

3400.0140 RESPONSIBILITIES OF A CCAP AGENCY.

Subpart 1. **CCAP agency child care assistance policies and procedures.** A CCAP agency must adopt policies and procedures for providing child care assistance to enable eligible applicants to seek or retain employment or to participate in education or training programs. All adopted CCAP agency policies that apply to child care assistance must be in writing and must be included in the CCAP agency's child care fund plan and must be approved by the commissioner as required under part 3400.0150.

Subp. 2. **Child care assistance information.** A CCAP agency must provide information on child care assistance to families, child care providers, social service agencies, and the local news media to ensure the full use of the CCAP agency's child care fund allocation.

Subp. 3. [Repealed, 26 SR 253]

Subp. 4. [Repealed, 47 SR 391]

Subp. 5. [Repealed, 47 SR 391]

Subp. 5a. [Repealed, 33 SR 695]

Subp. 6. **Duties upon receipt of complaint against legal nonlicensed child care provider.** Within 24 hours of receiving a complaint concerning the health or safety of children in the care of a legal nonlicensed child care provider, a CCAP agency must relay the complaint to:

A. the county's or Tribe's child protection agency if the complaint alleges child maltreatment as defined in Minnesota Statutes, section 260E.03, subdivision 12;

B. the county's or Tribe's public health agency if the complaint alleges a danger to public health due to communicable disease, unsafe water supply, sewage or waste disposal, or building structures;

C. local law enforcement if the complaint alleges criminal activity that endangers the health or safety of children under care; or

D. other agencies with jurisdiction to investigate complaints relating to the health and safety of a child.

If a complaint is substantiated under item A, the CCAP agency must keep a record of the substantiated complaint as provided in Minnesota Statutes, section 260E.35, subdivision 6. If a complaint is substantiated under items B to D, the CCAP agency must keep a record of the substantiated complaint for three years. Upon request, a CCAP agency must release information governing substantiated complaints to the public as authorized under Minnesota Statutes, chapter 13. Upon receiving notice of a substantiated complaint under items A to D, a CCAP agency must determine if the complaint meets the criteria for imminent risk or unsafe care in the CCAP agency's child care fund plan. A CCAP agency must not make payments to a child care provider from the child care fund for child care services that the child care provider provides after the date of the termination notice under part 3400.0185, subpart 13, unless the child care provider has corrected the conditions underlying the substantiated complaint. If a CCAP agency terminates a child care

provider's registration, the child care provider must complete the registration process in Minnesota Statutes, section 119B.011, subdivision 19a, after the child care provider has corrected the conditions underlying the substantiated complaint and becomes eligible under part 3400.0120 to receive child care assistance payments. When substantiated maltreatment occurs in a legal nonlicensed child care setting and a child dies or a child has a serious injury in the legal nonlicensed child care setting that requires treatment by a physician, the commissioner and any CCAP agency must always consider the legal nonlicensed child care setting unsafe and the child care provider is no longer eligible to receive child care assistance.

Subp. 7. **County and Tribal contracts for administration of child care fund.** A county or Tribe may contract for the administration of all or part of the child care fund. A county or Tribe must designate the agency that the county or Tribe authorizes to administer the child care fund in the county's or Tribe's child care fund plan. The county or Tribe must submit a copy of the current contract with the subcontracted agency that describes the subcontracted agency's responsibilities.

Subp. 8. **Agreement with employment and training services providers.** Cooperative agreements with employment and training services providers must specify that MFIP families participating in employment services and meeting the requirements of part 3400.0080 are eligible for child care assistance from the CCAP agency responsible for the MFIP participant's approved employment plan or according to Minnesota Statutes, section 256G.07.

Subp. 9. **Local match.** The county or Tribe must provide a local match according to Minnesota Statutes, section 119B.11, subdivision 1.

Subp. 9a. **Child care assistance funding.** In the manner prescribed by the commissioner, a CCAP agency must use funding for child care expenditures for all eligible recipients who are in employment, education, training, or other preemployment activities allowed under the federal and state reimbursement programs. The commissioner must allocate any federal or state earnings to the CCAP agency that used the funding and the CCAP agency must use the earnings to expand funding for child care services.

Subp. 10. **Eligibility priorities for beginning assistance.** If a CCAP agency's basic sliding fee program allocation for child care is insufficient to fund all of the applications that the CCAP agency receives for child care assistance, the CCAP agency may prioritize eligibility among the groups that remain to be served after the CCAP agency has complied with the priority requirements in Minnesota Statutes, section 119B.03, subdivision 4. A CCAP agency must include the agency's rationale for the prioritization of eligibility in the CCAP agency's child care fund plan. To the extent of available allocations, a CCAP agency must not exclude any eligible family who has submitted a complete application from receiving child care assistance.

Subp. 11. [Repealed, 26 SR 253]

Subp. 12. [Repealed, 26 SR 253]

Subp. 13. [Repealed, 26 SR 253]

Subp. 14. **Reporting requirements.** A CCAP agency must submit financial, program activity, and child care provider reports according to instructions and schedules that the commissioner

establishes after considering such factors as the commissioner's need to receive data in a manner and according to a schedule that meets reporting deadlines and the CCAP agency's need for lead time when changes in reporting requirements occur.

Subp. 15. [Repealed, 26 SR 253]

Subp. 16. [Repealed, 26 SR 253]

Subp. 17. [Repealed, 26 SR 253]

Subp. 18. [Repealed, 26 SR 253]

Subp. 19. [Repealed, 33 SR 695]

Subp. 20. [Repealed, 26 SR 253]

Subp. 21. **Acting on changes.** A CCAP agency must act within ten calendar days from the date that a family reports a change or the change becomes known to the CCAP agency. A CCAP agency must consider a family's reporting responsibilities under part 3400.0040, subpart 4, to determine if a change requires CCAP agency action.

Statutory Authority: *MS s 119B.02; 119B.04; 119B.06; 256.01; 256H.01 to 256H.19*

History: *14 SR 519; 18 SR 1144; 26 SR 253; 33 SR 695; 47 SR 391*

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