

## DEPARTMENT OF HUMAN SERVICES

NOTICE OF FINAL RULEMAKING

The Director of the Department of Human Services, pursuant to authority set forth in Mayor's Reorganization Plan No. 3 of 1986, section 2 of the Day Care Policy Act of 1979 Amendment Act of 1988, effective July 29, 1988 (D.C. Law 7-136; D.C. Official Code §§ 4-409(a)(1)-(2) and 4-410(a)), section 2 of the Day Care Policy Amendment Act of 1995, effective April 7, 1995 (D.C. Law 11-2; D.C. Official Code §§ 4-409(a)(3) and 4-410(a-1)), section 503 of the Omnibus Budget Support Act of 1995, effective September 26, 1995 (D.C. Law 11-52; D.C. Official Code §§ 4-409(h) and 4-410(b)), section 2(d) of the Day Care Policy Amendment Act of 1998, effective April 13, 1999 (D.C. Law 12-216; D.C. Official Code § 4-404.01), and Mayor's Order 98-11, dated February 9, 1998, hereby gives notice of the adoption of the following amendments to section 308 of Chapter 3 of Title 29 of the *District of Columbia Municipal Regulations* (DCMR) entitled "Rates Paid by the District of Columbia Government to Child Development Centers, Child Development Homes and Relative and In-home Caregivers for Child Care Services."

These final rules establish the District of Columbia's (District's) child care subsidy rates for child care services provided by child development centers, child development homes, and relative and in-home caregivers participating in the subsidized child care program, and are based on findings of the University of the District of Columbia Market Rate and Capacity Utilization Survey of Child Care Providers completed in 2004.

These final rules amend the final rulemaking that was published in the February 17, 2006, edition of the *D.C. Register* to reflect public comments regarding the proposed reimbursement rates, including some technical adjustments to the proposed rates as well as definitional clarifications.

Title 29 DCMR, Chapter 3, section 308 is amended by deleting section 308 in its entirety and substituting the following new section 308 in its place:

**308 RATES PAID BY THE DISTRICT OF COLUMBIA GOVERNMENT TO CHILD DEVELOPMENT CENTERS, CHILD DEVELOPMENT HOMES AND RELATIVE AND IN-HOME CAREGIVERS FOR CHILD CARE SERVICES**

308.1 The District of Columbia government shall pay the following rates per day for child care services, less the parent fee as required by the parent sliding fee scale to child development centers and child development homes that meet their respective requirements of the Tiered Rate Reimbursement System, which is entitled "*Going for the Gold!*" when appropriate and funds are available.

- (a) The payment rates for child development centers and child development homes (including satellite homes) for traditional, extended day, and nontraditional hours of care at the Bronze Tier shall be as follows:

## Child Development Center Bronze Rates

Age Group	Full Time Traditional	Part Time Traditional	Extended Day Full Time	Extended Day Part Time	Nontraditional Full Time	Nontraditional Part Time
Infant	\$40.70	\$24.42	\$44.77	\$28.49	\$50.86	\$30.53
Toddler	\$39.83	\$23.99	\$43.81	\$27.88	\$49.79	\$29.87
Pre-school	\$29.21	\$17.53	\$32.13	\$20.45	\$36.51	\$21.91
Pre-school Before and After	\$29.21	\$17.53				
School-Age Before and After	\$19.85	\$12.25	\$21.84	\$13.10	\$24.59	\$14.75
School-Age Before or After	\$19.85	\$9.19				

## Child Development Home Bronze Rates

Age Group	Full Time Traditional	Part Time Traditional	Extended Day Full Time	Extended Day Part Time	Nontraditional Full Time	Nontraditional Part-Time
Infant	\$28.49	\$17.09	\$31.34	\$19.94	\$35.61	\$21.37
Toddler	\$27.14	\$16.28	\$29.85	\$19.00	\$33.93	\$20.34
Pre-school	\$22.03	\$13.22	\$24.23	\$15.42	\$27.53	\$16.52
Pre-school Before and After	\$22.03	\$13.22				
School-Age Before and After	\$20.00	\$12.00	\$22.00	\$13.20	\$23.66	\$14.19
School-Age Before	\$20.00	\$9.00				

or After						
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- (b) The payment rates for child development centers and child development homes (including satellite homes) for traditional, extended day and nontraditional hours of care at the Silver Tier shall be as follows:

**Child Development Center Silver Rates**

Age Group	Full Time Traditional	Part Time Traditional	Extended Day Full Time	Extended Day Part Time	Nontraditional Full Time	Nontraditional Part-Time
Infant	\$47.25	\$28.35	\$51.98	\$33.08	\$59.06	\$35.44
Toddler	\$46.23	\$27.74	\$50.85	\$32.36	\$56.69	\$34.01
Pre-school	\$35.60	\$21.36	\$39.16	\$24.92	\$44.50	\$26.70
Pre-school Before and After	\$35.60	\$21.36				
School-Age Before and After	\$25.43	\$15.26	\$27.97	\$16.79	\$30.92	\$18.55
School-Age Before or After	\$25.43	\$11.45				

**Child Development Homes Silver Rates**

Age Group	Full Time Traditional	Part Time Traditional	Extended Day Full Time	Extended Day Part Time	Nontraditional Full Time	Nontraditional Part-Time
Infant	\$31.07	\$18.64	\$34.18	\$21.75	\$38.84	\$23.30
Toddler	\$29.23	\$17.54	\$32.50	\$20.46	\$36.54	\$21.92
Pre-school	\$24.53	\$14.72	\$26.98	\$17.17	\$30.66	\$18.40
Pre-school Before and After	\$24.53	\$14.72				

School-Age Before and After	\$22.90	\$13.74	\$25.19	\$15.11	\$27.08	\$16.25
School Age Before or After	\$22.90	\$10.31				

- (c) The payment rates for child development centers and child development homes (including satellite homes) for traditional, extended day and nontraditional hours of care at the Gold Tier shall be as follows:

**Child Development Center Gold Rates**

Age Group	Full Time Traditional	Part Time Traditional	Extended Day Full Time	Extended Day Part Time	Nontraditional Full Time	Nontraditional Part-Time
Infant	\$54.41	\$32.65	\$59.85	\$38.09	\$68.01	\$40.81
Toddler	\$50.87	\$30.52	\$55.96	\$35.61	\$63.59	\$38.15
Pre-school	\$42.00	\$25.20	\$46.20	\$29.40	\$52.50	\$31.50
Pre-school Before and After	\$42.00	\$25.20				
School-Age Before and After	\$32.00	\$19.20	\$35.20	\$21.12	\$38.91	\$23.35
School-Age Before or After	\$32.00	\$14.40				

**Child Development Home Gold Rates**

Age Group	Full Time Traditional	Part Time Traditional	Extended Day Full Time	Extended Day Part Time	Nontraditional Full Time	Nontraditional Part-Time
Infant	\$35.00	\$21.00	\$38.50	\$24.50	\$43.75	\$26.25

<b>Toddler</b>	\$34.00	\$20.40	\$37.40	\$22.44	\$41.25	\$24.75
<b>Pre-school</b>	\$28.00	\$16.80	\$30.80	\$19.60	\$35.00	\$21.00
<b>Pre-school Before and After</b>	\$28.00	\$16.80				
<b>School-Age Before and After</b>	\$25.80	\$15.48	\$28.38	\$17.03	\$30.51	\$18.31
<b>School-Age Before or After</b>	\$25.80	\$11.61				

308.2 The District of Columbia government shall pay child development centers in the Level II Provider program the full amount of the above applicable payment rate and shall allow such centers to retain the parent fees collected.

308.3 The District of Columbia government shall pay the following rates per day for child care services to relative and in-home caregivers, when appropriate and funds are available.

(a) The payment rates for relative caregivers for traditional, extended day and nontraditional hours of care shall be as follows:

**Relative Child Care Rates**

<b>Age Group</b>	<b>Full Time Traditional</b>	<b>Part Time Traditional</b>	<b>Extended Day Full Time</b>	<b>Extended Day Part Time</b>	<b>Nontraditional Full Time</b>	<b>Nontraditional Part-Time</b>
<b>Infant</b>	\$16.82	\$10.09	\$18.50	\$11.77	\$21.03	\$12.62
<b>Toddler</b>	\$14.33	\$8.60	\$15.43	\$10.03	\$17.91	\$10.75
<b>Pre-school Before and After</b>	\$14.33	\$8.60				
<b>School-age Before</b>	\$13.92	\$8.35	\$15.31	\$9.74	\$17.40	\$10.44

and After						
School- Age Before or After	\$13.92	\$4.18				

- (b) The payment rates for in-home caregivers for traditional, extended day and nontraditional hours of care shall be as follows:

**In-Home Child Care Rates**

Age Group	Full Time Traditional	Part Time Traditional	Extended Day Full Time	Extended Day Part Time	Nontraditional Full Time	Nontraditional Part-Time
Infant	\$9.86	\$5.92	\$10.85	\$6.90	\$12.33	\$7.40
Toddler	\$8.70	\$5.22	\$9.57	\$6.09	\$10.88	\$6.53
Pre-School	\$8.70	\$5.22	\$9.57	\$6.09	\$10.88	\$6.53
Pre-school Before and After	\$8.70	\$5.22				
School-age Before and After	\$7.54	\$4.52	\$8.29	\$5.28	\$9.43	\$5.66
School-Age Before or After	\$7.54	\$4.14				

- 308.4 Child care programs that are authorized to manage Family Child Care satellite systems or networks shall receive a daily administrative fee of \$2.53 per day for the management of the family child care homes under their systems or networks.
- 308.5 The District shall pay the regular rate to providers on holidays when providers may be closed.
- 308.6 For the purpose of this section, the following terms shall have the meanings ascribed:
- (a) Age groups for children are defined as follows:
- (1) Infant – a child up to twelve (12) months of age;
  - (2) Toddler – a child twelve (12) months or older, but less than thirty-six (36) months of age;
  - (3) Preschool – a child thirty-six (36) months of age or older, but less than five (5) years of age on or before December 31 of that year; and

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- (4) School-age – a child five (5) years of age on or before December 31 of that year through the age of twelve (12) or through the age of eighteen (18) if the child has a disability.
- (b) Holidays include:
- Labor Day
  - Columbus Day
  - November 11 – Veteran's Day
  - Thanksgiving Day
  - December 25 – Christmas Day
  - January 1
  - Martin Luther King, Jr. Day
  - President's Day
  - Emancipation Day
  - Memorial Day
  - July 4 - Independence Day
- (c) The District shall also consider as a holiday January 20<sup>th</sup> during years when there is a presidential inauguration.
- (d) The Level II Providers are those child care center providers authorized to conduct initial eligibility determinations and re-determinations for families seeking child care subsidy under specified eligibility categories.
- (e) Types of child care services and hours are as follows:
- (1) Full time traditional – six (6) to eleven (11) hours between 7:00 a.m. and 6:00 p.m., Monday through Friday;
  - (2) Part time traditional - less than six (6) hours of care between 7:00 a.m. and 6:00 p.m., Monday through Friday;
  - (3) Extended day full time – six (6) to fourteen (14) hours where at least one hour of care is in the morning before 7:00 a.m. or in the afternoon after 6:00 p.m. and the majority of hours are between 7:00 a.m. and 6:00 p.m., Monday through Friday. If more than fourteen hours of service are provided, an additional service will be authorized;
  - (4) Extended day part time - less than six (6) hours where at least one hour of care is in the morning before 7:00 a.m. or in the afternoon after 6:00 p.m. and the majority of hours are between 7:00 a.m. and 6:00 p.m., Monday through Friday;

- (5) Nontraditional full time – six (6) to eleven (11) hours between 6:00 p.m. and 7:00 a.m., Monday through Friday; or six (6) to eleven (11) hours on Saturday or Sunday, regardless of the time of day. If more than eleven (11) hours of service are provided, an additional service will be authorized;
- (6) Nontraditional part-time - less than six (6) hours between 6:00 p.m. and 7:00 a.m., Monday through Friday; or less than six (6) hours on Saturday or Sunday, regardless of the time of day;
- (7) Preschool traditional full time- six (6) eleven (11) hours between 7:00 a.m., Monday through Friday, for three (3) and four (4) year-olds who are not in the public or private pre-Kindergarten programs;
- (8) Preschool traditional part-time – less than (6) hours of care between 7:00 a.m. and 6:00 p.m., Monday through Friday, for three (3) and four (4) year-olds who are not in the public or private pre-Kindergarten programs;
- (9) Preschool before and after traditional full time – service for the three (3) and four (4) year-olds in public or private pre-Kindergarten programs, Monday through Friday, during school holidays;
- (10) Preschool before and after traditional part time – before and after service for the three (3) and four year-olds in public or private pre-Kindergarten programs, Monday through Friday;
- (11) School age before and/or after traditional full time – six (6) to eleven (11) hours between 7:00 a.m. and 6:00 p.m., Monday through Friday, for school age children when the child is not in school during school holidays;
- (12) School age before and after traditional part time – before and after school-age children, Monday through Friday; and
- (13) School age before or after traditional part time – before or after school services for school-age children, Monday through Friday.