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The Commonwealth of Massachusetts
Department of Early Education and Care

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EEC Management Bulletin

- Subject:** Clarification and Guidance Related to the Requirements for Attendance Monitoring
- Date Issued:** March 11, 2014
- Effective Date:** Immediately
- For Use By:** Department of Early Education and Care (EEC) Contracted Providers/Family Child Care Systems, Child Care Resource and Referral Agencies (CCRRs), and Head Start Programs
- Synopsis:** Clarifies the policies and procedures required for monitoring children's attendance in EEC subsidized early education and care programs including income eligible, supportive, teen and homeless, as well as the requirements for enforcing excessive absences.
- Further Info:** bulletinquestions@massmail.state.ma.us
- Supersedes:** To the extent that the responses to the FAQs contained in this EMB conflict with the EEC Financial Assistance Policy Guide, the responses contained in this document shall govern. For purposes of consistency, any responses contained herein that directly impact the existing reimbursement and enforcement policies will be incorporated into the EEC Financial Assistance Policy Guide.
- Relevant Links:** The EEC Financial Assistance Regulations and Policy Guide are located on the Department's website at:

<http://www.eec.state.ma.us/docs1/regs-policies/20130118-revised-financial-assistance-regs.pdf>

<http://www.eec.state.ma.us/docs1/regs-policies/20130117-financial-assistance-policy-guide.pdf>

Introduction

The purpose of this EMB is to provide subsidy administrators and early education and care programs with clarification and guidance related to attendance in subsidized child care. In

addition, this EMB establishes policies and protocols for monitoring absences to avoid unnecessary terminations or breaks in child care service.

Frequently Asked Questions Related to Attendance

1. Do the regulations and policies governing attendance apply to children authorized by the Department of Children and Families (DCF)?

Yes, the attendance regulations and policies for subsidized child care are set forth in the “General Requirements” of the child care subsidy regulations at 606 CMR 10.03(1)(i). Further, the introduction to the regulations governing the Supportive Child Care Program reaffirms that the general provisions described in 606 CMR 10.03 apply, unless otherwise stated. *See* 606 CMR 10.06. In short, the supportive child care regulations do not create any exceptions to the attendance regulations and policies.

2. Do supportive child care programs have the authority to initiate a termination of a supportive child with excessive absences?

Yes. The regulations governing attendance require that a child attend the early education and care program in accordance with the terms of the child care authorization, and failure to attend the program may result in a termination of services. *See* 606 CMR 10.03(1)(i). The child care subsidy regulations establish “unexplained or excessive absence” as a valid reason for the denial or termination of a child care subsidy in Massachusetts. *See* 606 CMR 10.13(1)(d). To ensure compliance with the attendance requirements, all subsidy administrators are required to monitor child attendance to avoid unnecessary terminations or gaps in supportive child care attendance. The subsidy administrator for all supportive child care contracts is the child care service provider.

3. What are the expectations for programs monitoring absences for children enrolled in supportive child care contracts?

To assist subsidy administrators in monitoring child attendance in supportive child care contracts, EEC and DCF have jointly established the following policies and procedures which are intended to ensure consistent application and to avoid unnecessary terminations based on excessive absences.

By way of background, DCF provides families with authorizations/referrals for child care when it determines that a child or family with an open DCF case could benefit from access to early education and care. **DCF and EEC expect that all children enrolled in supportive child care will attend the program in accordance with the terms of the supportive child care authorization.** When children enrolled in supportive child care slots have excessive absences, it

is a concern for their safety, as well as a missed opportunity to participate in high quality early education and care. In addition, with many children on the waiting list for supportive child care, another family may better be able to utilize that supportive child care slot.

To ensure proper notification and to avoid unnecessary terminations, supportive child care programs must notify both the child's parent/guardian and DCF social worker when a child has reached 5 absences. Supportive child care programs are expected to follow up with the DCF social worker to document what steps have been taken to address the lack of attendance. This process for notification and follow up shall be re-visited every 5 absence days thereafter (i.e., at 10, 15, 20, 25 and 30 absences). **Supportive child care programs should keep detailed case notes confirming the efforts taken to avoid unnecessary future absences** and must share this information with the DCF social worker and/or Child Care Coordinator, upon request.

