

## **Issue Brief—Study Group #4: Budget Language regarding Attendance Expectations**

Item 125.10 H. in the FY2025-2026 Virginia Biennial Budget states, “The Early Childhood Care and Education Commission shall review and recommend updates to the current copayment schedule, parental work requirements, and attendance expectations applicable to the Child Care Subsidy Program and Mixed Delivery Grant Program.”

This brief examines attendance expectations for both the Child Care Subsidy Program and the Mixed Delivery Grant program. The Commission’s 2024 Annual Report recognizes addressing attendance and chronic absenteeism as priorities, especially as there are many eligible families on the wait lists for these programs.

### **Virginia’s Attendance Expectations**

#### **1. Child Care Subsidy Program**

According to [Virginia’s 2025-2027 CCDF State Plan](#), the Commonwealth currently pays providers in CCSP based on attendance, not enrollment. Virginia’s [Child Care Subsidy Program Guidance Manual](#) provides extensive detail on expectations and policies related to attendance. It should be noted that although CCSP currently utilizes a pay-by-attendance system, Virginia also offers greater flexibility for absence days to provide more stable and consistent payments for private vendors.

CCSP is the only state-funded early childhood program that requires families to swipe an electronic card daily to record attendance. Other programs have discretion to select how they will track and monitor attendance.

#### *Parental Responsibility.*

The Manual indicates that it is the responsibility of the parent to use their Swipe Card or IVR to record attendance and absence hours for their child. Parents who do not use their swipe card or IVR may be responsible for paying for the unrecorded attendance and the case may be closed at redetermination.

#### *Local Department Responsibility*

When a child has extended absences, defined as 30 days of no recorded attendance, the Local Department of Social Services (LDSS) is expected to contact families to verify that care is needed, understand if families need additional support to access care, and update authorizations, if needed.

#### *Absence Policy*

An absent day means any day that a child is authorized to be in the vendor’s care but is not in attendance, and child care would have been provided had the child been present. Absences must be recorded no later than seven days following an absence.

The Department will pay for up to 60 absent days per child per fiscal year (June 1 – May 31). The total number of allowable absent days will be available upon case approval and at the beginning of each fiscal year thereafter. According to the [2025-2027 State Plan](#):

*This threshold was identified based on a review of data and reflects the number of absence days that is sufficient to cover the vast majority of absence events among children in the CCSP in an effort to move toward a full pay-by-enrollment model. The Agency will make strides toward payment by enrollment, as required by provision § 98.45(m)(2) in the CCDF Final Rule. In June 2024, VDOE requested a waiver to comply with the requirement to pay by enrollment. This will give the agency time to revise its policies, processes, and technology to comply with the requirement while maintaining strong internal controls and review procedures,” (pg. 57)*

*“Virginia increased the number of paid absence days from 36 to 60 in August 2023, which according to Virginia data, ensures that the vast majority of absence events for CCSP-participating children are paid for by the state,” (pg. 59).*

For operational reasons, the Department does not currently remove a child or household from the program prior to the 12-month redetermination due to excessive unexplained absences. It should be noted that payments would not be rendered for any unexplained absences as families must register attendance or an absence in order for providers to receive payment. Note that the federal regulations do not allow states to remove families from the program but must demonstrate that families have excessive absences, have been notified multiple times and have been informed that they may be discontinued from the program. In addition, Virginia has been cited by the federal regulators for removing families from the program prior to 12 months of eligibility even when the family requested to leave the program. For these reasons, the Department has focused on tracking and paying based on attendance and/or official absence.

For the sake of this discussion, it is worth noting the 2024 CCDF Final Rule updates regulations to require lead agencies pay providers based on enrollment instead of attendance by 2026. In other words, Virginia will be required to shift away from pay by attendance to pay by enrollment for the Child Care Subsidy Program by summer 2026 in accordance with new federal regulations.

## **2. Mixed Delivery Grant Program**

As an entirely state-funded program, Virginia has set different attendance criteria for the Mixed Delivery Program.

