

2024 -- H 7404

LC004430

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO HUMAN SERVICES -- THE RHODE ISLAND WORKS PROGRAM

Introduced By: Representatives Casimiro, Serpa, Phillips, Tanzi, Shallcross Smith, Diaz,
Fellela, Craven, Baginski, and Carson

Date Introduced: January 31, 2024

Referred To: House Finance

(Dept. of Human Services)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40-5.2-20 of the General Laws in Chapter 40-5.2 entitled "The Rhode
2 Island Works Program" is hereby amended to read as follows:

3 **40-5.2-20. Childcare assistance — Families or assistance units eligible.**

4 ~~(a)~~ The department shall provide appropriate child care to every participant who is eligible
5 for cash assistance and who requires child care in order to meet the work requirements in
6 accordance with this chapter.

7 ~~(b) **Low-income child care.** The department shall provide child care to all other working~~
8 ~~families with incomes at or below two hundred percent (200%) of the federal poverty level if, and~~
9 ~~to the extent, these other families require child care in order to work at paid employment as defined~~
10 ~~in the department's rules and regulations. The department shall also provide child care to families~~
11 ~~with incomes below two hundred percent (200%) of the federal poverty level if, and to the extent,~~
12 ~~these families require child care to participate on a short-term basis, as defined in the department's~~
13 ~~rules and regulations, in training, apprenticeship, internship, on-the-job training, work experience,~~
14 ~~work immersion, or other job-readiness/job-attachment program sponsored or funded by the human~~
15 ~~resource investment council (governor's workforce board) or state agencies that are part of the~~
16 ~~coordinated program system pursuant to § 42-102-11. Effective from January 1, 2021, through June~~
17 ~~30, 2022, the department shall also provide childcare assistance to families with incomes below~~
18 ~~one hundred eighty percent (180%) of the federal poverty level when such assistance is necessary~~
19 ~~for a member of these families to enroll or maintain enrollment in a Rhode Island public institution~~

1 of higher education provided that eligibility to receive funding is capped when expenditures reach
2 \$200,000 for this provision. Effective July 1, 2022, the department shall also provide childcare
3 assistance to families with incomes below two hundred percent (200%) of the federal poverty level
4 when such assistance is necessary for a member of these families to enroll or maintain enrollment
5 in a Rhode Island public institution of higher education.

6 (e) No family/assistance unit shall be eligible for childcare assistance under this chapter if
7 the combined value of its liquid resources exceeds one million dollars (\$1,000,000), which
8 corresponds to the amount permitted by the federal government under the state plan and set forth
9 in the administrative rulemaking process by the department. Liquid resources are defined as any
10 interest(s) in property in the form of cash or other financial instruments or accounts that are readily
11 convertible to cash or cash equivalents. These include, but are not limited to: cash, bank, credit
12 union, or other financial institution savings, checking, and money market accounts; certificates of
13 deposit or other time deposits; stocks; bonds; mutual funds; and other similar financial instruments
14 or accounts. These do not include educational savings accounts, plans, or programs; retirement
15 accounts, plans, or programs; or accounts held jointly with another adult, not including a spouse.
16 The department is authorized to promulgate rules and regulations to determine the ownership and
17 source of the funds in the joint account.

18 (d) As a condition of eligibility for childcare assistance under this chapter, the parent or
19 caretaker relative of the family must consent to, and must cooperate with, the department in
20 establishing paternity, and in establishing and/or enforcing child support and medical support
21 orders for any children in the family receiving appropriate child care under this section in
22 accordance with the applicable sections of title 15, as amended, unless the parent or caretaker
23 relative is found to have good cause for refusing to comply with the requirements of this subsection.

24 (e) For purposes of this section, "appropriate child care" means child care, including infant,
25 toddler, preschool, nursery school, and school age, that is provided by a person or organization
26 qualified, approved, and authorized to provide the care by the state agency or agencies designated
27 to make the determinations in accordance with the provisions set forth herein.

28 (f)(1) Families with incomes below one hundred percent (100%) of the applicable federal
29 poverty level guidelines shall be provided with free child care. Families with incomes greater than
30 one hundred percent (100%) and less than two hundred percent (200%) of the applicable federal
31 poverty guideline shall be required to pay for some portion of the child care they receive, according
32 to a sliding fee scale adopted by the department in the department's rules, not to exceed seven
33 percent (7%) of income as defined in subsection (h) of this section.

