

606 CMR 10.00: SUBSIDIZED CHILD CARE

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10.01: Introduction

606 CMR 10.00 is adopted pursuant to Federal law at 45 CFR Part 98.11(b)(2) and (8), which requires the Department of Early Education and Care, as the Lead Agency for administering the Child Care Development Fund (CCDF) in Massachusetts, to promulgate rules and regulations to administer the CCDF Plan, and in accordance with M.G.L. c. 15D, which states the policy of state government to assure every child and family "a fair and full opportunity to reach his full potential". 606 CMR 10.00 is established in keeping with the Department of Early Education and Care's mission of providing the foundation that supports all children in their development as lifelong learners and contributing members of the community, and supporting families in their essential work as Parents and caregivers.

606 CMR 10.00 sets forth the conditions for eligibility, for the provision and termination of child care services, for payment, and for the review of decisions to terminate services provided to children and families through subsidized child care programs. The goals of 606 CMR 10.00 include:

- (a) creating an integrated system of child care that ensures the seamless delivery of quality, accessible and affordable child care for children from birth through school age;
- (b) standardizing eligibility requirements and intake procedures for families; and
- (c) administering consistent procurement and payment policies and procedures.

10.02: Definitions

Terms listed in 606 CMR 10.00 shall have the following meanings, unless the context requires otherwise.

Abandonment of Subsidy. A Family's failure to have an active child care placement for more than 30 consecutive Days during the 12-month Authorization period, unless the Family has requested an Approved Break-in-care.

Absence. Any day that a child is authorized to attend an early education and care program, but is not in attendance.

Approved Break-in-care. A written request, approved by the EEC or Subsidy Administrator, to place a child care placement in inactive status for up to 90 consecutive Days during the 12-month Authorization period.

Assets. Valuables including, but not limited to, all houses or other buildings, real property, vehicles, cash, bank accounts, cash value of life insurance policies, trusts, stocks, bonds, and overall business value, including equipment, jewelry, livestock, or other goods.

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Authorization/Reauthorization. An assessment/reassessment and provision of financial assistance benefits to a family in accordance with regulations and policies defined by the Department of Early Education and Care.

Caregiver. A person who lives with, supervises, and cares for a child or children whose Parents do not live in the home, such as a Foster Parent, legal guardian (temporary or permanent), or designated Caregiver.

Child. A person younger than 13 years old, or younger than 16 years old if such person has special needs.

Child Care Educator/Provider. A licensed or exempt center-based child care program, or a licensed, family-based child care program located within the Commonwealth of Massachusetts.

Child Care Resource and Referral Agency (CCRR). An agency that contracts with the Department of Early Education and Care (EEC) to provide child care resource information, referral services, and/or subsidy management.

Child Care Subsidy. Financial assistance given to eligible Parents for child care provided by a Child Care Educator/Provider pursuant to a contract or agreement with the EEC, CCRR or a Contracted Child Care Educator/Provider.

Contracted Child Care Educator/Provider. A licensed, or license exempt, child care program or family child care system that holds a contract with EEC for the provision of subsidized child care services.

Days. Calendar Days, unless otherwise specified.

DCF. Massachusetts Department of Children and Families.

Dependent Child. A person younger than 18 years old, or a person younger than 24 years old if he or she is a full time student.

Dependent Relative. A Relative of the child receiving care who resides in the household with the child and is financially dependent on the child's Parent(s), as certified through the Parent(s) most recent tax returns.

DHCD. Massachusetts Department of Housing and Community Development.

DTA. Massachusetts Department of Transitional Assistance.

EEC. Massachusetts Department of Early Education and Care.

Eligible Family. A Family that qualifies for a Child Care Subsidy based on criteria determined by EEC in regulation and policy.

ESOL. An English language training program for people whose primary language is not English.

Excessive Explained Absence. More than 45 non-attended Days, including any unexplained Absences, within a 12-month Authorization period, or more than 15 non-attended Days during an initial 12-week Provisional Authorization period. Explained Absences shall include, but not be limited to, Absences due to child illness, death in the Family, emergency circumstances, religious holidays, and vacation Days.

Excessive Unexplained Absence. Failure to attend a subsidized child care program for more than three consecutive non-attended Days without contacting the provider.

10.02: continued

Family. One of the following:

- (a) Parent(s) and their Dependent Child(ren) and any Dependent Relative(s) who reside in the same household; or
- (b) a young Parent and his or her child(ren) who reside in the same household.

Full Time Child Care. Care for at least 30 hours but not more than 50 hours per week at any one placement, unless otherwise approved by the EEC.

Full Time Service Need. Participation in an approved activity for at least 30 hours or more per week.

Guardian Child. A non-biological child of a Caregiver.

Homeless Family. A family meeting the requirements established under the McKinney-Vento Act (42 U.S.C. 11434 a) as certified in accordance with EEC policy.

Informal Child Care Provider. An individual who meets Informal Child Care Provider standards and requirements established by the EEC and is exempt from EEC licensure because the individual either provides care in the child's own home or is a Relative of the child.

Intentional Program Violation (IPV). A Parent's failure to adhere to the EEC's subsidy requirements including: failing to report a Non-temporary Change within 30 Days from the date the change occurred; failing to accurately report income at eligibility Authorization/ Reauthorization; failing to respond to an EEC request for more information; and non-payment of fees, including fees associated with excessive Absences.

Non-temporary Change. A change to a Parent's circumstances, including: increases in total household income exceeding 85% SMI; changes in Family contact information; changes in household composition for more than 30 total Days in a 12-month Authorization; changes in child custody arrangements; any out of state change in address; or any change or cessation of a Parent's work, training, or education participation that lasts for more than 12 weeks.

Parent. A biological or adoptive Parent or stepparent who resides in the household with his or her Dependent Child(ren), or a Caregiver.

Part Time Child Care. Care up to 30 hours per week.

Part Time Service Need. Participation in an approved activity for at least 20 hours, but less than 30 hours per week

Protective Services. Any Parent authorized for a Child Care Subsidy based on a clinical decision by DCF, including foster care, or any Parent who is unable to provide child care for any portion of a 24-hour day due to a situation of domestic violence or homelessness; a physical, mental, emotional or medical condition; or participation in a drug treatment or drug rehabilitation program.

Provisional Authorization. Parents who do not have an approved activity at the time of initial Authorization may be granted an Authorization of 12 weeks to seek and certify an approved activity. This includes Parents on maternity or paternity leave at initial Authorization, Parents enrolled in a non-approved training program, or Parents unable to certify employment at time of initial eligibility. Parents who lose their approved activity during the last 30 Days prior to ReAuthorization, or Parents on maternity/paternity leave at Reauthorization, may be granted a 12-week Provisional Authorization to seek and certify an approved activity.

Referral. A written or electronic notice issued by DTA, DFC, or DHCD that a Family is eligible for child care funding.

Relative. Sibling, aunt, uncle, or grandparent, whether by birth, marriage or adoption.

10.02: continued

State Median Income (SMI). The dollar amount which represents the midpoint in a rank ordering of the incomes of all families of the same size in Massachusetts.

Subsidy Administrator. A person or organization authorized or designated by the EEC to conduct eligibility determinations for child care subsidies, subject to the EEC oversight and review.

