



NOTICES OF FINAL EXEMPT RULEMAKING

This section of the Arizona Administrative Register contains Notices of Final Exempt Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the

interpretation of the final exempt rule should be addressed to the agency proposing them. Refer to Item #5 to contact the person charged with the rulemaking.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 6. ECONOMIC SECURITY

CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY
SOCIAL SERVICES

[R16-92]

PREAMBLE

- 1. Article, Part, or Section affected (as applicable) Rulemaking Action
Appendix A Repeal
Appendix A New Section
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general), the implementing statute (specific), and the statute or session law authorizing the exemption:
Authorizing statute: A.R.S. §§ 41-1954(A)(3) and 46-134(10)
Implementing statute: A.R.S. § 46-809
Statute authorizing the exemption: A.R.S. § 41-1005(A)(24)
3. The effective date of the rule and the agency's reason it selected the effective date:
October 1, 2014 through September 30, 2015. These dates reflect the effective dates for the payment rates and fee schedule contained in the rulemaking. The intent is to provide clarification for the public with regard to the rates and schedules in effect for the 12 month period beginning October 1, 2014.
4. A list of all notices published in the Register as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:
None
5. The agency's contact person who can answer questions about the rulemaking:
Name: Rod Huenemann
Address: Department of Economic Security
P.O. Box 6123, Mail Drop 1292
Phoenix, AZ 85005
or
Department of Economic Security
1789 W. Jefferson St., Mail Drop 1292
Phoenix, AZ 85007
Telephone: (602) 542-6159
Fax: (602) 542-6000
E-mail: rhuenemann@azdes.gov
6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:
A.R.S. § 41-1005(A)(24) gives the Department an exemption from the Administrative Procedure Act to develop rules under A.R.S. § 46-805. This statute gives the Department the authority to establish payment rates for child care assistance and a sliding fee scale and formula for determining child care assistance. The Department is adopting the Child Care Assistance Gross Monthly Income Eligibility Chart and Fee Schedule to adjust the eligibility limits for child care assistance, to reflect updated Federal Poverty Guidelines. Eligibility for Child Care Assistance is tied to the Federal Poverty Level under A.R.S. § 46-803.



7. **A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
Not applicable
8. **A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
9. **The summary of the economic, small business, and consumer impact, if applicable:**
Because these rules are exempt from the Administrative Procedure Act under A.R.S. § 41-1005(A)(24), the Department did not prepare an economic impact statement.
10. **A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking, if applicable:**
Not applicable
11. **An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:**
Not applicable
12. **Any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:**
No other matters are prescribed.
- a. **Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**
Not applicable
- b. **Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**
Federal Regulation 45 CFR 98.20(a)(2), promulgated under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858), was in effect during the time period covered by this rulemaking and is applicable to the subject of the rule.

The rule is more stringent than 45 CFR 98.20(a)(2). To be eligible for child care assistance, the federal regulation at 45 CFR 98.20(a)(2) provides for a maximum family income of 85 percent of the State's median income and the state statute at A.R.S. § 46-803(D) provides for a maximum family income of 165 percent of the federal poverty level which is less than or equal to 85 percent of the State's median income for most family sizes. A.R.S. § 46-803(D) authorizes the Department to exceed the requirements of federal law.
- c. **Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**
Not applicable
13. **A list of any incorporated by reference material and its location in the rule:**
Not applicable
14. **Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:**
Not applicable
15. **The full text of the rules follows:**

TITLE 6. ECONOMIC SECURITY

CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY SOCIAL SERVICES

ARTICLE 49. CHILD CARE ASSISTANCE

Section

Appendix A. ~~Child Care Assistance Gross Monthly Income Eligibility Chart and Fee Schedule~~ Child Care Assistance Gross Monthly Income Eligibility Chart and Fee Schedule



ARTICLE 49. CHILD CARE ASSISTANCE

Appendix A. ~~Child Care Assistance Gross Monthly Income Eligibility Chart and Fee Schedule~~ Child Care Assistance Gross Monthly Income Eligibility Chart and Fee Schedule

ARIZONA DEPARTMENT OF ECONOMIC SECURITY
CHILD CARE ASSISTANCE GROSS MONTHLY INCOME ELIGIBILITY CHART AND FEE SCHEDULE

EFFECTIVE JULY 1, 2013

Family Size ↓	FEE LEVEL 1 (L1) INCOME- MAXIMUM EQUAL TO OR LESS THAN 85%- FPL**	FEE LEVEL 2 (L2) INCOME- MAXIMUM EQUAL TO OR LESS THAN 100%- FPL*	FEE LEVEL 3 (L3) INCOME- MAXIMUM EQUAL TO OR LESS THAN 135%- FPL*	FEE LEVEL 4 (L4) INCOME- MAXIMUM EQUAL TO OR LESS THAN 145%- FPL*	FEE LEVEL 5 (L5) INCOME- MAXIMUM EQUAL TO OR LESS THAN 155%- FPL*	FEE LEVEL 6 (L6) INCOME- MAXIMUM EQUAL TO OR LESS THAN 165%- FPL*
1	0 - 815	816 - 958	959 - 1,294	1,295 - 1,390	1,391 - 1,485	1,486 - 1,581
2	0 - 1,100	1,101 - 1,293	1,294 - 1,746	1,747 - 1,875	1,876 - 2,005	2,006 - 2,134
3	0 - 1,384	1,385 - 1,628	1,629 - 2,198	2,199 - 2,361	2,362 - 2,524	2,525 - 2,687
4	0 - 1,669	1,670 - 1,963	1,964 - 2,651	2,652 - 2,847	2,848 - 3,043	3,044 - 3,239
5	0 - 1,954	1,955 - 2,298	2,299 - 3,103	3,104 - 3,333	3,334 - 3,562	3,563 - 3,792
6	0 - 2,239	2,240 - 2,633	2,634 - 3,555	3,556 - 3,818	3,819 - 4,082	4,083 - 4,345
7	0 - 2,523	2,524 - 2,968	2,969 - 4,007	4,008 - 4,304	4,305 - 4,601	4,602 - 4,898
8	0 - 2,808	2,809 - 3,303	3,304 - 4,460	4,461 - 4,790	4,791 - 5,120	5,121 - 5,450
9	0 - 3,093	3,094 - 3,638	3,639 - 4,912	4,913 - 5,276	5,277 - 5,639	5,640 - 6,003
10	0 - 3,378	3,379 - 3,973	3,974 - 5,364	5,365 - 5,761	5,762 - 6,159	6,160 - 6,556
11	0 - 3,662	3,663 - 4,308	4,309 - 5,816	5,817 - 6,247	6,248 - 6,678	6,679 - 6,710**
12	0 - 3,947	3,948 - 4,643	4,644 - 6,269	6,270 - 6,733	6,734 - 6,847**	