34 (2) Families who are receiving childcare assistance and who become ineligible for

1 ~~childcare assistance as a result of their incomes exceeding two hundred percent (200%) of the~~
2 ~~applicable federal poverty guidelines shall continue to be eligible for childcare assistance until their~~
3 ~~incomes exceed three hundred percent (300%) of the applicable federal poverty guidelines. To be~~
4 ~~eligible, the families must continue to pay for some portion of the child care they receive, as~~
5 ~~indicated in a sliding fee scale adopted in the department's rules, not to exceed seven percent (7%)~~
6 ~~of income as defined in subsection (h) of this section, and in accordance with all other eligibility~~
7 ~~standards.~~

8 ~~(g) In determining the type of child care to be provided to a family, the department shall~~
9 ~~take into account the cost of available childcare options; the suitability of the type of care available~~
10 ~~for the child; and the parent's preference as to the type of child care.~~

11 ~~(h) For purposes of this section, "income" for families receiving cash assistance under §~~
12 ~~40-5.2-11 means gross, earned income and unearned income, subject to the income exclusions in~~
13 ~~§§ 40-5.2-10(g)(2) and 40-5.2-10(g)(3), and income for other families shall mean gross, earned and~~
14 ~~unearned income as determined by departmental regulations.~~

15 ~~(i) The caseload estimating conference established by chapter 17 of title 35 shall forecast~~
16 ~~the expenditures for child care in accordance with the provisions of § 35-17-1.~~

17 ~~(j) In determining eligibility for childcare assistance for children of members of reserve~~
18 ~~components called to active duty during a time of conflict, the department shall freeze the family~~
19 ~~composition and the family income of the reserve component member as it was in the month prior~~
20 ~~to the month of leaving for active duty. This shall continue until the individual is officially~~
21 ~~discharged from active duty.~~

22 ~~(k) Effective from August 1, 2023, through July 31, 2024, the department shall provide~~
23 ~~funding for child care for eligible childcare educators, and childcare staff, who work at least twenty~~
24 ~~(20) hours a week in licensed childcare centers and licensed family childcare homes as defined in~~
25 ~~the department's rules and regulations. Eligibility is limited to qualifying childcare educators and~~
26 ~~childcare staff with family incomes up to three hundred percent (300%) of the applicable federal~~
27 ~~poverty guidelines and will have no copayments. Qualifying participants may select the childcare~~
28 ~~center or family childcare home for their children. The department shall promulgate regulations~~
29 ~~necessary to implement this section, and will collect applicant and participant data to report~~
30 ~~estimated demand for state-funded child care for eligible childcare educators and childcare staff.~~
31 ~~The report shall be due to the governor and the general assembly by November 1, 2024.~~

32 SECTION 2. Section 40-6.2-1.1 of the General Laws in Chapter 40-6.2 entitled "Child
33 Care — State Subsidies" is hereby amended to read as follows:

34 **40-6.2-1.1. Rates established. Child care assistance program.**

1 ~~(a) Through June 30, 2015, subject to the payment limitations in subsection (c), the~~
2 ~~maximum reimbursement rates to be paid by the departments of human services and children, youth~~
3 ~~and families for licensed childcare centers and licensed family childcare providers shall be based~~
4 ~~on the following schedule of the 75th percentile of the 2002 weekly market rates adjusted for the~~
5 ~~average of the 75th percentile of the 2002 and the 2004 weekly market rates:~~

Licensed Childcare Centers	75th Percentile of Weekly
	Market Rate
Infant	\$182.00
Preschool	\$150.00
School Age	\$135.00
Licensed Family Childcare	75th Percentile of Weekly
Providers	Market Rate
Infant	\$150.00
Preschool	\$150.00
School Age	\$135.00

16 ~~Effective July 1, 2015, subject to the payment limitations in subsection (c), the maximum~~
17 ~~reimbursement rates to be paid by the departments of human services and children, youth and~~
18 ~~families for licensed childcare centers and licensed family childcare providers shall be based on the~~
19 ~~above schedule of the 75th percentile of the 2002 weekly market rates adjusted for the average of~~
20 ~~the 75th percentile of the 2002 and the 2004 weekly market rates. These rates shall be increased by~~
21 ~~ten dollars (\$10.00) per week for infant/toddler care provided by licensed family childcare~~
22 ~~providers and license exempt providers and then the rates for all providers for all age groups shall~~
23 ~~be increased by three percent (3%). For the fiscal year ending June 30, 2018, licensed childcare~~
24 ~~centers shall be reimbursed a maximum weekly rate of one hundred ninety three dollars and sixty~~
25 ~~four cents (\$193.64) for infant/toddler care and one hundred sixty one dollars and seventy one~~
26 ~~cents (\$161.71) for preschool age children.~~

