



STATE OF DELAWARE  
STATE COUNCIL FOR PERSONS WITH DISABILITIES  
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**MEMORANDUM**

DATE: January 28, 2013

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

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

RE: 16 DE Reg. 717 [DSS Proposed Childcare Subsidy Program: Food Benefit Vol.  
Child Care Regulation]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Social Services' (DSS) proposal to adopt some discrete amendments to its Child Care Subsidy Program regulation which was published as 16 DE Reg. 717 in the January 1, 2013 issue of the Register of Regulations. As background, eligible parents/caretakers participating in the Food Supplement Program can participate in activities promoting employment, i.e., Food Benefit Employment and Training. Such activities include job search training, adult education and training, and post-secondary education. SCPD has the following observations on the proposed regulation.

First, §3.E. limits post-secondary education as follows: "E. Post Secondary Education (first degree only)." This could be interpreted as an Associates or 2-year degree. This would be inconsistent with the attached §11003.7.5 of the DSS regulations. The latter regulation envisions "that the course of instruction will lead to a job within a foreseeable time frame, such as nursing students, ...DSS will not authorize child care services for parents/caretakers who already have one four-year college degree or are in a graduate program." It would be preferable to modify the reference in the proposed regulation to "(not to exceed initial 4-year college degree)".

Second, DSS is striking current §11003.3.1. At 719. This section clarifies: 1) that child care for eligible parents is an entitlement; and 2) that parents with a child under age 6 are exempt from participation unless they volunteer. If these program features remain accurate, it may be preferable to retain the substance of the standard in a regulation. SCPD did not identify another regulation which addresses the exemption for children under age 6.

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

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

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