

Enclosures 3.2.
Steve Dale 9/10/09

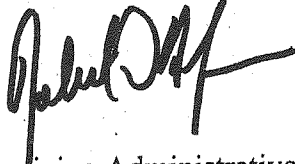


State of Vermont
Agency of Human Services
Office of the Secretary
103 South Main Street
Waterbury, VT 05671-0204
www.ocs.state.vt.us

Robert D. Hofmann, Secretary

[phone] 802-241-2220
[fax] 802-241-2979

MEMORANDUM

To: Deborah L. Markowitz,
Secretary of State
From: Robert D. Hofmann, Secretary 
Agency of Human Services
RE: Signatory for Purposes of Authorizing Administrative Rules

Pursuant to the duties of the Deputy Secretary of the Agency of Human Services, as outlined in 3 V.S.A. § 801 et seq., related to an adopting authority, I designate Deputy Secretary of Human Services Patrick Flood as a signatory for purposes of authorizing administrative rules as required by Vermont's Administrative Procedure Act.

RDH/lh

FINAL PROPOSAL: COVER SHEET

SOS # _____
(Do not complete)

Note: File this form with the appropriate attachments with the secretary of state and the Legislative Committee on Administrative Rules. You must file an adopting page, an economic impact statement, a public input statement, text of the rule, annotated text showing the changes to existing rules and an explanation of the changes along with this cover sheet. You must also file a scientific information statement and/or incorporation by reference statement if applicable. A copy of the ICAR approval letter must also accompany this filing.

Please complete the following:

1. Title of final proposal:
Vermont Child Care Financial Assistance Sliding Fee Scale
2. Proposed Rule # previously assigned by the Secretary of State 09P-033
3. Agency:
AHS/Department for Children and Families (DCF)
4. Contact Person (Name, Address & Phone)
K.C. Whiteley, 103 South Main Street, 2 North, Waterbury, VT 05671-5500, (802)241-2705
5. Statutory authority for this rule:
33 V.S.A. §105(c)(2); Title 33 VSA 3512(b)
6. This filing has has not changed since the filing of the proposed rule. If it has changed, please attach a letter to this filing explaining in detail what changes were made, citing chapter and section of those changes where applicable.
7. Substantial arguments and considerations were were not raised for or against the original proposal. Please attach copies of all written submissions and synopses of oral comments received for or against the original proposal. If substantial arguments and considerations were raised for or against the original proposal or if suggestions with respect to separate requirements for small businesses were made, please attach a letter to this filing explaining in detail the reasons for the agency's decision to reject or adopt them.
8. Give a concise summary explaining the effect of the rule (150 words or less):
The proposed Child Care Financial Assistance Program Sliding Fee Scale sets the benefit using the 2009 Federal Poverty Level (FPL) for the maximum benefit, and sets the minimum benefit to 200% of 2009 FPL. This is a change from the current Fee Scale which sets the maximum benefit at 100% of the 2000 FPL and the minimum level at 82.5% of the 2000 state median income.
9. Explanation of why this rule is necessary:
Vermont is required to adopt rules for the administration of the Child Care Financial Assistance Program. The Sliding Fee Scale is

used to determine the financial benefit for eligible families. Vermont State statute requires the fee scale be established by rule. This change will be part of a broader restructuring of the Financial Assistance Program. Per the Fiscal Year 2010 Appropriations Act, this rule cannot be formally adopted until the broader proposal is approved by the Joint Fiscal Committee (JFC), slated for early fall.

10. List of people, enterprises and government entities affected by this rule:

Young children nurtured by well trained early childhood caregivers; parents and relatives of children eligible for this program who will be able to find or maintain work or attend training leading to employment or receive family support who otherwise would not be able to afford child care; children with intensive behavioral/emotional needs; Vermont Child Care Industry; Licensed, Registered and Certified Child Care providers; Department of Education (Schools, Food Program); Employers, businesses and communities; Vermont's workforce; Economic Services (Reach Up); Child Welfare and Youth Justice (Social Services, Adoption, Foster Care); Office of Child Support.

