

MEMORANDUM

DATE: May 29, 2009

TO: Ms. Sharon L. Summers, DSS
Policy, Program & Development Unit

FROM: Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

RE: 12 DE Reg. [DSS Proposed Child Care Subsidy Program Absent Day Policy]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Social Services' (DSS) proposal to amend its regulation authorizing provider compensation for children enrolled in the Child Care Subsidy Program who are absent during a month. The proposed regulation was published as 12 DE Reg. 1366 in the May 1, 2009 issue of the Register of Regulations. SCPD has the following observations.

First, the current regulation authorizes payment for holidays if a child attended at least one day during the month. The amendment clarifies that no payment will be made if the holiday actually precedes the start date of the authorization at that provider's site. This is ostensibly a justified limitation.

Second, the current regulation has two standards. One sentence authorizes payment for up to 5 absent days per month. Another sentence indicates that the number of paid absent days is indicated on a DSS authorization form. The amended regulation effectively authorizes compensation for the lower of the following: 1) the specific number of paid absent days listed on each child's Authorization form; or 2) the number of absent days authorized in one week (up to a maximum of five days per month). For clarity, in Section 11006.4.1, second sentence, SCPD recommends that DSS consider inserting "paid" between "of" and "absent". Alternatively, DSS may wish to consider the following substitute for the second and third sentences in Section 11006.4.1:

DSS pays for absent days based on the lower of the following: 1) the specific number of paid absent days indicated in each child's Authorization form; or 2) the number of absent days authorized in one week (up to a maximum of five days per month).

Third, SCPD recommends that any forms used by the Division be consistent with the language in

the regulations.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations on the proposed regulation.

cc: Ms. Elaine Archangelo
Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

P&I/12reg1366 dss-absent days 5-09