When a child's attendance record indicates more than 30 absences in a 6 month period, the supportive child care program should issue a notice of termination, subject to a determination by DCF to approve or deny reauthorization of child care services. The notice of termination shall be sent to the parent/guardian, with copies to the DCF social worker and the EEC Financial Assistance Unit. After receiving the notice of termination, the DCF social worker, in coordination with the family and the child care provider, should determine if continued access to supportive child care is appropriate for the child/family. If supportive child care should continue and a plan is in place to reduce future absences, the DCF social worker must complete a new service referral within the 14 days to ensure services continue. If the DCF social worker determines that continued child care is not appropriate, the parent/guardian may seek a Fair Hearing through DCF. In the event that a parent files a request for a Fair Hearing, DCF shall immediately notify EEC to ensure that the child is able to remain in care until the Fair Hearing process is concluded. Based on parent choice, the child may remain in supportive child care pending DCF's decision on the reissuance of a new supportive child care authorization and/or the conclusion of the Fair Hearing process. To ensure there are no unnecessary breaks in supportive child care placements, the supportive child care provider and DCF shall remain in contact at all times. Any concerns related to continuity of care shall be reported to the EEC Financial Assistance Unit prior to the expiration of the 14 day notice period.

If a new referral is issued, the supportive child care programs shall follow up with the DCF social worker, as described above. This process for notification and follow up shall be re-visited every 5 absence days thereafter (i.e., at 10, 15, 20, 25 and 30 absences).

4. What is the definition of explained absences?

Explained absences include:

- Absence due to illness

- Emergencies
- Religious holidays
- Maximum of two weeks' vacation per year

5. What is the definition of excessive absences?

EEC defines "excessive absence" as more than three unexplained consecutive absences as excessive (i.e., no contact from the parent/guardian or DCF social worker, if the child is in a supportive child care slot, to explain the absence) and over 30 absences (explained or unexplained) in the six month period as excessive. See 606 CMR 10.02. The 6-month periods are based on the calendar year, i.e., January to June and July to December. When a child is enrolled in a program, absences will be pro-rated of up to 5 days per month (i.e., child enrolls on February 5th -- the child may have up to 25 absences until June 30th). For supportive child care placements, child care programs shall follow the policies and procedures described in No. 3 above.

6. What action needs to be taken when a child has reached the 30 absence limit?

EEC will reimburse only for 30 absence days within a six month period. It is expected that a child care program will monitor a child's attendance and remind parents of the 30 absence limit prior to reaching this maximum amount. If a child has an unexplained absence for a fourth consecutive day, a subsidy administrator should issue a two week notice of termination. If a child has a 31st absence, a subsidy administrator should issue a termination notice on the 31st day. Provided that a notice of termination and a request for review form are issued to the parent(s), a child care program will be reimbursed for the two weeks after the notice is issued regardless of the child's attendance.

EEC regulations allow parents to elect continuity of care during an appeal provided that: (1) the appeal is filed timely; (2) the parent continues to pay all undisputed fees; and (3) the child continues to attend the program in accordance with EEC's attendance requirements. When a request for review is received, the EEC review officer reviews the materials to ensure that the family is eligible to continue attending care during the appeal and is required to notify programs to extend care or not.

7. Must I terminate a child who reaches his or her 30th absence?

No, EEC does not require termination for excessive absences. Child care programs are only required to issue notices of termination if they intend to terminate the placements. If a program elects not to terminate a placement, be advised that the Department will only reimburse programs for days attended until the end of the 6 month time period. If the program elects to keep the child in care despite the excessive absences, the program must use the "N/A" code on the Attendance Code Screen in eCCIMS for any absence days after the 30th absence. If the child

continues to experience absences during the six month time period, the program may only collect the currently assigned parent co-payment on these absence days and may not bill the parent any additional fees.