11. Brief summary of economic impact of this rule (150 words or less):

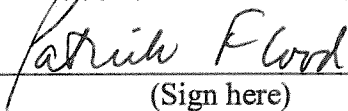
The Child Care Financial Assistance Program serves over 8,000 eligible children annually; 800 of these children have been or are at risk of abuse or neglect. 75% of the families receiving a child care subsidy are single parent households with an average monthly income of \$1,218. There are an estimated 37,500 working parents who rely on child care services and are employed by over 11,000 Vermont businesses.

12. Date, time and place of hearing(s), if any were held:

July 27, 2009 at 2:00 pm in the DCF Commissioner's Conference Room, 103 South Main Street, 5 North, Waterbury

13. The deadline for public comments was: 08/03/09

CERTIFICATION: AS THE ADOPTING AUTHORITY (see 3 V.S.A. § 801(b)(11) for a definition) OF THIS RULE, I APPROVE THE CONTENTS OF THIS FILING.


 (Sign here)

Date: 08/31/09

Rob Hofmann
 Secretary, AHS

(Type name here please)

Please Check off the following components that are enclosed with this rule (Please check only those that apply to this proposed rule).

- Final Proposed Rule Cover sheet
- Adopting Page
- Economic Impact Statement
- Scientific Information
- Public Input Statement
- Incorporation by Reference
- Text of the Rule
- Annotated Text
- ICAR Approval Memo

This box for Secretary of State use only

- Final Proposed Rule Cover Sheet
- Adopting Page
- Economic Impact Statement
- Scientific Information
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- Incorporation by Reference
- Text of the Rule
- Annotated Text
- ICAR Approval Memo

These components were filed with this APA Clerk's Initials _____

The Vermont Statutes Online

Title 33: Human Services

Chapter 1: Department Of Prevention, Assistance, Transition,

105. Commissioner; appointment, term, duties and powers

§ 105. Commissioner; appointment, term, duties and powers

(a) [Repealed.]

(b) The commissioner may exercise the powers and perform duties required for effective administration of the department, and he shall determine the policies of the department.

(c) In addition to other duties imposed by law, the commissioner shall:

(1) Administer the laws assigned to the department.

(2) Fix standards and issue regulations necessary to administer those laws and for the custody and preservation of records of the department. Those regulations shall contain provisions restricting the use or disclosure of information contained in the records to purposes directly connected with the administration of the department. As used in this subdivision, the word "records" includes records, papers, files and communications.

(3) Appoint all necessary assistants, prescribe their duties, and issue regulations necessary to assure that the assistants shall hold merit system status while in the employ of the department, unless otherwise specifically provided by law.

(4) [Repealed.]

(d) The commissioner, or the governor, whenever the federal law so provides, may cooperate with the federal government in providing relief and work relief, and community work and training programs in the state.

(e) The commissioner, with the approval of the attorney general, may enter into reciprocal agreements with social welfare agencies in other states in matters relating to social welfare.

(f) Notwithstanding any other provision of law the commissioner may delegate to any appropriate employee of the department any of the administrative duties and powers imposed on him by law, with the exception of the duties and powers enumerated in this section. The delegation of authority and responsibility shall not relieve the commissioner of accountability for the proper administration of the department. (Added 1967, No. 147, § 1; amended 1973, No. 101, § 6; 1983, No. 175 (Adj. Sess.))

ADOPTING PAGE

Note: This form must be filed three times during the rulemaking process, viz., with the Proposed Rule Cover Sheet, Final Proposal Cover Sheet, and Adopted Rule Cover Sheet.

Please complete the following:

1. Title of rule:
Vermont Child Care Financial Assistance Sliding Fee Scale
2. Agency:
Agency of Human Services, Department for Children and Families
3. Agency's reference number, if any:

4. This is a(n)

- Amendment- changes to an already existing rule.
- New rule- adopts a rule that did not previously exist.
- Repeal-repeals a rule that previously existed.