VDOE and VECF, in partnership, set specific attendance expectations for the Mixed Delivery Program. Children in the Mixed Delivery Program are expected to attend child care regularly, while the model also accounts for typical and expected absences. Mixed Delivery sites are not expected to take action for periodic explained absences due to illness, travel, or other personal reasons. After 15 explained absences within a month, the site must notify their Ready Region and VECF, who will determine if any action is necessary. The Mixed Delivery Program recognizes that unexplained absences may signal a family or child needs extra support. After 5 consecutive unexplained

absence days, the site must contact the family to check in and offer support, as well as notifying their regional Mixed Delivery coordinator. After 10 consecutive unexplained absence days, families are reminded of the attendance expectations and are notified of disenrollment after 15 consecutive unexplained absences. After 15 consecutive unexplained absences, the child is disenrolled from Mixed Delivery and the slot is filled within 30 days.

### **Attendance Expectations in Other States**

In their draft CCDF Plans, 21 states and DC indicate they pay providers by authorized enrollment without altering payments based on a child's attendance or number of absences. DC is expected to implement this policy beginning October 1, 2024. Missouri similarly expects to implement this policy by October 2024 but is subject to appropriation. Colorado pays all licensed providers for authorized enrollment for children up to 36 months in age. Some states, such as Arkansas, Oregon, and Maine, indicate their intention to move towards enrollment-based reimbursements, but face obstacles with their data management technologies.

Some states do not reimburse providers based on enrollment but implement alternative absence requirements. Illinois pays providers for 100% of a child's eligible days if the child attends at least 70% of those days. New York allows for up to 80 absence days per child care provider per state fiscal year.

The Massachusetts Department of Early Education and Care regularly updates its Financial Assistance Policy Guide which governs early childhood care and education policies for those parents and providers receiving financial assistance. Massachusetts reimburses providers based on enrollment, not attendance, yet has policies governing excused and unexcused absences, and a process for parents to request a break in care without losing their financial assistance.

According to their 2025-2027 CCDF Plans, Kentucky, Maryland, Ohio, North Carolina, South Carolina and Tennessee do not terminate CCSP assistance based on excessive absences. Virginia is in this category.

Louisiana defines excessive absences in their Draft 2025-2027 CCDF state plan as "the failure of a child to attend at least one day in the prior certified month," (pg. 37)

West Virginia's 2025-2027 CCDF State Plan draft indicates, "When a child care case has not been utilized for a 3-month period and a parent does not affirm continued need for services after multiple attempts to contact them (i.e. phone or email), a written notice will be mailed to the parent notifying them that the case will be closed, (pg. 35)

In Texas, "If a child has exceeded 40 total unexplained absences during the most recent eligibility period, then the child shall be terminated from care because of excessive unexplained absences. Exceptions are provided for court-ordered visitation, documented chronic illness, or disability (CCS rule §809.78). When a child reaches 15 and 30 cumulative absences, notice regarding the potential termination must be provided to the parent and provider before terminating care, allowing the

parent to explain the absences or determine whether a voluntary suspension may be appropriate,” (pg. 41)

In Florida, “If a child has five consecutive days of absences during their regularly scheduled attendance or more than ten unexplained absences, during a calendar month, with no contact from the parent, the provider can submit written notification to the local coalition or its designee who in turn shall determine the need for continued care for the child. If it is determined that services are no longer needed, the local coalition or its designee shall send a notice of termination to the parent and provider two weeks prior to the disenrollment or through the end of the authorization period, whichever ends sooner. An at-risk child may not be disenrolled without written approval from the appropriate child welfare office,” (pg. 39)

There are a wide variety of policies regarding attendance expectations. Some states do not disenroll from CCSP based on absences. Other states have set time limits for unexplained absences. Some state policies balance the reality of attendance requirements for children birth-to-five while creating processes to limit underutilization of CCSP funds.

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