Substantiated Fraud. Providing false or misleading information or documentation to an EEC or Subsidy Administrator for the purpose of establishing or maintaining eligibility or increasing the level of child care assistance that has been verified as false or misleading by an EEC or Subsidy Administrator; or the concealing or withholding of information for the purpose of establishing or maintaining eligibility or increasing the level of child care assistance as determined by the Bureau of Special Investigations (BSI).

TAFDC. Transitional Aid to Families with Dependent Children.

Temporary Change. A change to a Parent's circumstances including: any time-limited Absence from a Parent's approved activity due to an illness or need to care for a Family member; any interruption in work for a seasonal worker who is not working between regular industry work seasons; any semester or holiday break for a Parent participating in education or training; any reduction in work, training or education hours, as long as the Parent is still working or attending training or education; any other cessation of a Parent's approved activity that does not exceed 12 weeks; and any change in residency within the Commonwealth.

Vocational Training Program. An approved program other than graduate, medical or law school, which is intended to teach a specific skill leading to employment.

Voucher Child Care Educator/Provider. A program or individual who provides child care services pursuant to an EEC voucher services agreement.

Young Parent. A biological Parent who is younger than 20 years old, and who resides in the household with his or her Dependent Child(ren). This shall include Young Parents who attain the age of 20 years old during their third trimester of pregnancy.

10.03: General Provisions

The following general provisions apply to all child care subsidies administered by the EEC, unless otherwise stated.

(1) Eligibility.

(a) Family Composition and Size. Prior to issuing a Child Care Subsidy Authorization, Subsidy Administrators shall verify, through documentary evidence, the Family size and household composition of the applicant by verifying the relationship of each child younger than 18 years old, or younger than 24 years old if the child is a full-time student, who resides in the household and is financially dependent on the Parent(s) applying for child care financial assistance. Examples of acceptable documentation include, but are not limited to: birth certificates; hospital birth records; social security benefits records; court orders establishing custody or guardianship; or school records verifying the address of the child, as well as the name and relationship of the Relative responsible for the child.

Parents of Young Parents may include the Young Parent and his or her child(ren) in the applicant's Family size provided that the Young Parent is not receiving EEC financial assistance for his or her child(ren).

(b) Identity. Prior to the initial Authorization, the Subsidy Administrator shall verify, through documentary evidence, the identity of each Parent(s) applying for subsidized child care. Required documentary evidence shall contain a photo of the applicant. Examples of acceptable documentation include, but are not limited to: U.S. passports; certificates of naturalization; driver's licenses, permits or state identification cards; U.S. military cards; non-U.S. passports; or school identification cards. Documentation must include original, valid, and unexpired documents.

10.03: continued

(c) Residency. The Subsidy Administrator must verify that families seeking child care assistance reside in a Massachusetts household because subsidies administered by the EEC are available only to residents of the Commonwealth of Massachusetts. Examples of acceptable documentation include, but are not limited to: utility bills; property tax bills; individual income tax returns; mortgage documents or home owner insurance documents; vehicle registration cards; residential rental or lease agreements; or letters from shelter programs confirming residence in a Massachusetts shelter program.

(d) Citizenship or Immigration Status. In accordance with federal law, the Subsidy Administrator shall verify, through documentary evidence, the United States citizenship status or immigration status of each child for whom care is requested. Required documentary evidence shall be readily available to the applicant. Examples of acceptable documentation include: U.S. passports; birth certificates; or reports of birth abroad. Any documents which reasonably establish the citizenship or immigration status of the child must be accepted, and no requirement for a specific type of documentation may be imposed. No child shall be denied child care financial assistance based solely on an applicant's failure to demonstrate citizenship or immigration status without final review by the EEC.

(e) Eligibility Periods. Families shall be eligible for Authorizations not to exceed 12 months, and renewal is subject to the Family's continued eligibility for child care financial assistance. Subsidy Administrators shall notify families, in writing, that their eligibility period is ending no less than 45 Days prior to the end of the eligibility.

(f) Contact Information. In order to remain eligible for a Child Care Subsidy, Parents must maintain current address and telephone number information, if any, with the Subsidy Administrator. A Homeless Family who does not have an address or telephone number must maintain as much current contact information as possible with the Subsidy Administrator.

(g) Documentation of Continued Eligibility. In order to remain eligible for a Child Care Subsidy, Parents must provide current documentation of income, service need and residence to their Subsidy Administrator. Such documentation must be provided in full within a reasonable time prior to the Authorization end date so that the Authorization can be completed before the end of the current Authorization.

Parents who lose their approved activity during the last 30 Days prior to Reauthorization, or Parents that are on maternity/paternity leave at Authorization/Reauthorization, may be granted a 12-week Provisional Authorization to seek and certify an approved activity in accordance with 606 CMR 10.04(2)(b)(2).

(h) Current Eligibility Information. Parents receiving a Child Care Subsidy must notify their Subsidy Administrator whenever there is a Temporary Change or Non-temporary Change that might affect their eligibility to receive financial assistance for early education and care.

1. Non-temporary Change.

a. Parents must notify their Subsidy Administrator of any Non-temporary Change and provide documentation within 30 Days of such a change.

b. A Non-temporary Change may not immediately result in the termination of the Child Care Subsidy, unless the change results in the families' income exceeding 85% SMI, or an out of state change of address.

c. If Parent reports a Non-temporary Change of an approved activity, Parent may be entitled to a 12-week period from the time the Parent reports the Non-temporary Change to seek and certify a new approved activity. Failure to certify a new approved activity at the end of the 12-week period will result in termination of the subsidy.

d. Failure to notify the Subsidy Administrator of a Non-temporary Change within 30 Days of each such change will result in an IPV, and may be subject to disqualification pursuant to 606 CMR 10.12.

2. Temporary Change.

a. Parents must notify their Subsidy Administrator of any Temporary Change and provide documentation within 30 Days of such a change.

b. Temporary Changes shall not result in any change to the level of subsidized child care being received.

c. Failure to report a Temporary Change will not result in an IPV or subject the Family to disqualification pursuant to 606 CMR 10.12.

10.03: continued

(i) Child Attendance. In order to remain eligible for a Child Care Subsidy, all children receiving EEC financial assistance shall attend the early education and care program, in accordance with the terms of the child care Authorization. Failure to attend the child care program may result in the termination of the Child Care Subsidy for Excessive Unexplained Absences in accordance with 606 CMR 10.10, or render the Parent responsible for payment of Absences exceeding 45 Days at the daily reimbursement rate paid by the Commonwealth.

1. Families with documented extenuating circumstances as approved in accordance with EEC policy may be exempt from the 45-Day Absence total;

2. Families with active Referrals pursuant to 606 CMR 10.06 shall be exempt from the 45 Day Absence total so long as DCF-related child care is reauthorized.

3. Families with active TAFDC Referrals pursuant to 606 CMR 10.05(1)(a) shall be exempt from the 45-Day Absence total through the end of their Authorization under 606 CMR 10.05(1)(a).

4. Children shall not be authorized for early education and care on Days that they are regularly scheduled to be absent (*e.g.*, non-custodial visits, school activities, every Friday, homework clubs, *etc.*), unless authorized under the EEC policy.