Except for new rules, please give the name of the existing rule and the date on which it was last amended or adopted:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with the filings of proposed rules and final proposals. Filing a paragraph or page of a larger rule is not sufficient. Similarly, if the rules of the agency have been published as part of the Code of Vermont Rules, the agency shall file the annotated text, if possible, using the appropriate page or pages of the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

ECONOMIC IMPACT STATEMENT

Note: In completing the economic impact statement, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule. Rules affecting or regulating public education and public schools must include cost implications to local school districts and taxpayers in the impact statement (see 3 V.S.A. § 832b for details). Where this form is insufficient for your purposes, please use additional sheets.

Please complete the following.

1. Title or subject of rule:
Vermont Child Care Financial Assistance Sliding Fee Scale

2. Agency:
Agency of Human Services, Department for Children and Families

3. Please list categories of people, enterprises and government entities potentially affected by this rule and estimate for each the costs and benefits anticipated. If applicable, include small businesses, and complete items 4 and 5 of this sheet as well. Please be as specific as possible, giving full information on your assumptions, data base, and attempts to gather other information on the nature of the costs and benefits involved. Costs and benefits can include any tangible or intangible entities or forces which will make an impact on life without this rule.
 Child Care contributes to the economy. The child care industry is a growing part of Vermont's economy by supporting working families, creating jobs and generating taxes through employment and the purchase of goods and services. Money spent on child care stays in Vermont communities, helping children, families and local businesses.
 An estimated 37,500 working parents rely on child care services and are employed by over 11,000 Vermont businesses.
 Low wage working parents and single parents require child care subsidies to enter and stay in the workforce. Many Vermont businesses do not pay wages that are high enough to cover the cost of child care. By helping these families purchase the child care they need to go to work, Vermont is also providing financial assistance to thousands of small businesses in the state.

4. Please compare the economic impact of the rule with the economic impact of other alternatives to the rule, including no rule on the subject or a rule having separate requirements for small business.
 Vermont is required to adopt rules for the administration of this program including the proposed Sliding Fee Scale or forfeit over \$28 million in federal funds primarily through the Child Care Development Fund. Also, State statute requires periodic review of rules.

5. Flexibility statement: Please compare the burden imposed on small business by compliance with the rule to the burden which would be imposed by alternatives considered in 3 V.S.A. § 832a.
 The Child Care Financial Assistance Program supports small businesses by creating and maintaining affordable child care opportunities for employees across the state. No burden on businesses is imposed.

Addendum/Statement of Impact on Greenhouse Gasses:

The Child Care Financial Assistance Sliding Fee Scale Rule will have no impact on greenhouse gasses.

EIS-01

CERTIFICATION: AS THE ADOPTING AUTHORITY (see 3 V.S.A. § 801(b)(11) for a definition) OF THIS RULE, I CONCLUDE THAT THIS RULE IS THE MOST APPROPRIATE METHOD OF ACHIEVING THE REGULATORY PURPOSE. IN SUPPORT OF THIS CONCLUSION, I HAVE ATTACHED ALL FINDINGS REQUIRED BY 3 V.S.A. § 832a and § 832b

Patricia Flood

(Sign here)

Date: 8/31/09

Robert D. Hofmann
Secretary
Agency of Human Services
(Type name here please)

PUBLIC INPUT STATEMENT

In completing this public input statement, an agency shall describe what it did or will do to maximize the involvement of the public in the development of the rule. Where this form is insufficient for your purposes, please use additional sheets.

Please complete the following:

1. Title or subject of rule:

Vermont Child Care Financial Assistance Sliding Fee Scale

2: Agency:

Agency of Human Services, Department for Children and Families

3. Please list the steps that have been or will be taken to maximize public involvement in the development of the proposed rule:

Electronically mailing 2,000 child care providers the proposed rule change, posted to the State website for comment (May 18, 2009); newsletters published by community partners and networks; twelve regional public hearings around the state (May 21 through June 25); meeting with Building Bright Futures State Council (May 18, 2009), meeting with Child Care Advisory Board (May 15, 2009); individual meetings with private providers potentially most affected by the proposal. Public hearing held on July 27, noone attended.

