.

The MOE was calculated by totaling the LDSS share of expenditures in FFY 1994-95 for child care services claimed under the following categories: State Low Income Day Care program and administrative costs, Transitional Child Care, At-Risk Low Income Child Care, CCDBG, Emergency Assistance to Families, JOBS-related child care and employment-related child care. In addition, the MOE for those LDSSs participating in the Child Assistance Program (CAP) was adjusted to reflect the LDSS share for FFY 1996-97 CAP child care expenditures included in their NYSCCBG allocations.

Each LDSS must meet its MOE level in cash in FFY 2013-14 and in each subsequent FFY. The MOE is met by the 25 percent local share of claims for expenditures for public assistance recipients, as reported on Schedule H "Non-Title XX Services for Recipients," and any other non-Title XX expenditures that are allowable but not reimbursed under the LDSS's NYSCCBG allocation. Claims submitted under NYSCCBG will be processed to ensure that the LDSS's MOE requirement is met. Claims for administrative costs exceeding the five percent administrative cap will not count toward meeting the MOE and will not be eligible for federal and State reimbursement.

**SYSTEMS INFORMATION**

Procedures for the authorization of payment for child care services in the Welfare Management System (WMS) are as follows:

For child care payments for eligible families applying for or receiving public assistance, LDSSs can continue to use the DSS-3209 IM/WMS Authorization for child care payments for eligible families applying for or receiving public assistance. LDSSs may, at their option, use the DSS-2970, WMS Services Authorization, to authorize payment for child care for public assistance families. Purchase of Service Type Suffix Code (Data Element #23021) value "S-Block Grant DC 75%" designates child care services funded under the NYSCCBG for public assistance applicants/recipients and reimbursed at 75 percent federal and State share, up to the LDSS's allocation ceiling.

LDSSs have the option to authorize payments for child care for NYSCCBG-eligible families not in receipt of public assistance on the DSS-3209 for Food Stamps and Medical Assistance-only cases.

For all other eligible families, LDSSs must authorize payment in WMS/Services by using Purchase of Service Type Suffix Code value "R-Block Grant DC 100%" on the DSS-2970 WMS Services Authorization, which designates child care services funded under NYSCCBG for non-public assistance families and reimbursed at 100 percent federal and State share, up to the LDSS's allocation ceiling.

In circumstances of an adult-only public assistance case in which the children are not included in the public assistance filing unit, child care payment is authorized as a public assistance family and reimbursed at 75 percent federal and State share. For cases in which children are in receipt of public assistance but the caretaker is not included in the public assistance filing unit, child care is authorized in WMS Services and reimbursed at 100 percent federal and State share, up to the LDSS's allocation ceiling.

WMS Services continues to support the monitoring of the issuance and return of child care certificates. Instructions for the child care certificate are included in 92 LCM-138 and in the BICS Operations Manual, page A-62, BICS Production Request 32, Request for Self-Selected Day Care Certs, in the edition dated April 1, 2005. Information is also provided in the BICS Services Payment Processing Manual, Chapter 2, Authorizations, Self-Selected Day Care Certificates.

## **CLAIMING INSTRUCTIONS**

NYSCCBG expenditures for child care subsidies for families receiving public assistance are claimed on Schedule H, Non-Title XX Services for Recipients (LDSS-4283), line 2 (Day Care Services for Children), column 14 (Day Care Block Grant 75 percent). NYSCCBG program expenditures for child care subsidies for all other eligible families are claimed on Schedule H, line 2, column 13 (Day Care Block Grant 100 percent). Please refer to the Fiscal Reference Manual, Volume 2, Chapter 3 for detailed instructions for completing the Schedule H.

NYSCCBG child counts and expenditures also must be reported on the Schedule G-2, Summary of All Payments for Day Care (LDSS-2109EL.) Expenditures made under the services types allowed must be reported on the Schedule G-2, via the Automated Claiming System. The BICS Schedule G-2 report provides the information needed to file the report. Please refer to the Fiscal Reference Manual, Volume 2, Chapter 3 for Schedule G-2 instructions.

Administrative expenditures for the NYSCCBG are claimed in accordance with the Services RMS as Child Care Block Grant costs on line 6, section 1A (associated A-87 costs are claimed on line 4, section 2) of the Schedule D-2, Allocation for Claiming General Services Administration Expenditures (LDSS-2347B). Instructions for completing the Schedule D-2 are contained in Chapter 9 of Volume 3 of the Fiscal Reference Manual County Cost Allocation Plan.