(j) Data Sharing. For purposes of program integrity and in an effort to establish front end detection necessary to combat fraud, waste and abuse, the EEC may use data collected from Child Care Subsidy applicants to conduct data matches with other government entities. If data matches demonstrate inconsistencies with the statements or documents submitted by the child care applicant(s), the Subsidy Administrator or the EEC may request additional documentation. Failure to resolve the inconsistencies may result in the termination of an applicant's Child Care Subsidy, in accordance with 606 CMR 10.10.

(2) Fees. Parents receiving child care subsidies may be required to contribute to the cost of the child care services they receive, in accordance with a sliding fee scale established by the EEC.

(a) Parent Fee Scale. The EEC shall establish the following schedule for revising its Parent fee scale in accordance with M.G.L. c. 15D § 2(e):

1. Within six months of February 22, 2019; and thereafter

2. Within six months of completion of each triannual Market Rate Survey, as required for the EEC's administration of the CCDF Plan pursuant to 45 CFR 98.45(c).

(b) How Fees Are Assessed for Siblings. Fees for siblings will be assessed in accordance with the EEC policy.

(c) Additional Fees. No additional fees may be charged to Parents, except in accordance with EEC policy.

(d) Reauthorizations. Fee obligations will be reviewed every 12 months or sooner in accordance with the Parent's mandatory reporting requirements pursuant to 606 CMR 10.03(1)(h), or voluntary reporting in accordance with EEC policy.

(e) Payment and Collection.

1. Parents must pay one week deposit plus the cost of the first week of care prior to the start of the subsidy.

2. Parent fees must be paid no later than the first business day of the week in which care is being provided.

3. Parent fees must be paid, at a minimum, in weekly amounts.

4. Educators/Providers are responsible for collecting Parent fees in a timely fashion, and must take appropriate action if Parents fail to pay fees as required. Educators/Providers who allow Parents to accrue balances in excess of the value of three weeks Parent fees may be responsible for the balance.

(3) Priority in Funding.

(a) Children will be authorized for child care subsidies in accordance with priorities established by EEC, and subject to available funding.

(b) Parents whose eligibility for a specific EEC subsidy program is ending have priority for access to other EEC subsidies over other Parents who have not previously received an EEC Child Care Subsidy. In order to maintain priority access and facilitate transition to another subsidy program, Parent must provide documentation in accordance with 606 CMR 10.03(1).

(4) Location of Care. A Child Care Subsidy may only be used for care provided within the Commonwealth of Massachusetts, unless exempted in accordance with EEC policy.

10.04: Income Eligible Child Care Subsidy

Subject to appropriation, an income eligible Child Care Subsidy is available to eligible Parents for care by a contracted or voucher Child Care Educator/Provider, or in home or Relative Child Care Provider, in accordance with regulations, guidelines and policies established by the EEC.

(1) Referral and Waitlist.

(a) Subsidy Administrator. Based on availability and in accordance with EEC enrollment priorities and policies, the Subsidy Administrator must:

1. issue a Child Care Subsidy (contract slot or voucher) to the eligible Parent, subject to an eligibility determination; or
2. enter the child on the waitlist for a Child Care Subsidy.

(b) Parent Choice. Parents may not be required to enroll their children at a particular child care program. Upon 14 Days notice, Parents may choose to withdraw their children from one child care program and enroll in another available program for the duration of the Child Care Subsidy, subject to appropriation.

(c) Enrollment Prior to Service Need. Eligible children may be enrolled in care 14 Days prior to the start of the Parent's service need, when appropriate.

(2) Eligibility Criteria. To be eligible for an Income Eligible Child Care Subsidy, Parents must meet both income eligibility and service need requirements established by the EEC.

(a) Financial Requirements. Income eligibility is based on the income and the size of the Family. Families headed by Caregivers are exempt from financial eligibility guidelines, except for 606 CMR 10.04(2)(a)4.

1. General Rule. Families seeking child care financial assistance meet the financial requirements for the Income Eligible Child Care Program provided that the total gross monthly income for the household is at or below 50% of the State Median Income at the time of the Family's initial enrollment. Families, whose gross monthly income is at or below 50% of the State Median Income at the initial Authorization, will continue to meet the financial requirements provided that the total gross monthly income for the household remains at or below 85% of the State Median Income.

2. Families with a Child with Special Needs. Families with a child with special needs will meet the financial requirements for the Income Eligible Child Care Program provided that the total gross monthly income for the household is at or below 85% of the State Median Income at the time of the Family's initial enrollment. Families, whose gross monthly income is at or below 85% of the State Median Income at the initial Authorization, will continue to meet the financial requirements provided that the total gross monthly income for the household remains at or below 85% of the State Median Income. The special need of the child must be verified and documented on a case by case basis, as required by federal and state law and policies.

3. Relevant Income. When determining financial eligibility, relevant income includes, but is not limited to, wages or salary (including overtime), social security benefits, alimony, child support, and public assistance.

4. Assets. Families seeking child care financial assistance shall not have Assets that exceed \$1,000,000.

(b) Service Need Requirements. Both Parents living in the household must document either a Part Time or Full Time Service Need.

1. Approved Activities. Activities acceptable for establishing a service need are: employment; participating in an approved education or training program; or receiving or at risk of receiving Protective Services. Each activity is outlined as follows:

a. Employment. The following activities meet the service need requirement of employment: paid employment; self-employment, including paid in cash; active deployment in the military; and retirement, if the head of household is a Parent and 65 years of age or older.

10.04: continued

- i. Paid Employment. Eligible paid employment is considered a position that pays no less than the minimum wage in the state wherein the employment takes place for no less than an average of 20 hours per week.
- ii. Self-employment, Including Paid in Cash. All self-employed Parents must participate in self-employment activities for no less than an average of 20 hours per week and show income equivalent to the minimum wage of the state wherein the employment takes place. Minimum wage shall be verified by dividing the gross income reported, minus allowable deductions, by the minimum wage of the state wherein the employment takes place to determine the number of eligible hours the Parent(s) may use towards establishing a service need for Child Care Subsidy.
- iii. Limitations on Self-employment. For Parents engaged in home-based self-employment activities, the self-employment activity shall not qualify as an approved activity, unless:
 - (i) The type of work performed entails a clear and present danger to children; or
 - (i) The primary type of work performed consists of face-to-face meetings/appointments with clients, which prevents direct supervision of children.
- b. Maternity/Paternity Leave. Parents on maternity/paternity leave at Authorization/Reauthorization may be eligible for a 12-week Provisional Authorization in accordance with 606 CMR 10.04(2)(b)2. For Parents currently receiving a Child Care Subsidy, maternity/paternity leave shall be considered a Temporary Change, in accordance with 606 CMR 10.03(1)(h)2. Parents must provide documentation as required under EEC policy.
- c. Education or Training. Parents will qualify for a service need of education or training if they are enrolled in and attending any of the following: a full time high school program; an approved high school equivalency program; an approved Vocational Training Program; an approved ESOL program; or an accredited college or university, leading to an Associate's or a Bachelor's degree. Graduate, medical, or law degrees programs do not qualify. Approved Vocational Training Programs, high school equivalency programs, or ESOL programs will be certified in accordance with EEC policy.
 - i. The service need of education or training shall continue through a semester break for Parents registered for the following semester. Parents registered for the following semester will not be required to report the semester break as a Temporary Change under 606 CMR10.03(1)(h)2.
 - ii. The service need for Parents participating in a full time high school program will be considered full time, regardless of the program's schedule.
 - iii. The service need for Parents participating in college coursework with 12 credit hours or more will be considered full time. For Parents participating in less than 12 credit hours, the actual credit hours shall be multiplied by 2.5 to establish a child care need. For accelerated semester schools, Parents who present with a classroom schedule reflecting 12 hours or more per week of classroom time will be determined to have a Full-time Service Need. Those with a class schedule of at least eight hours, but less than 12 hours per week of classroom time will be determined to have a Part-time Service Need.
 - iv. The service need for Parents participating in education or training programs other than college or high school, including high school equivalency programs, is 2.5 hours of service for each hour spent in the education or training program per week.
 - v. Work study hours and required practical and clinical experiences (including student teaching or internships) are counted as hours of employment, for the purpose of determining service need.
- d. Incapacity of Parent. Families with documented physical or mental disability of a Parent, that is certified in accordance with EEC policy, may be eligible for either full time or part-time care, in accordance with the supporting documentation, subject to the following limitations:

10.04: continued

- i. All Authorizations must be approved in writing by the EEC on yearly case-by-case basis in accordance with EEC policy.
 - ii. Authorizations may not be authorized for more than two years, unless Parent presents acceptable justification for why this condition persists and why it requires a waiver of the two year limit, as reviewed by the EEC on a case-by-case basis.
 - iii. All Authorizations are reviewed under the EEC's variance policy and denials are not subject to the EEC's appeal processes.
 - e. Homelessness. Families meeting the EEC definition for a Homeless Family will qualify for Full Time Child Care.
 - i. The service need for a Homeless Family shall be limited to two 12-month Authorization periods, unless approved by the EEC in writing on a case-by-case basis.
 - ii. The asset requirements established in 606 CMR 10.04(2)(a)4. shall be waived for all families meeting the homelessness service need.
 - 2. Seeking Approved Activity. Parents who do not have an approved activity at time of initial Authorization or at Reauthorization may be granted Provisional Authorization of 12 weeks to seek and certify an approved activity. This includes Parents on maternity or paternity leave at initial Authorization, Parents enrolled in a non-approved training program, or Parents unable to certify employment at time of initial eligibility Authorization.
 - a. Parents who are able to provide documentation of an approved activity and meet all other program requirements described in 606 CMR 10.04(2) before the end of the 12-week period, will be issued a 12-month Authorization.
 - b. Parents who are able to provide preliminary proof of an approved activity (*i.e.*, an employment verification form) but are unable to provide full documentation at the end of the 12-week period, may be granted an extended period of eight weeks to provide full documentation required to qualify for a 12-month Authorization.
 - 3. Combining Service Need Activities. Work and education or training may be combined to meet service need requirements.
 - 4. Travel Time. Up to five hours of travel time per week may be added to a Parent's service need, provided that the travel is related to the necessary time to/from the child care program and the Parent's service need activity. Before travel time may be added to a service need, the Parent must establish a minimum of at least 20 hours in an EEC approved activity, pursuant to 606 CMR 10.04(2)(b)1.
 - 5. Amount of Care. Parents who document a Full Time Service Need will be eligible for Full Time Child Care. Parents who document a Part Time Service Need will be eligible for Part Time Child Care. Parents unable to document either a Full Time or a Part Time Service Need are not eligible for subsidized child care.
 - a. Parents who are able to provide documentation of a Part Time Service Need at Authorization and provide preliminary documentation of a Full Time Service Need may be granted a Provisional Authorization for Full Time Child Care for the duration of the 12-week period.
 - b. Parents who are able to provide full documentation of a Full Time Service Need at the end of the 12-week period will be granted a 12-month Authorization for Full Time Child Care.
 - c. Parents who are able to provide full documentation of a Part Time Service Need at the end of the 12-week period will be granted a 12-month Authorization for Part Time Child Care.
- (3) Eligibility Determination. A Subsidy Administrator will make eligibility determinations based on the Parent(s)' application and documentation and based upon relevant regulations and policies.
- (a) Application. Parents may apply for an income eligible Child Care Subsidy with a Subsidy Administrator. At the time of application and at each subsequent Reauthorization, Parents must complete and sign a child care application and fee agreement on forms provided or approved by the EEC.

10.04: continued

(b) Documentation. At the time of application, in accordance with the requirements established in 606 CMR 10.03 and 10.04, Parents must submit documentation that verifies their identity, residency, citizenship or immigration status of any child seeking subsidized child care, income, service need, Family size, and relationship to all children and dependent Relatives in the Family. At each subsequent Reauthorization, Parents must submit documentation that verifies their residency, income and service need in accordance with 606 CMR 10.03(1)(g).

10.05: Department of Transitional Assistance (DTA) Related Child Care Program

Subject to appropriation, DTA may issue Referrals for TAFDC recipients, certain former TAFDC recipients, or any other DTA client seeking child care financial assistance, to the extent allowed by state and federal law, through the DTA Related Child Care Program, as described in 606 CMR 10.05(1) through (7). DTA Referrals for subsidized child care shall be issued in accordance with the regulations, guidelines and policies established by DTA and in accordance with 606 CMR 10.03, unless otherwise noted.

(1) Authorization. For any eligible Parent seeking child care through the DTA Related Child Care Program, DTA may issue a written or electronic child care Referral to the eligible Parent based on the Family's participation in the TAFDC or DTA-related programs.

(a) TAFDC Families. Parents, who currently receive TAFDC and participate in a DTA-approved educational or employment-related activity may be issued a written or electronic child care Referral for priority access to subsidized child care for no less than 12 months, unless Referral is for job development or placement, whereby a 12-week job search Referral may be issued.

(b) Transitional Families. Parents who have received TAFDC within the 12 months prior to their application for a Child Care Subsidy and who obtain a written or electronic child care Referral from DTA will have priority access to a Child Care Subsidy, provided they meet EEC eligibility guidelines as established in 606 CMR 10.03 and 10.04 and any unpaid fee balance or sanction period pursuant to 606 CMR 10.12(1) through (5) is resolved.

(c) Post-transitional Families: Parents who seek eligibility following the Parent's transitional TAFDC Authorization may receive priority access to a Child Care Subsidy for one additional 12-month period, provided they meet EEC eligibility guidelines as established in 606 CMR 10.03 and 10.04 and any unpaid fee balance or disqualification period under 606 CMR 10.12(1) through (5) is resolved.

(2) Referral. DTA shall issue Parents a written or electronic child care Referral to the appropriate EEC Subsidy Administrator. Parents with a DTA Referral must contact the Subsidy Administrator to obtain a voucher. The Subsidy Administrator shall help the Parents identify a Child Care Educator/Provider who can provide subsidized care as defined in 606 CMR 10.08.

(3) Eligibility Criteria. Eligibility for a Child Care Subsidy through the DTA Related Child Care Program shall be determined by DTA and verified by the Subsidy Administrator based on the Parent's DTA or TAFDC status, as described in 606 CMR 10.05(3)(a) and (b).