27 ~~(b) Effective July 1, 2018, subject to the payment limitations in subsection (c), the~~
28 ~~maximum infant/toddler and preschool age reimbursement rates to be paid by the departments of~~
29 ~~human services and children, youth and families for licensed childcare centers shall be~~
30 ~~implemented in a tiered manner, reflective of the quality rating the provider has achieved within~~
31 ~~the state's quality rating system outlined in § 42-12-23.1.~~

32 ~~(1) For infant/toddler child care, tier one shall be reimbursed two and one half percent~~
33 ~~(2.5%) above the FY 2018 weekly amount, tier two shall be reimbursed five percent (5%) above~~
34 ~~the FY 2018 weekly amount, tier three shall be reimbursed thirteen percent (13%) above the FY~~

1 ~~2018 weekly amount, tier four shall be reimbursed twenty percent (20%) above the FY 2018 weekly~~
2 ~~amount, and tier five shall be reimbursed thirty three percent (33%) above the FY 2018 weekly~~
3 ~~amount.~~

4 ~~(2) For preschool reimbursement rates, tier one shall be reimbursed two and one half~~
5 ~~(2.5%) percent above the FY 2018 weekly amount, tier two shall be reimbursed five percent (5%)~~
6 ~~above the FY 2018 weekly amount, tier three shall be reimbursed ten percent (10%) above the FY~~
7 ~~2018 weekly amount, tier four shall be reimbursed thirteen percent (13%) above the FY 2018~~
8 ~~weekly amount, and tier five shall be reimbursed twenty one percent (21%) above the FY 2018~~
9 ~~weekly amount.~~

10 The department shall provide appropriate child care subsidies to every participant who is
11 eligible in accordance with this chapter.

12 (b) Low-income child care. The department shall provide child care to all other working
13 families with incomes at or below two hundred percent (200%) of the federal poverty level if, and
14 to the extent, these other families require child care in order to work at paid employment as defined
15 in the department's rules and regulations. The department shall also provide child care to families
16 with incomes below two hundred percent (200%) of the federal poverty level if, and to the extent,
17 these families require child care to participate on a short-term basis, as defined in the department's
18 rules and regulations, in training, apprenticeship, internship, on-the-job training, work experience,
19 work immersion, or other job readiness/job-attachment program sponsored or funded by the human
20 resource investment council (governor's workforce board) or state agencies that are part of the
21 coordinated program system pursuant to § 42-102-11. Effective from January 1, 2021, through June
22 30, 2022, the department shall also provide child care assistance to families with incomes below
23 one hundred eighty percent (180%) of the federal poverty level when such assistance is necessary
24 for a member of these families to enroll or maintain enrollment in a Rhode Island public institution
25 of higher education; provided that, eligibility to receive funding is capped when expenditures reach
26 two hundred thousand dollars (\$200,000) for this provision. Effective July 1, 2022, the department
27 shall also provide child care assistance to families with incomes below two hundred percent (200%)
28 of the federal poverty level when such assistance is necessary for a member of these families to
29 enroll or maintain enrollment in a Rhode Island public institution of higher education.

30 (c) No family/assistance unit shall be eligible for child care assistance under this chapter if
31 the combined value of its liquid resources exceeds one million dollars (\$1,000,000), which
32 corresponds to the amount permitted by the federal government under the state plan and set forth
33 in the administrative rulemaking process by the department. Liquid resources are defined as any
34 interest(s) in property in the form of cash or other financial instruments or accounts that are readily

1 convertible to cash or cash equivalents. These include, but are not limited to: cash, bank, credit
2 union, or other financial institution savings, checking, and money market accounts; certificates of
3 deposit or other time deposits; stocks; bonds; mutual funds; and other similar financial instruments
4 or accounts. These do not include educational savings accounts, plans, or programs; retirement
5 accounts, plans, or programs; or accounts held jointly with another adult, not including a spouse.
6 The department is authorized to promulgate rules and regulations to determine the ownership and
7 source of the funds in the joint account.

