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The Commonwealth of Massachusetts
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EEC Management Bulletin

- Subject:** EEC Financial Assistance Policy Releases
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- For Use By:** EEC Contracted Providers, Child Care Resource and Referral Agencies (CCR&Rs), and Head Start Programs
- Synopsis:** Release of new policies and updates to current policy.
- Further Info:** bulletinquestions@massmail.state.ma.us

As you may be aware, the Department of Early Education and Care (EEC) Financial Assistance Manual is in the process of being updated and restructured. Before the release of the new manual, EEC solicited feedback from internal and external stakeholders in order to prioritize policies requiring immediate updates. Based on these discussions, the following policies have been updated for immediate release:

- Verification of Disability/Special Need for Parents/Guardians;
- Verification of Disability/Special Need for Children;
- Citizenship, Residency, and Identity;
- Travel Time for Calculation of Service Need; and
- Request for Variance from EEC Policy.

The policies identified above, and described in greater detail below, are effective as of the date of this EEC Management Bulletin (EMB). Once issued, the new EEC Child Care Financial Assistance Manual will incorporate each of these policies, in full. For ease of use and to avoid inconsistent application of the policies, the Department has also created an amendment log, which will be available for your reference. The amendment log will identify the new policy, the former section of the policy guide that has been amended, and effective date. The amendment log will be updated, as necessary, with the announcement of any future changes to EEC financial assistance policy and will be posted with the current EEC Financial Assistance Guide on EEC's website. Until the new manual is finalized, please use this EMB and the amendment log, along with the existing Policy Guide in conducting child care subsidy management decisions, including assessments, reassessments and any decisions to terminate or reduce child care subsidies.

You will also note that the immediate changes to the Policy Guide are included in a “red-lined” version of the Guide, which will also be available on EEC’s website:

http://www.eec.state.ma.us/docs1/regs_policies/20100406_fa_policy_guide.pdf.

The former policies will be highlighted with the “strikethrough” effect and changed to a “red” font. The new policies will be highlighted as a “blue” font.

The following four (4) sections and attachments contain a brief statement regarding the immediate changes and the actual text of each updated policy, as it will be included in the “red-lined” policy manual.

1) New Forms: Verification of Special Need for Children and Verification of Special Need for Children Parents/Guardians

In response to concerns expressed by stakeholders regarding the challenges of a single form to verify the special need/disability of both children and families, EEC has created separate verification forms for these populations. Effective immediately, the new forms will replace the current form in Appendix C of the EEC Financial Assistance Guide. Appendix C will now consist of Appendix C.1: Verification of Disability/Special Needs for Children; and Appendix C.2: Verification of Disability/Special Need for Parents/Guardians. By creating separate forms, EEC recognizes the differing needs of parents and children reporting disabilities/special needs for purposes of seeking child care financial assistance. Additionally, the forms were restructured to strengthen policies and achieve efficiencies in an effort to reduce risks of fraud, waste and abuse, while at the same time ensuring priority access for these special populations.

The new forms are attached to this EMB and will be included in the current EEC Financial Assistance Guide located on the EEC website.

2) New Policy: Citizenship, Residency, and Identity

According to Guidance from the Administration for Children and Families (ACF), subsidized child care is considered a “federal public benefit” requiring verification of the citizenship and immigration status of the primary beneficiary. See ACF-CCDF-2008-01. The primary beneficiary is the child receiving the benefits. Id. As explained in greater detail below, Head Start programs and child care programs “combined” with Head Start to provide full-day experiences for children are exempt from these verification requirements. Id.

In addition to restructuring and clarifying the requirements for citizenship verification, the new policy also updates the current policies related to Residency and Identity. This policy is effective immediately and can be found at Section 3.2 of the current manual. Former sections 3.2 and 3.4 are no longer valid, as of the effective date of this EMB. In addition, EEC is adding Appendix R to the current Financial Assistance Guide, which is included as an attachment to this EMB. This Appendix provides subsidy managers and families with definitions and acceptable documentation that may be used to verify citizenship, residency and identity.

3.2 Citizenship, Residency and Identity¹

3.2.1 Citizenship Requirement

For purposes of determining eligibility for child care financial assistance in Massachusetts, the citizenship and/or immigration status of each child for whom care is requested must be verified.² These verifications are not required for the parent(s) and/or caretaker(s) because the child is considered the primary beneficiary of child care subsidy.³ To qualify for child care financial assistance in the Commonwealth, the child must be a U.S. citizen, a non-U.S. citizen national or a qualified alien. Applicants who cannot provide verification of citizenship or immigration status are not eligible to receive child care services in the Commonwealth of Massachusetts.