(a) TAFDC Families. The written or electronic child care Referral is sufficient documentation that the Parent is eligible for a Child Care Subsidy for each child included in the Referral. Subsidy Administrators shall verify the identity of the Parent(s) listed on the child care Referral issued by DTA, in accordance with 606 CMR 10.03(1)(b).

Fee Assessment. TAFDC families with written or electronic child care Referrals who currently receive TAFDC benefits from DTA shall not be charged any Parent fees. TAFDC families with written or electronic child care Referrals who currently receive TAFDC benefits from DTA shall be exempt from payment of explained Absences exceeding 45 Days in accordance with 606 CMR 10.03(1)(i) through the end of their eligibility period.

10.05: continued

(b) Transitional Families and Post-transitional Families. The written or electronic child care Referral is evidence of Family relationship for all children included in the Referral. Subsidy Administrators shall verify the identity of the Parent(s) listed on the child care Referral issued by DTA, in accordance with 606 CMR 10.03(1)(b). Parents must also submit evidence of their income, service need, residence, and their relationship to children or Dependent Relatives not included in the child care Referral.

Fee Assessment. Transitional and Post-transitional families with child care Authorizations shall be assessed a Parent fee in accordance with 606 CMR 10.03(2).

(4) Eligibility Period: Subsidy Administrators should approve the length of time for subsidized child care based on the Parent's DTA or TAFDC status, as described in 606 CMR 10.05(4)(a) through (c). The Subsidy Administrator shall notify families, in writing, that their eligibility period is ending no less than 45 Days prior to the end of the eligibility period.

(a) TAFDC Families. Subsidy administrators shall approve the subsidized child care Authorization based on the DTA Referral, for no less than 12 months unless Referral is for job development or placement, whereby a 12-week job search Referral may be authorized.

(b) Transitional Families. Subsidy Administrators shall approve the subsidized child care Authorization in accordance with 606 CMR 10.04(2)(b), not to exceed 12 months from the date the Family's TAFDC case closed.

(c) Post-transitional Families: Following the Family's TAFDC transitional child care Authorization, Subsidy Administrators shall approve the subsidized child care Authorization in accordance with 606 CMR 10.04(2)(b), not to exceed 24 months from the date the Family's TAFDC case closed.

(5) Enrollment. Parents will enroll children directly at the Child Care Educator/Provider child care site, in accordance with the procedures of the Child Care Educator/Provider.

(6) Denial or Termination of Authorization. Parents aggrieved by DTA's denial or termination of a child care Referral may pursue their grievance through the DTA Fair Hearing Process.

(7) Continuity of Care. Subject to appropriation, Parent(s) seeking to continue eligibility upon the end of the Family's DTA Related Child Care Program Authorization or termination of transitional or post-transitional TAFDC benefits may continue to receive child care financial assistance through the Income Eligible Child Care program provided that the Family meets the requirements set forth in 606 CMR 10.03 and 10.04 and any unpaid fee balance or disqualification period under 606 CMR 10.12 (1) through (5) is resolved.

10.06: Department of Children and Families (DCF)-related Child Care Program

Subject to appropriation, DCF may issue Referrals for children with active cases at DCF or during a transitional period following their case closure through the DCF-related Child Care Program, as described in 606 CMR 10.06(1) through (9). DCF Referrals for subsidized child care shall be issued in accordance with the regulations, guidelines and policies established by DCF and in accordance with the general provisions for subsidized child care described in 606 CMR 10.03, unless otherwise noted.

(1) Authorization. For any child with active cases at DCF, DCF may issue a written or electronic Referral for child care services to the Parent.

(2) Referral and Waitlist. DCF or its designee will determine the appropriateness of and authorize all Referrals for DCF-related child care, and may either:

(a) refer the Parent to a Subsidy Administrator authorized by the EEC to provide DCF-related child care appropriate to the age and needs of the child; or

(b) enter the child on a waitlist for child care, if there are no appropriate openings available.

10.06: continued

(3) Eligibility Criteria. DCF or its designee shall determine eligibility of its clients for DCF-related child care, in accordance with DCF regulations and policy. The written or electronic child care Referral is sufficient documentation that the children listed on the Referral are eligible for DCF-related child care. Subsidy Administrators shall verify the identity of the Parents listed on the child care Referral issued by DCF in accordance with 606 CMR 10.03(1)(b).

(4) Eligibility Period. The DCF-related Child Care Subsidy will be authorized by the Subsidy Administrator for not less than 12 months, and may be renewed by DCF for an additional 12-month period as needed. Unless approved by the DCF social worker and DCF supervisor, Referrals for DCF-related child care may not be renewed more than once. Subject to appropriation, DCF may refer transitional DCF-related child care to continue beyond the closure of the DCF case for no less than 12 months. The EEC Subsidy Administrator shall notify families, in writing, that their eligibility period is ending no less than 45 Days prior to the end of the eligibility period.

(5) Fee Assessment. DCF families with written child care Referrals who currently receive DCF-related child care shall not be charged any Parent fees. DCF families with written child care Referrals who currently receive DCF-related child care shall be exempt from payment of explained Absences exceeding 45 Days in accordance with 606 CMR 10.03(1)(i)2.

(6) Information Sharing. Subject to the Authorization of the Parents, DCF or its designee will share information with the Child Care Educator/Provider regarding the child's behavior and the Family's psychosocial history to assist the Child Care Educator/Provider in meeting the needs of the child and Family.

(7) Enrollment. The Parents must meet with the Child Care Educator/Provider to complete the enrollment process in accordance with the educator's/provider's policies and procedures.

(8) Denial or Termination of DCF-related Child Care. DCF-related child care will end when the protective case closes, or when DCF determines that services are no longer appropriate, whichever first occurs, provided however, that DCF-related child care will continue until the end of the Authorization period under 606 CMR 10.06(4). Parents wishing to appeal the termination or denial of DCF-related child care may do so through the DCF Fair Hearing Process, in accordance with DCF policy and 110 CMR 10.00: *Fair Hearings and Grievances*.

(9) Continuity of Care. Subject to appropriation, Parent(s) seeking to continue eligibility upon the closure of the Family's DCF-related child care services may continue to receive child care financial assistance through the Income Eligible Child Care program provided that the Family meets the requirements set forth in 606 CMR 10.03 and 10.04 and any unpaid fee balance or disqualification period under 606 CMR 10.12(1) through (5) is resolved.

10.07: Young Parent Child Care Services Program

Subject to appropriation, Young Parents may be eligible to receive subsidized child care through the Young Parent Child Care Services Program, as described in 606 CMR 10.07(1) through (6), and as provided they meet the requirements of the general provisions for subsidized child care described in 606 CMR 10.03, unless otherwise noted:

(1) Application and Referral. Young Parents may apply for child care subsidies at a CCRR, a program contracted to provide Young Parent Child Care services, a local DTA office, or any other location authorized by the EEC. At the time of application and at each subsequent Reauthorization, the Young Parent must complete a child care application and fee agreement on forms provided or approved by the EEC. At the initial Authorization, the Young Parent must submit documentation that verifies their identity, income, service need, residence and Family relationships, in accordance with EEC regulation and policy. At Reauthorization, the Young Parent must only submit documentation that verifies their income, service need, and residence in accordance with EEC regulation and policy. If a Young Parent has a current child care Referral from DTA under 606 CMR 10.05(1)(a), the Referral is sufficient documentation of their income, service need, residence and Family relationships.