8 (d) As a condition of eligibility for child care assistance under this chapter, the parent or
9 caretaker relative of the family must consent to, and must cooperate with, the department in
10 establishing paternity, and in establishing and/or enforcing child support and medical support
11 orders for any children in the family receiving appropriate child care under this section in
12 accordance with the applicable sections of title 15, as amended, unless the parent or caretaker
13 relative is found to have good cause for refusing to comply with the requirements of this subsection.

14 (e) For purposes of this section, "appropriate child care" means child care, including infant,
15 toddler, preschool, nursery school, and school-age, that is provided by a person or organization
16 qualified, approved, and authorized to provide the care by the state agency or agencies designated
17 to make the determinations in accordance with the provisions set forth herein.

18 (f)(1) Families with incomes below one hundred percent (100%) of the applicable federal
19 poverty level guidelines shall be provided with free child care. Families with incomes greater than
20 one hundred percent (100%) and less than two hundred percent (200%) of the applicable federal
21 poverty guideline shall be required to pay for some portion of the child care they receive, according
22 to a sliding fee scale adopted by the department in the department's rules, not to exceed seven
23 percent (7%) of income as defined in subsection (h) of this section.

24 (2) Families who are receiving child care assistance and who become ineligible for child
25 care assistance as a result of their incomes exceeding two hundred percent (200%) of the applicable
26 federal poverty guidelines shall continue to be eligible for child care assistance until their incomes
27 exceed three hundred percent (300%) of the applicable federal poverty guidelines. To be eligible,
28 the families must continue to pay for some portion of the child care they receive, as indicated in a
29 sliding-fee scale adopted in the department's rules, not to exceed seven percent (7%) of income as
30 defined in subsection (h) of this section, and in accordance with all other eligibility standards.

31 (g) In determining the type of child care to be provided to a family, the department shall
32 take into account the cost of available child care options; the suitability of the type of care available
33 for the child and the parent's preference as to the type of child care.

34 (h) For purposes of this section, "income" for families receiving cash assistance under §

1 40-5.2-11 means earned income and unearned income, subject to the income exclusions in §§ 40-
2 5.2-10(g)(2) and 40-5.2-10(g)(3), and income for other families shall mean gross, earned, and
3 unearned income as determined by departmental regulations.

4 (i) The caseload estimating conference established by chapter 17 of title 35 shall forecast
5 the expenditures for child care in accordance with the provisions of § 35-17-1.

6 (j) In determining eligibility for child care assistance for children of members of reserve
7 components called to active duty during a time of conflict, the department shall freeze the family
8 composition and the family income of the reserve component member as it was in the month prior
9 to the month of leaving for active duty. This shall continue until the individual is officially
10 discharged from active duty.

11 (k) Effective from August 1, 2023, through July 31, 2024, the department shall provide
12 funding for child care for eligible child care educators, and child care staff, who work at least twenty
13 (20) hours a week in licensed child care centers and licensed family child care homes as defined in
14 the department's rules and regulations. Eligibility is limited to qualifying child care educators and
15 child care staff with family incomes up to three hundred percent (300%) of the applicable federal
16 poverty guidelines and will have no copayments. Qualifying participants may select the child care
17 center or family child care home for their children. The department shall promulgate regulations
18 necessary to implement this section. and will collect applicant and participant data to report
19 estimated demand for state-funded child care for eligible child care educators and child care staff.
20 The report shall be due to the governor and the general assembly by November 1, 2024.

21 ~~(l)~~ [Deleted by P.L. 2019, ch. 88, art. 13, § 4.]

22 ~~(m)(1) Rates established.~~ By June 30, 2004, and biennially through June 30, 2014, the
23 department of labor and training shall conduct an independent survey or certify an independent
24 survey of the then-current weekly market rates for child care in Rhode Island and shall forward the
25 weekly market rate survey to the department of human services. The next survey shall be conducted
26 by June 30, 2016, and triennially thereafter. The departments of human services and labor and
27 training will jointly determine the survey criteria including, but not limited to, rate categories and
28 sub-categories.

29 ~~(2)~~ In order to expand the accessibility and availability of quality child care, the
30 department of human services is authorized to establish, by regulation, alternative or incentive rates
31 of reimbursement for quality enhancements, innovative or specialized child care, and alternative
32 methodologies of childcare delivery, including nontraditional delivery systems and collaborations.