- Special Note for Head Start Programs: Head Start is exempt from the citizenship or immigration status verification requirement. Therefore, the citizenship verification is not required for a child who is participating in Head Start and is also receiving wrap-around child care services funded by EEC (e.g., before and/or after school child care) because the child's full day experience of care is being supported by combined Head Start and child care funding.⁴ In contrast, the Head Start citizenship verification exception does not apply to a child that only attends the before or after school component of the Head Start program because the child care funding is not combined with Head Start.

The laws regarding U.S. citizenship and nationality are complex and constantly changing. For this reason, broad definitions, along with detailed lists of documents that may be used to verify children's citizenship and/or immigration status, have been provided in Appendix R.

Acceptable documents for proof of citizenship

Documentation of citizenship and/or immigration status must be maintained in the child care file and only needs to be established once. The most common forms of documentation to verify citizenship status are as follows:

- A birth certificate showing birth in one of the 50 states, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, or the Northern Mariana Islands (on or after November 4,

¹ For each of the requirements in this section, subsidy managers shall be sensitive to the unique needs of the populations served by EEC, including low-income families, special need families, homeless families and families with other risk factors, by working with the families to obtain any and all necessary documents to verify citizenship, residency and/or identity for purposes of establishing eligibility for early education and care subsidies.

² Child care subsidies in Massachusetts are funded, in whole or in part, by the federal Child Care Development Fund (CCDF). CCDF is a federal block grant that is considered a "federal public benefit" under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).

³ The Administration for Children and Families (ACF) confirmed that CCDF is a "federal public benefit" within the meaning of PRWORA and that the child is the primary beneficiary of the benefit. *See* ACYF-PI-CC-98-08. Based on this designation, federal law and policy requires that States verify the citizenship and immigration status of the child as a condition of eligibility for child care financial assistance programs funded, in whole or in part, by the CCDF program.

⁴ ACF confirmed that Head Start is not a federal public benefit for purposes of PRWORA and noted that citizenship verification exemption extends to programs supported by combined Head Start and child care funds. *See* CCDF-ACF-PI-2008-01 (issued May 2, 2008).

1986, Northern Mariana Islands local time) (unless the applicant was born to foreign diplomats residing in such a jurisdiction);

- United States passports; and
- Report of birth abroad of a U.S. citizen (FS-240) (issued by the U.S. State Department).

For a complete list of acceptable documents that may document the citizenship and/or immigration status of the child(ren) seeking subsidized child care in the Commonwealth, please refer to Appendix R.

3.2.2 Residency Requirement

Child care applicants must be residents of the Commonwealth.⁵ Additionally, child care subsidies administered by EEC may only be used for child care provided within the Commonwealth. The purpose of this policy is to help establish that the child resides in a household within the borders of Massachusetts. If necessary, the subsidy manager may request additional documentation linking an individual to a specific address, including, but not limited to, a copy of any bill, preferably a utility bill, dated within 45 days of the eligibility assessment.

For purposes of establishing eligibility for child care subsidies in Massachusetts, proof of residency for the child(ren)'s parent(s) or caretaker(s) is required and shall be established by documenting a valid proof of residency, selected from the list below.

Acceptable documents for proof of residency

Unlike documentation related to citizenship, immigration status and identity, documentation of residency must be updated annually or at each reassessment, whichever comes first. Acceptable proofs of residency must show that the applicant's current primary address is located within the Commonwealth. Post Office Box addresses and 911 emergency residence verifications are not accepted as proof of residency in Massachusetts. The following proofs are acceptable:

- MA utility bills with service at a MA residence address;
- MA property tax bill or receipt indicating a MA residence address;
- MA individual income tax return for the most recent year;
- MA mortgage documents or homeowner insurance documents for a MA residence or proof of MA home ownership with a MA residence address;
- MA W-2 Form for most recent state and/or federal tax return, but no older than 18 months, with the applicant's name and MA residence address;
- MA weapons permit with a MA residence address;
- MA Motor Vehicles registration card that contains a MA residence address;
- MA Voter's registration card with a MA residence address;
- MA school enrollment form if applicant is under age 18 with the applicant's MA residence address;
- MA proof of undergraduate/graduate student of in-state tuition payment verification;

⁵ Pursuant to 606 CMR 10.03(1), child care subsidies administered by the Department of Early Education and Care are available only to residents of the Commonwealth of Massachusetts.