Claiming instructions for LDSS administrative expenditures related to the training of employees, which are claimed on the Schedule D-6 "Reimbursement Claim For Training" (LDSS-2347-C) for the NYSCCBG program, are covered in Chapter 13 of Volume 3 of the Fiscal Reference Manual for all LDSSs.

Fiscal Reference Manuals are available at:

FRM Vol. 2 – [http://otda.state.nyenet/bfdm/finance/FRM\\_Vol2\\_Manual.asp](http://otda.state.nyenet/bfdm/finance/FRM_Vol2_Manual.asp)

FRM Vol. 3 – [http://otda.state.nyenet/bfdm/finance/FRM\\_Vol3\\_Manual.asp](http://otda.state.nyenet/bfdm/finance/FRM_Vol3_Manual.asp)

## CONTACT PERSONS

If you have any program questions regarding information contained in this LCM, contact Joe Ziegler of the Division of Child Care Services at (518) 402-6520; [Joe.Ziegler@ocfs.ny.gov](mailto:Joe.Ziegler@ocfs.ny.gov)

If you have any claiming questions regarding information contained in this LCM, contact the Office of Temporary and Disability Assistance (OTDA) Bureau of Financial Services:

Regions 1 -5 – Edward Conway at 1-800-343-8859, ext. 4-7549, or (518) 474-7549; [Edward.Conway@otda.ny.gov](mailto:Edward.Conway@otda.ny.gov)

Region 6 - Michael Simon at (212) 961-8250; [Michael.Simon@otda.ny.gov](mailto:Michael.Simon@otda.ny.gov)

If you have WMS/Services questions, contact Tina McCarthy of OCFS IT Operations at 800-342-3727; [Tina.McCarthy@ocfs.ny.gov](mailto:Tina.McCarthy@ocfs.ny.gov)

If you have WMS/IM questions, contact Bob Markham of OTDA at (518) 474-8753; [Bob.Markham@otda.ny.gov](mailto:Bob.Markham@otda.ny.gov)

## Issued By:

*/s/ Derek J. Holtzclaw*

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Derek J. Holtzclaw  
Associate Commissioner for  
Financial Management  
Division of Administration

*/s/ Janice M. Molnar*

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Janice M. Molnar  
Deputy Commissioner  
Division of Child Care Services

**ATTACHMENT A**  
**NEW YORK STATE CHILD CARE BLOCK GRANT**  
**SOCIAL SERVICES DISTRICT ALLOCATIONS**  
**4/1/2014-3/31/2015**

<b>LDSS</b>	<b>April 1, 2014 September 30,2014</b>	<b>October 1, 2014 March 31, 2015</b>	<b>Final SFY 2014- 15 Allocation</b>
Albany	\$6,332,549	\$6,332,548	\$12,665,097
Allegany	\$280,759	\$280,758	\$561,517
Broome	\$2,028,691	\$2,028,691	\$4,057,382
Cattaraugus	\$955,395	\$955,394	\$1,910,789
Cayuga	\$865,873	\$865,873	\$1,731,746
Chautauqua	\$2,100,219	\$2,100,218	\$4,200,437
Chemung	\$1,790,131	\$1,790,130	\$3,580,261
Chenango	\$303,172	\$303,171	\$606,343
Clinton	\$480,035	\$480,035	\$960,070
Columbia	\$647,212	\$647,212	\$1,294,424
Cortland	\$531,440	\$531,440	\$1,062,880
Delaware	\$639,855	\$639,854	\$1,279,709
Dutchess	\$3,496,680	\$3,496,679	\$6,993,359
Erie	\$12,168,422	\$12,168,421	\$24,336,843
Essex	\$196,308	\$196,308	\$392,616
Franklin	\$469,488	\$469,487	\$938,975
Fulton	\$272,659	\$272,658	\$545,317
Genesee	\$525,825	\$525,825	\$1,051,650
Greene	\$256,738	\$256,737	\$513,475
Hamilton	\$0	\$0	\$0
Herkimer	\$470,992	\$470,992	\$941,984
Jefferson	\$986,081	\$986,080	\$1,972,161
Lewis	\$154,512	\$154,511	\$309,023
Livingston	\$596,225	\$596,225	\$1,192,450
Madison	\$420,779	\$420,778	\$841,557
Monroe	\$18,129,700	\$18,129,699	\$36,259,399
Montgomery	\$351,824	\$351,824	\$703,648
Nassau	\$22,032,665	\$22,032,665	\$44,065,330
Niagara	\$1,133,799	\$1,133,799	\$2,267,598
Oneida	\$3,323,115	\$3,323,114	\$6,646,229
Onondaga	\$8,168,477	\$8,168,476	\$16,336,953
Ontario	\$874,775	\$874,774	\$1,749,549