10.07: continued

- (2) Referral and Waitlist. Based on availability, Parents will be referred to and/or enrolled, subject to an eligibility determination, in the Young Parent Child Care Services Program. Parents unable to enroll in the Young Parent Child Care Services Program, due to a lack of available funding, will be placed on a Child Care Subsidy waitlist.
- (3) Eligibility Criteria. Young Parents seeking access to subsidized child care through the Young Parent Child Care Services Program must comply with the financial and service need requirements of 606 CMR 10.04, unless excepted in 606 CMR 10.07(3)(a) and (b).
- (a) Service Need Requirements. Unless authorized by DTA or DCF, Young Parents must participate in a full time high school program or a high school equivalency (GED) program, or must have received a GED or high school diploma and be participating in an approved higher education, training, and/or work activity as specified at 606 CMR 10.04(2)(b).
- (b) Age Requirements. Young Parents are eligible to participate in the Young Parent Child Care Services Program when they reach their 24th birthday. Enrolled Young Parents who turn 24 years of age during their 12-month Authorization may continue through the end date of their Authorization.
- (4) Eligibility Periods. Eligibility is determined for periods not less than 12 months, subject to the Family's continued eligibility for child care financial assistance. The EEC Subsidy Administrator shall notify Young Parents, in writing, that their eligibility period is ending no less than 45 Days prior to the end of the eligibility period.
- (5) Denial or Termination of Services. All denials or terminations related to the Young Parent Child Care Services Program shall comply with 606 CMR 10.10 and 10.11.
- (6) Continuity of Care. Subject to appropriation, Parent(s) seeking to continue eligibility upon the closure of the Family's Young Parent Child Care Services may continue to receive child care financial assistance through the Income Eligible Child Care Program provided that the Family meets the requirements set forth in 606 CMR 10.03 and 10.04 and any unpaid fee balance or disqualification period under 606 CMR 10.12 (1) through (5) is resolved.

10.08: Child Care Educators/Providers and Informal Child Care Providers

- (1) Care by Licensed Educators/Providers. Except as set forth in 606 CMR 10.08(2), subsidized child care may be provided by an EEC licensed family Child Care Educator/Provider, a licensed group or school age child care program or through a family child care system, if the Educator/Provider, program or system holds a contract or agreement with the EEC to provide subsidized child care services or holds a voucher agreement with a CCRR.
- (2) Care Exempt from Licensure.
- (a) Subsidized child care may be provided by a group or school age child care program that has been determined by the EEC to be exempt from licensure, and with whom the EEC holds a contract or an agreement to provide subsidized child care services or with whom a CCRR holds a voucher agreement. Prior to providing and being reimbursed for subsidized child care, license exempt providers providing care must:
1. complete the EEC's background record check certifying the Child Care Provider exempt from licensure, as determined by the EEC, has a background free of conduct which, in the judgment of the EEC and in accordance with the EEC's Background Record Check Regulations at 606 CMR 14.00: *Criminal Offender and Other Background Record Checks*, bears adversely upon his or her ability to provide for the safety and well-being of a child.
 2. complete all applicable pre-service and orientation to child care trainings;
 3. agree to and complete annual trainings;
 4. satisfy all applicable health and safety requirements;
 5. agree to annual monitoring visits from the EEC; and
 6. sign an agreement to provide subsidized child care.

10.08: continued

(b) Informal Child Care.

1. Relative of the Child. Subsidized child care may be provided in a private residence by an Informal Child Care Provider who is Relative of the child, provided that the Informal Child Care Provider is 18 years of age or older and is not the child's Parent or Caregiver. Relative Informal Child Care Providers who provide subsidized child care services must submit to the CCRR evidence of their relationship to the child receiving care. Such evidence may include birth certificates, baptismal certificates, and marriage certificates. The Informal Child Care Provider must not be a member of the Parent's TAFDC assistance unit, unless the Parent is younger than 18 years old. Prior to providing and being reimbursed for subsidized child care, Relative Informal Child Care Providers must:

- a. complete all applicable pre-service and orientation to child care trainings;
- b. satisfy all applicable health and safety requirements; and
- c. sign an agreement to provide subsidized child care.

2. Non-relative of the Child. Subsidized child care may be provided in the home of the child by an Informal Child Care Provider unrelated to the child, on the condition that the Informal Child Care Provider is at least 18 years of age or older. Prior to providing and being reimbursed for subsidized child care, Informal Child Care Providers providing care in the child's own home must:

- a. complete EEC's background record check certifying the informal child care provider has a background free of conduct which, in the judgment of the EEC and in accordance with EEC's Background Record Check Regulations at 606 CMR 14.00: *Criminal Offender and Other Background Record Checks*, bears adversely upon his or her ability to provide for the safety and well-being of a child;
- b. complete all applicable pre-service and orientation to child care trainings;
- c. agree to and complete annual trainings;
- d. satisfy all applicable health and safety requirements;
- e. agree to annual monitoring visits from the EEC; and
- f. sign an agreement to provide subsidized child care.

3. Relative Informal Child Care Providers and Non-relative Informal Child Care Providers providing care in the child's own home may not care for more than six children younger than 13 years old.

10.09: Reimbursement

(1) Rates. Reimbursement to child care educators/providers shall be made in accordance with rates and policy established by the EEC.

(2) Hours. Unless approved by the EEC, providers shall not be reimbursed for more than ten hours of care per day or 50 hours of care per week per child.

(3) Denial. EEC may deny reimbursement of child care services when:

- (a) the care provided does not meet EEC health and safety standards;
- (b) the care provided is not in the best interest of the children served; or
- (c) the Child Care Educator/Provider fails to follow EEC regulations, policies, procedures, or contract requirements.

(4) Payment for Child Care Absences. Educators/Providers shall not be paid by the Commonwealth for more than 45 child Absence Days per authorized child in a 12-month Authorization period, more than 15 Absences per authorized child during an initial 12-week Provisional Authorization, or for more than two separate occurrences of Excessive Unexplained Absences per authorized child within the same Authorization period.

10.10: Denial and/or Termination of Services

Parents aggrieved by the denial or termination of their DTA Authorization for a Child Care Subsidy may request a fair hearing on the matter from DTA in accordance with DTA regulations and policies. Parents aggrieved by the denial or termination of their eligibility for DCF-related child care services may request a fair hearing on the matter from DCF in accordance with DCF regulations and policies. All others whose subsidies are terminated, or denied may request EEC to review the decision through the EEC Review Process, as specified at 606 CMR 10.11.

(1) Reasons for Denial. In accordance with EEC policies, the EEC may deny child care subsidies for the following reasons:

- (a) lack of service need;
- (b) lack of financial eligibility including, but not limited to, exceeding income or asset limits;
- (c) outstanding unpaid Parent fee balance;
- (e) failure to submit the required documentation at Authorization or Reauthorization in accordance with 606 CMR 10.03(1);
- (f) Substantiated Fraud;
- (g) disqualification pursuant to 606 CMR 10.12;
- (h) Abandonment of Subsidy; or
- (g) residency outside of the Commonwealth in accordance with 606 CMR 10.03(1)(c).