- MA Homestead tax exemption with a MA residence address;
- Residential rental and/or lease agreement with a MA address; or
- Letter from MA shelter program confirming that parent & child(ren) reside at the shelter.⁶

3.2.3 Identity Requirement

For purposes of verifying the identity of the applicant(s), the parent(s), guardian(s) or caretaker(s) is required to submit an original, valid photo ID selected from the following list.

Acceptable documents for proof of identity

Documentation of identity must be maintained in the child care file and only needs to be established once. An applicant seeking child care assistance may submit any one of the following original, valid, and unexpired documents:⁷

- Certificate of U. S. Citizenship with photograph;
- Certificate of Naturalization with photograph;
- Driver's license, permit, or state ID card with photograph;
- U. S. Military ID Card with photograph;
- U. S. Military Retiree Card or Uniform Service Identification Privilege Card with photograph;
- Passport with photograph; or
- School identification card with photograph.

Note: Any documentation other than the forms listed above, requires EEC written approval, in accordance with the Variance policy detailed in section 1.2 of the Guide.

3) New Policy: Travel Time for Calculation of Service Need

In response to the volume of questions that EEC has received from subsidy managers, EEC has clarified the existing policy related to adding transportation time for purposes of determining part-time or full-time service need. This policy supersedes current Section 4.0.3 of the Guide:

4.0.3. Travel Time

Before travel time may be added to an applicant's service need, the applicant must establish a minimum of at least 20 hours in an EEC approved activity. For purposes of establishing the minimum 20 hours of service need, travel time is not an approved activity. For a list of approved activities, please refer to 606 CMR 10.04(1)(b) or Section 3.5 of the EEC Financial Assistance Policy Guide. Parents/guardians that establish a minimum service need may be eligible to add up to 5 hours of travel time per week, provided that the travel is reasonably related to the time

⁶ In the case of a family living in a domestic violence shelter, the letter does not need to identify the shelter address, but must simply indicate that it is somewhere in Massachusetts.

⁷ Since documentation of Identity is only necessary at the initial assessment, the documentation only needs to be original, valid and unexpired at the date of the initial assessment. Families shall not be required to update the child care file with new documentation of identity, after it expires.

to/from their early education and care program to their work, education or training activity (as discussed in Chapter 3). For the purpose of determining the amount of care that a parent/guardian may receive for their child(ren), travel time may only be used to establish a need for full-time care, but shall not be used to establish a need for part-time care.

4) New Policy: Request for Variance from EEC Policy

To ensure consistent responses to requests for variances from EEC financial assistance policy, the Department has established the following policy, which sets forth specific circumstances that may give rise to variances and the procedure for requesting variances. This new policy will be added to the end of Chapter 1 of the current Financial Assistance Guide:

1.2 Requesting Variances from EEC Policy

EEC Financial Assistance policies govern eligibility and administration of early education and care subsidy funds distributed by the Department. These policies address the majority of circumstances that present in the routine implementation of the child care financial assistance program. From time to time, however, unusual circumstances requiring resolution are brought to the attention of the Department.

Requests for variances shall be limited to unusual, extenuating circumstances where lack of access to or loss of EEC financial assistance would result in extreme hardship for the family or would place an already at-risk child in greater harm. EEC will weigh the presenting extenuating circumstances, and in its sole discretion, may allow a variance to policy when warranted.

Variances from financial assistance policy are not intended to address circumstances that present as a result of the routine application of policy, such as the presentation of alternative documentation, or the inability to secure employment within EEC's mandated time frame.

Types of Variances

Extraordinary Circumstances include but are not limited to:

- Death, severe illness of an immediate family member or other extreme family crisis that impacts the family's ability to temporarily comply with EEC standard financial assistance policy;
- Extenuating circumstances where loss of EEC financial assistance would jeopardize a child's kinship care arrangement who otherwise would be in the care and custody of the Department of Children and Families;
- Unforeseen catastrophic event or natural disaster, such as flood or fire, that would result in a family's immediate need for temporary financial assistance to assist in stabilizing the family; or
- Unforeseen catastrophic event or natural disaster that impedes the family's ability to temporarily comply with EEC financial assistance policy.

Variance Process

Requests for variances shall be submitted, in writing, to EEC. The final decision to grant a variance shall be made by the EEC General Counsel, or her designee, within seven (7) calendar days of the receipt of a written request for variance.

If you have any questions regarding any of the new policies, please email bulletins at: bulletinquestions@massmail.state.ma.us. Thank you.