**ATTACHMENT A**  
**NEW YORK STATE CHILD CARE BLOCK GRANT**  
**SOCIAL SERVICES DISTRICT ALLOCATIONS**  
**4/1/2014-3/31/2015**

<b>LDSS</b>	<b>April 1, 2014 September 30,2014</b>	<b>October 1, 2014 March 31, 2015</b>	<b>Final SFY 2014- 15 Allocation</b>
Orange	\$3,474,173	\$3,474,172	\$6,948,345
Orleans	\$462,289	\$462,288	\$924,577
Oswego	\$1,193,808	\$1,193,807	\$2,387,615
Otsego	\$475,553	\$475,552	\$951,105
Putnam	\$450,219	\$450,218	\$900,437
Rensselaer	\$2,073,375	\$2,073,375	\$4,146,750
Rockland	\$4,232,721	\$4,232,720	\$8,465,441
St Lawrence	\$935,622	\$935,621	\$1,871,243
Saratoga	\$948,205	\$948,204	\$1,896,409
Schenectady	\$2,992,913	\$2,992,912	\$5,985,825
Schoharie	\$299,858	\$299,858	\$599,716
Schuyler	\$221,593	\$221,593	\$443,186
Seneca	\$163,264	\$163,264	\$326,528
Steuben	\$1,111,519	\$1,111,519	\$2,223,038
Suffolk	\$15,682,085	\$15,682,084	\$31,364,169
Sullivan	\$920,067	\$920,066	\$1,840,133
Tioga	\$734,285	\$734,284	\$1,468,569
Tompkins	\$1,131,798	\$1,131,797	\$2,263,595
Ulster	\$1,876,750	\$1,876,749	\$3,753,499
Warren	\$658,608	\$658,607	\$1,317,215
Washington	\$437,284	\$437,283	\$874,567
Wayne	\$581,573	\$581,572	\$1,163,145
Westchester	\$13,887,797	\$13,887,797	\$27,775,594
Wyoming	\$236,302	\$236,302	\$472,604
Yates	\$117,846	\$117,845	\$235,691
New York City	\$250,751,821	250751821	\$501,503,642
State Total	\$397,035,723	\$397,035,686	\$794,071,409

**ATTACHMENT B  
NEW YORK STATE CHILD CARE BLOCK GRANT**

**MAINTENANCE OF EFFORT (MOE) LEVEL  
Federal Fiscal Year 1994-95 Basis**

<b>LDSS</b>	<b>MOE Amount</b>	<b>LDSS</b>	<b>MOE Amount</b>
Albany	\$ 1,019,127	Oneida	\$ 283,468
Allegany	68,895	Onondaga	1,204,201
Broome	518,534	Ontario	73,752
Cattaraugus	34,769	Orange	32,900
Cayuga	15,101	Orleans	36,152
Chautauqua	558,879	Oswego	41,453
Chemung	63,364	Otsego	28,900
Chenango	27,933	Putnam	62,728
Clinton	99,395	Rensselaer	164,819
Columbia	7,848	Rockland	235,830
Cortland	53,422	St. Lawrence	101,658
Delaware	34,955	Saratoga	30,127
Dutchess	193,433	Schenectady	228,165
Erie	1,264,742	Schoharie	12,101
Essex	16,498	Schuyler	9,515
Franklin	26,381	Seneca	19,292
Fulton	38,407	Steuben	148,022
Genesee	49,813	Suffolk	692,326
Greene	20,310	Sullivan	28,491
Hamilton	2,738	Tioga	22,049
Herkimer	14,318	Tompkins	70,752
Jefferson	81,936	Ulster	208,356
Lewis	11,454	Warren	22,063
Livingston	76,936	Washington	32,583
Madison	12,147	Wayne	39,416
Monroe	4,221,021	Westchester	1,018,071
Montgomery	11,738	Wyoming	13,806
Nassau	1,574,621	Yates	11,683
Niagara	364,420		
		New York City	52,937,271
		State Total	68,293,085