33 ~~(3)~~ Effective January 1, 2007, all childcare providers have the option to be paid every
34 two (2) weeks and have the option of automatic direct deposit and/or electronic funds transfer of

1 reimbursement payments.

2 ~~(4)~~ Effective July 1, 2019, the maximum infant/toddler reimbursement rates to be paid
3 by the departments of human services and children, youth and families for licensed family childcare
4 providers shall be implemented in a tiered manner, reflective of the quality rating the provider has
5 achieved within the state's quality rating system outlined in § 42-12-23.1. Tier one shall be
6 reimbursed two percent (2%) above the prevailing base rate for step 1 and step 2 providers, three
7 percent (3%) above prevailing base rate for step 3 providers, and four percent (4%) above the
8 prevailing base rate for step 4 providers; tier two shall be reimbursed five percent (5%) above the
9 prevailing base rate; tier three shall be reimbursed eleven percent (11%) above the prevailing base
10 rate; tier four shall be reimbursed fourteen percent (14%) above the prevailing base rate; and tier
11 five shall be reimbursed twenty-three percent (23%) above the prevailing base rate.

12 ~~(5)~~ Through December 31, 2021, the maximum reimbursement rates paid by the
13 departments of human services, and children, youth and families to licensed childcare centers shall
14 be consistent with the enhanced emergency rates provided as of June 1, 2021, as follows:

	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5
15 Infant/Toddler	\$257.54	\$257.54	\$257.54	\$257.54	\$273.00
16 Preschool Age	\$195.67	\$195.67	\$195.67	\$195.67	\$260.00
17 School Age	\$200.00	\$200.00	\$200.00	\$200.00	\$245.00

18
19 The maximum reimbursement rates paid by the departments of human services, and
20 children, youth and families to licensed family childcare providers shall be consistent with the
21 enhanced emergency rates provided as of June 1, 2021, as follows:

	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5
22 Infant/Toddler	\$224.43	\$224.43	\$224.43	\$224.43	\$224.43
23 Preschool Age	\$171.45	\$171.45	\$171.45	\$171.45	\$171.45
24 School Age	\$162.30	\$162.30	\$162.30	\$162.30	\$162.30

25
26 ~~(6)~~ Effective January 1, 2022, the maximum reimbursement rates to be paid by the
27 departments of human services and children, youth and families for licensed childcare centers shall
28 be implemented in a tiered manner, reflective of the quality rating the provider has achieved within
29 the state's quality rating system outlined in § 42-12-23.1. Maximum weekly rates shall be
30 reimbursed as follows:

31 Licensed Childcare Centers

	Tier One	Tier Two	Tier Three	Tier Four	Tier Five
32 Infant/Toddler	\$236.36	\$244.88	\$257.15	\$268.74	\$284.39
33 Preschool	\$207.51	\$212.27	\$218.45	\$223.50	\$231.39

1 School-Age \$180.38 \$182.77 \$185.17 \$187.57 \$189.97

2 The maximum reimbursement rates for licensed family childcare providers paid by the
3 departments of human services, and children, youth and families is determined through collective
4 bargaining. The maximum reimbursement rates for infant/toddler and preschool age children paid
5 to licensed family childcare providers by both departments is implemented in a tiered manner that
6 reflects the quality rating the provider has achieved in accordance with § 42-12-23.1.

7 ~~(7)~~ Effective July 1, 2022, the maximum reimbursement rates to be paid by the
8 departments of human services and children, youth and families for licensed childcare centers shall
9 be implemented in a tiered manner, reflective of the quality rating the provider has achieved within
10 the state's quality rating system outlined in § 42-12-23.1. Maximum weekly rates shall be
11 reimbursed as follows:

12 Licensed Childcare Centers

13		Tier One	Tier Two	Tier Three	Tier Four	Tier Five
14	Infant/Toddler	\$265	\$270	\$282	\$289	\$300
15	Infant/Toddler	\$225	\$235	\$243	\$250	\$260
16	School-Age	\$200	\$205	\$220	\$238	\$250

17 SECTION 3. This act shall take effect upon passage.

=====
LC004430
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO HUMAN SERVICES -- THE RHODE ISLAND WORKS PROGRAM

1 This act would relocate certain provisions of the general laws relating to child care
2 assistance from the Rhode Island Works Program to the chapter on child care state subsidies.

3 This act would take effect upon passage.

=====
LC004430
=====