(2) Reasons for Termination. EEC child care subsidies may be terminated due to the following:

- (a) lack of service need;
- (b) Intentional Program Violation;
- (c) Substantiated Fraud;
- (d) residency outside of the Commonwealth in accordance with 606 CMR 10.03(1)(c).
- (e) income exceeding limits detailed in 606 CMR 10.04(2)(a)1.;
- (f) Abandonment of Subsidy; or
- (g) Excessive Unexplained Absences.

(3) Notice. Whenever a subsidy is being denied or terminated, the EEC or the Subsidy Administrator must give the Parent(s) written notice of the denial or termination and the option to request a review of the action through the EEC review process. The EEC or the Subsidy Administrator shall use a notice form provided or prescribed by the EEC and shall provide the Parent with the notice immediately upon the decision to deny a Child Care Subsidy or at least 14 calendar Days before the effective date of the termination. At a minimum, the notice shall include the following:

- (a) a clear and plain statement of the action to be taken;
- (b) the effective date of the action;
- (c) an explanation of the reason(s) for the action;
- (d) the regulation or other legal authority on which the action is based;
- (e) contact information to obtain further information related to the action;
- (f) an explanation of the right to request a review;
- (g) a copy of the request for review form;
- (h) the circumstances under which child care services may continue pending a review, if applicable;
- (i) a notice of the right to be represented; and
- (j) contact information for the EEC unit that receives appeal requests.

All notices required by EEC regulation and policy will be deemed adequately served if they are mailed *via* regular mail to Parents at their last known address, or if they are otherwise mailed or delivered to Parents based on the contact information that they maintain with their Subsidy Administrator.

(4) Continuation of Care.

- (a) The Child Care Subsidy shall continue after receipt of a notice of termination if:
 1. the Parent takes appropriate action to resolve any unpaid fee balance under 606 CMR 10.12(1) which caused the notice of termination prior to the effective date of the notice;
 or

10.10: continued

2. prior to the effective date of the notice, the Parent files with the EEC a request for a Review and a request for continuation of child care services; and while the Review is pending, the Parent keeps all undisputed fee payments current, and the child continues to attend care in accordance with the child's Authorization.
 - (b) Continuation of care shall not be allowed after receipt of a notice of denial.
- (5) Restoration of Care. The Child Care Subsidy shall be restored after receipt of a notice of termination or notice of denial if:
- (a) the Parent takes appropriate action to resolve the circumstances which caused the notice of termination no later than 30 Days from the effective date of the notice; or
 - (b) the Parent takes appropriate action to resolve the circumstances of the denial notice no later than 30 Days from the end date of the previous child care Authorization; or
 - (c) the Parent resolves any unpaid fee balance under 606 CMR 10.12(1) no later than 30 Days from the termination date.

10.11: Review Process

- (1) Reasons for Review. A Parent may request an EEC Review when the EEC or Subsidy Administrator:
- (a) denies the Parent's Child Care Subsidy. A denial based on failure of a Parent to submit timely documentation in accordance with 606 CMR 10.03(1)(g) is not eligible for review;
 - (b) terminates the Parent's Child Care Subsidy;
 - (c) assesses a fee that the Parent believes is not in accordance with EEC regulation or policy;
 - (d) acts or fails to act in a way that the Parent believes violates EEC subsidy regulations or policy; or
 - (e) imposes a sanction pursuant to 606 CMR 10.12.
- (2) Scope of Review. A Parent may not challenge the legality of state or federal law in the EEC review process. The scope of an EEC review shall be limited to determining whether the Subsidy Administrator acted, or failed to act, in accordance with state or Federal laws or EEC regulations or policies.
- (3) Filing a Request for Review. The Parent shall submit to the EEC a written, signed, and dated request for a review within 30 Days of notice that their child care is being terminated or denied, or within 30 Days of an action or determination by the Subsidy Administrator which the Parent claims violates EEC subsidy regulations or policy. The request for a review shall contain the Parent's name, address, and telephone number; the name, address and telephone number of the Subsidy Administrator and the reason for the request. If a Parent wishes to submit evidence in support of his or her request, such as documents or receipts, the evidence must be received by the EEC within 14 calendar Days of submitting the request for review, in order to make such evidence a part of the review record.
- (4) Representation. The Parent may be represented by a person of his or her choosing at any stage of the review process.
- (5) Continuation of Subsidized Child Care Services.
- (a) In order for subsidized child care services to continue pending outcome of the review, the Parent shall:
 1. file with the EEC a written request for the continuation of child care services on a form provided or prescribed by the EEC prior to the termination of the child care services;
 2. at all times during the review process and any subsequent appeals keep all undisputed fee payments current; and
 3. at all times during the review process and any subsequent appeals ensure that the child continues to attend care in accordance with the child's Authorization.
 - (b) Requests for review of a denial notice will not be eligible for continuation of care.

10.11: continued

(6) Termination of Continued Subsidized Child Care. Subsidized child care services continued in accordance with 606 CMR 10.11(5)(a) shall be terminated if at any time during the review process or any subsequent appeals:

- (a) a determination is made that the sole issue is a challenge to the validity of a particular law or EEC regulation;
- (b) a change affecting the Parent's subsidy occurs subsequent to the filing of the request for a review which makes the previously filed request for a review moot, and the Parent fails to appeal the subsequent matter within the applicable time period; or
- (c) the Parent fails to comply with the requirements for continuing subsidized care listed in 606 CMR 10.11(5)(a).

(7) Preliminary Review.

(a) Notification. Within seven Days of receipt of the Parent's request for review, the EEC Review Officer shall notify the Subsidy Administrator of the Request for Review, and shall request that the Subsidy Administrator submit evidence in support of his or her determination. The EEC Review Officer shall also notify the Parent and the Subsidy Administrator whether the subsidized child care shall continue pending the outcome of the review.

(b) Response. Within seven Days of the date of notification from the EEC the Subsidy Administrator must submit to the EEC Review Officer evidence in support of his or her decision, action or inaction which allegedly forms the basis for the Parent's request for review.

(c) Record. The case record shall consist of any evidence submitted by the Subsidy Administrator, any evidence submitted by the Parent, and, if applicable, any evidence obtained by the EEC Review Officer including, but not limited to, documentary evidence obtained from local, state, and/or federal agencies.

(d) Decisions.

1. How Made. The EEC Review Officer will review all information submitted by the Parent and Subsidy Administrator and seek clarification from the parties, if necessary. The Review Officer may take administrative notice of general, technical or scientific facts within his or her specialized knowledge and may use his or her experience and specialized knowledge in the evaluation of the evidence presented. The EEC Review Officer may also take administrative notice of any public records or information from other local, state, and/or federal agencies.

2. When Made. Within 60 Days of EEC's receipt of the Request for Review or as promptly as administratively feasible, the EEC Review Officer shall issue a written decision to the Parent and the Subsidy Administrator which upholds, reverses, or modifies the Subsidy Administrator's decision, action or inaction.

3. When Implemented. Unless 606 CMR 10.11(8)(b) applies, the EEC Review Officer's decision will be implemented in accordance with the timelines set forth in the decision.