8. What happens if a parent reports that her child will be attending a regular activity (home work club, sports, music, etc) that will reduce the number of days in subsidized care? Can we consider these as excused absences?

No, the new regulations expressly preclude payment for regularly scheduled absence days. *See* 606 CMR 10.03(1)(i). Therefore, if a parent notifies a program of a change in schedule that will result in regular absences, the placement should be written to reflect accurately the current needs of the family. Providers must change the child's authorized schedule to reflect the actual amount of care needed by the family. Once the regular activity concludes, the provider can increase the schedule of care to the amount now needed by the family provided that the family remains eligible for the increased service.

9. If I provide transportation and cancel the transportation due to inclement weather which results in the child not attending, do I code this child as an explained or unexplained absence?

If a child care program is unable to provide transportation to a child who regularly receives transportation through the program, it would not be counted as an absence but should be coded as an approved closure. Please keep in mind the documentation requirements when programs bill EEC for approved closures, which is located on EEC's website:

<http://www.eec.state.ma.us/docs1/EMB/fy12-07-clarification-emergency-closure-reimbursement.pdf>

10. What documentation must we collect from a family who has experienced three consecutive unexplained absences?

A child care program should request a signed note from parents/guardians which contains the name of the absent child, the dates of the absences, and the reason for the absences.

11. What happens when a child has an extended illness or injury that impacts their 30 day absence limit?

If a child will be out for an illness lasting more than 10 days, a child care program should request a doctor's note that addresses the child's illness and includes an expected return date. If the child is unable to attend for an extended duration, the program should discuss an approved break in care for the family.

12. If I have a child that attends before and after school and he or she is absent from either before or after, are they considered two separate absences?

Absences from before-school programs should be tracked separately from after-school absences. Terminations should only be issued if the child has excessive absences at either program. For example, EEC has received several appeals where the child was out for 30+ before-school days, but had very few after-school absences. Here, the before-school service should be terminated, not the after-school service.

13. Who is responsible for issuing the termination when the voucher is in a contracted program?

If the CCRR is responsible for the reassessment of the family, the CCRR is responsible for issuing a termination notice. Although the CCRR is responsible for issuing the notice of termination, programs are responsible for tracking attendance of children. Programs should not wait until monthly billing is submitted before requesting the termination of a child. Programs should contact CCRRs to request the termination on the day of the child's 31st absence.

If the contracted provider is responsible for reassessing the family with a voucher, the contracted provider is responsible for issuing a termination notice. The contracted provider should also inform the CCRR that a termination notice has been issued to confirm the end date of the two week notice.

14. If a parent chooses not to send his/her child to care during school vacations (e.g., between Christmas and New Year) will this count towards the child's absences?

Yes. Parents should be made aware that choosing not to send a child to care during school vacations will count towards the 30 day absence limit.

15. If a child has been suspended from school, and the after-school care is provided at the school location, is this considered an absence?

Yes, unless the suspension was issued by the after-school program. If the suspension was issued by the after-school program, EEC may refuse to reimburse the cost of care associated with program suspensions (or expulsions) without adequate notice. If the program is unable to meet the behavioral challenges of the child, the program should utilize existing local resources (e.g., the Early Childhood Mental Health grantees, Educator and Provider Support grantees or Coordinated Family and Community Engagement grantees) or issue a 2 week notice of termination, while assisting the family in identifying an alternative provider. Programs should

keep in mind that they should be making best efforts to avoid suspensions and/or expulsions from early education and out of school time programs.

16. Our policy is that we do not allow children to return to care until they have been fever free for 24 hours. Is this still counted against a child as an absence?

Yes, a child care program may attribute this as an absence.

17. If a child is going to be out of the country for an extended amount of time, can we still bill for these absences?

If the parent has provided sufficient notice of the extended absence, a child care program should consider an approved break in service for this family. If a child care program does not receive sufficient notice in order to approve a break in service (e.g., death in the family), the program should place the child back on the waitlist with a code of continuity of care/approved break in service. The child may be billed as absent for up to 2 weeks.