Beyond general advertisements, please list the people and organizations that have been or will be involved in the development of the proposed rule.

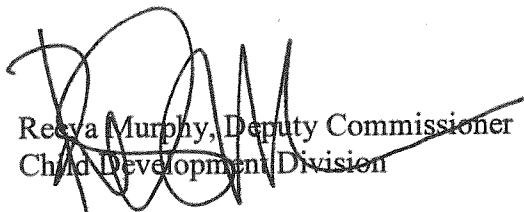
Child Care Advisory Board
 12 Community Child Care Support Agencies
 Parent-Child Centers.
 Licensed Center operators
 Registered Home providers
 Building Bright Futures State Council Members
 Early Childhood Advocates
 Regional Early Childhood BBF Council Coordinators

Meetings were scheduled throughout the latter half of May and all of June. An average of 30 participants per meeting resulted in over 350 participants in the review of this proposal.

STATE OF VERMONT
AGENCY OF HUMAN SERVICES

DCF

Department for Children and Families

FROM:  Reeva Murphy, Deputy Commissioner
Child Development Division

DATE: August 31, 2009

SUBJECT: Vermont Child Care Financial Assistance Sliding Fee Scale

CHANGES ADOPTED EFFECTIVE 01/03/2010

INSTRUCTIONS

Maintain Manual - See instructions below.
 Proposed Regulation
 Information or Instructions - Retain
until _____

A public hearing was held on July 27, 2009 at 2:00 p.m., in the DCF Commissioner's Conference Room, State Office Complex, 5 North, Waterbury, Vermont. No one attended.

No written comments were submitted by 4:30 p.m., on August 3, 2009, to Robert Butts, Child Development Division, DCF; 103 South Main Street, Waterbury, VT 05671-1201
Fax: (802) 241-4676.

To get more information about the Administrative Procedures Act and the rules applicable to state rulemaking go to the website of the Office of the Vermont Secretary of State at: <http://vermont-archives.org/aparules/> or call Louise Corliss at 828-2863

For information on upcoming hearings before the Legislative Committee on Administrative Rules go to the website of the Vermont Legislature at: <http://www.leg.state.vt.us/schedule/schedule2.cfm> or call 828-5760.

State of Vermont
 Agency of Human Services
 Department for Children and Families

CHILD CARE FINANCIAL ASSISTANCE PROGRAM
2009 SLIDING FEE SCALE
 (INCOME PER MONTH)

Percent of State Rate	Family Members			
	3 or Fewer	4	5	6 or More
100	\$1,525	\$1,837	\$2,149	\$2,461
99	\$1,564	\$1,884	\$2,203	\$2,524
98	\$1,603	\$1,930	\$2,259	\$2,586
97	\$1,643	\$1,978	\$2,314	\$2,651
96	\$1,681	\$2,025	\$2,369	\$2,713
95	\$1,733	\$2,088	\$2,443	\$2,798
90	\$1,805	\$2,175	\$2,544	\$2,914
85	\$1,878	\$2,261	\$2,644	\$3,029
80	\$1,955	\$2,355	\$2,755	\$3,156
75	\$2,033	\$2,449	\$2,865	\$3,281
70	\$2,111	\$2,544	\$2,976	\$3,408
65	\$2,190	\$2,638	\$3,085	\$3,534
60	\$2,268	\$2,731	\$3,196	\$3,660
55	\$2,346	\$2,827	\$3,306	\$3,786
50	\$2,425	\$2,920	\$3,416	\$3,913
45	\$2,503	\$3,015	\$3,526	\$4,038
40	\$2,581	\$3,109	\$3,637	\$4,165
35	\$2,660	\$3,203	\$3,747	\$4,292
30	\$2,737	\$3,298	\$3,857	\$4,418
25	\$2,815	\$3,392	\$3,967	\$4,543
20	\$2,893	\$3,486	\$4,078	\$4,670
15	\$2,972	\$3,581	\$4,187	\$4,797
10	\$3,050	\$3,674	\$4,298	\$4,922