4. Notice of Right to Appeal. The Review Officer's written decision shall inform the Parent of the Parent's right to appeal the written decision by requesting an Informal Hearing in accordance with 606 CMR 10.11(8). If the Parent does not appeal, the Review Officer's written decision shall become the EEC's final agency decision.

(8) Informal Hearing. After a Preliminary Review, aggrieved Parents may appeal the EEC Review Officer's decision by requesting an informal hearing.

(a) Requesting an Informal Hearing. Parents may request an informal hearing by submitting to the EEC General Counsel a written, signed, and dated request for an informal hearing on a form prescribed or provided by EEC within 14 Days of the date of the EEC Review Officer's written decision. The request for informal hearing must state the reason for the appeal.

(b) Continuation of Benefits Pending an Informal Hearing. In order for subsidized child care services to continue pending the outcome of the appeal, the Parent shall timely appeal the decision in accordance with 606 CMR 10.11(8)(a), and shall comply with the requirements under 606 CMR 10.11(5)(a).

10.11: continued

(c) Notice of Hearing. The General Counsel or the designated EEC Hearing Officer shall notify the Parent, the Subsidy Administrator, and the EEC Review Officer of the date, time, and place of the hearing. The notice shall also describe the hearing procedure and the right to contact the EEC to obtain further information, including the case file and documents to be submitted by the EEC at the hearing.

(d) Hearings.

1. Procedure. The hearing shall be conducted in accordance with 801 CMR 1.02: *Informal/Fair Hearing Rules*. The General Counsel may appoint an EEC Hearing Officer to preside over the hearing.

2. Adjustment of Matters Relating to the Hearing. The EEC Hearing Officer may make informal disposition of the adjudicatory proceeding by stipulation, agreed settlement, consent order, or default, and may limit the issues to be heard, in accordance with M.G.L. c. 30A, § 10.

3. Submission without a Hearing. The Parent may elect to waive a hearing and to submit any documents without appearing at the time and place designated for the hearing. Submission of a case without a hearing does not relieve the parties from supplying all documents supporting their claims or defenses. Affidavits and stipulations may be used to supplement other documentary evidence in the record.

4. Location. The Informal Hearing shall be held in the EEC's Central Office, or a location designated by the EEC. If the Parent has a disability or is otherwise unable to appear at the Central Office, the Parent may request that the hearing be held at an EEC regional office more conveniently located to the Parent, subject to approval by the EEC.

5. Hearing Record. The EEC Hearing Officer shall ensure that a record is made of the hearing. All documents and other evidence offered and accepted shall become part of the record. The record shall also include the Request for Review, the Request for Informal Hearing and the decision by the EEC Review Officer.

6. Burden of Proof. The EEC Hearing Officer's decision shall be supported by substantial evidence presented at the hearing.

(e) Reasons for Dismissal. The EEC Hearing Officer may dismiss a request for an informal hearing if a Parent:

1. fails to appear at the informal hearing, in accordance with 801 CMR 1.02: *Informal/Fair Hearing Rules*;

2. fails to prosecute his or her claim, in accordance with 801 CMR 1.02: *Informal/Fair Hearing Rules*; or

3. withdraws the request for Informal Hearing in writing or on the record at the hearing.

(f) Decisions. Within 60 Days of conducting the Informal Hearing, or as promptly as administratively feasible, the EEC Hearing Officer shall issue a written decision in accordance with M.G.L. c. 30A, § 11(8).

(g) Judicial Review and Finality of Decision. The decision of the EEC Hearing Officer following an Informal Hearing shall be the final agency decision for purposes of judicial review under M.G.L. c. 30A.

(h) Further Appeal and Stay of Decision. Following the Informal Hearing, the decision of the EEC Hearing Officer shall be implemented in accordance with the timelines set forth in the EEC Hearing Officer's decision unless the Parent:

1. timely appeals the decision to superior court pursuant to M.G.L. c. 30A;

2. submits a written request for a stay of the decision to the EEC General Counsel; and

3. the General Counsel grants the request for a stay.

10.12: Sanctions

A Parent determined by the EEC to have committed Substantiated Fraud or an Intentional Program Violation shall have a period of disqualification from eligibility for each child the Parent is authorized for pursuant to the following:

(1) Non-payment of Fees. If a Parent is determined to be in violation of the fee obligation pursuant to 606 CMR 10.03(2), the Child Care Subsidy shall be terminated until the unpaid balance is paid in full. After that time, the Parent is eligible to return to care if allowable under 606 CMR 10.10 (4) or (5) or is eligible to return to the waitlist in accordance with 606 CMR 10.04, or pursuant to the applicable Referral in accordance with 606 CMR 10.05 and 10.06.

10.12: continued

(2) First Offense of IPV or Third Offense of Non-payment of Fees. If a Parent is determined to have committed an IPV (other than non-payment of fees) or a third offense of non-payment of fees then the Parent shall receive a warning notification putting the Parent on notice that subsequent offenses will result in disqualification.

(3) Second Offense of IPV or Fourth Offense of Non-payment of Fees. If a Parent is determined to have committed a second IPV (other than non-payment of fees) or a fourth offense of non-payment of fees, then the Parent shall be disqualified from eligibility until the debt is repaid or for a period of 12 months from the date of termination, whichever is greater. After that time the Parent is eligible to return to the waitlist in accordance with 606 CMR 10.04 or, pursuant to the applicable Referral, in accordance with 606 CMR 10.05 and 10.06.

(4) Third Offense of IPV or Fifth Offense of Non-payment of Fees. If a Parent is determined to have committed a third IPV (other than non-payment of fees) or a fifth offense of non-payment of fees, then the Parent shall be disqualified from eligibility until the debt is repaid or for a period of 24 months from the date of termination, whichever is greater. After that time the Parent is eligible to return to the waitlist in accordance with 606 CMR 10.04 or, pursuant to the applicable Referral, in accordance with 606 CMR 10.05 and 10.06

(5) Fourth or More Offense of IPV, Substantiated Fraud, or Sixth or More Offense of Non-payment of Fees. If a Parent is determined to have committed a fourth or more IPV (other than non-payment of fees), or a sixth or greater offense of non-payment of fees, or Substantiated Fraud, the Parent shall be disqualified from eligibility until the debt is repaid or for a period of 36 months from the date of termination, whichever is greater. After that time the Parent is eligible to return to the waitlist in accordance with 606 CMR 10.04 or, pursuant to the applicable Referral, in accordance with 606 CMR 10.05.

(6) A Parent with an active TAFDC case in accordance with 606 CMR 10.05(4)(a) shall be exempt from the termination or disqualification sanctions during the period his or her TAFDC case remains open or through the end of their eligibility period under 606 CMR 10.05(4)(a), whichever is later.

(7) A Parent with an active DCF Referrals pursuant to 606 CMR 10.06 will be exempt from the termination or disqualification sanctions during the period the Parent receives DCF-related child care pursuant to 606 CMR 10.06(4).

10.13: Applicability

If any provision contained in 606 CMR 10.00 or the application thereof is held invalid to any person or circumstance, the remainder of 606 CMR 10.00 and the application of the provision in question to other persons not similarly situated, or to other circumstances, shall not be affected thereby.

REGULATORY AUTHORITY

606 CMR 10.00: M.G.L. c. 15D, and 45 CFR Part 98.11(b)(2) and (8).