MINIMUM REQUIRED CO-PAYMENTS

Per child in care	full day = \$1.00 part day = \$.50	full day = \$2.00 part day = \$1.00	full day = \$3.00 part day = \$1.50	full day = \$5.00 part day = \$2.50	full day = \$7.00 part day = \$3.50	full day = \$10.00 part day = \$5.00
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For families receiving Transitional Child Care (TCC) there is no co-pay assigned beyond the third child in the family

Full day = Six or more hours; Part day = Less than six hours.

Families receiving Child Care Assistance based on Child Protective Services/Foster Care, the Jobs Program or those who are receiving Cash Assistance (CA) and are employed, may not have an assigned fee level and may not have a minimum required co-payment. However, all families may be responsible for charges above the minimum required co-payments if a provider's rates exceed allowable state reimbursement maximums and/or the provider has other additional charges.

*Federal Poverty Level (FPL) = US DHHS 2013 poverty guidelines. The Arizona state statutory limit for child care assistance is 165% of the Federal Poverty Level.

**The Federal Child Care & Development Funds statutory limit (for eligibility for child care assistance) is 85% of the 2013 state median income.



ARIZONA DEPARTMENT OF ECONOMIC SECURITY

CHILD CARE ASSISTANCE GROSS MONTHLY INCOME ELIGIBILITY CHART AND FEE SCHEDULE

Effective October 1, 2014 through September 30, 2015

FAMILY SIZE	FEE LEVEL 1 (L1) INCOME MAXIMUM EQUAL TO OR LESS THAN 85% FPL*	FEE LEVEL 2 (L2) INCOME MAXIMUM EQUAL TO OR LESS THAN 100% FPL*	FEE LEVEL 3 (L3) INCOME MAXIMUM EQUAL TO OR LESS THAN 135% FPL*	FEE LEVEL 4 (L4) INCOME MAXIMUM EQUAL TO OR LESS THAN 145% FPL*	FEE LEVEL 5 (L5) INCOME MAXIMUM EQUAL TO OR LESS THAN 155% FPL*	FEE LEVEL 6 (L6) INCOME MAXIMUM EQUAL TO OR LESS THAN 165% FPL*
1	0 – 828	829 – 973	974 – 1,314	1,315 – 1,411	1,412 – 1,509	1,510 – 1,606
2	0 – 1,115	1,116 – 1,311	1,312 – 1,770	1,771 – 1,901	1,902 – 2,033	2,034 – 2,164
3	0 – 1,403	1,404 – 1,650	1,651 – 2,228	2,229 – 2,393	2,394 – 2,558	2,559 – 2,723
4	0 – 1,690	1,691 – 1,988	1,989 – 2,684	2,685 – 2,883	2,884 – 3,082	3,083 – 3,281
5	0 – 1,978	1,979 – 2,326	2,327 – 3,141	3,142 – 3,373	3,374 – 3,606	3,607 – 3,838
6	0 – 2,266	2,267 – 2,665	2,666 – 3,598	3,599 – 3,865	3,866 – 4,131	4,132 – 4,398
7	0 – 2,553	2,554 – 3,003	3,004 – 4,055	4,056 – 4,355	4,356 – 4,655	4,656 – 4,955
8	0 – 2,840	2,841 – 3,341	3,342 – 4,511	4,512 – 4,845	4,846 – 5,179	5,180 – 5,513
9	0 – 3,128	3,129 – 3,680	3,681 – 4,968	4,969 – 5,336	5,337 – 5,704	5,705 – 6,072
10	0 – 3,416	3,417 – 4,018	4,019 – 5,425	5,426 – 5,827	5,828 – 6,228	6,229 – 6,484**
11	0 – 3,703	3,704 – 4,356	4,357 – 5,881	5,882 – 6,317	6,318 – 6,619**	
12	0 – 3,991	3,992 – 4,695	4,696 – 6,339	6,340 – 6,754**		

MINIMUM REQUIRED COPAYMENTS

Per child in care	full day = \$1.00 part day = \$0.50	full day = \$2.00 part day = \$1.00	full day = \$3.00 part day = \$1.50	full day = \$5.00 part day = \$2.50	full day = \$7.00 part day = \$3.50	full day = \$10.00 part day = \$5.00
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For families receiving Transitional Child Care (TCC) there is no co-pay assigned beyond the third child in the family

Full day = Six or more hours; Part day = Less than six hours

Families receiving Child Care Assistance based on Department of Child Safety Foster Care, the Jobs Program, or those who are receiving Cash Assistance (CA) and are employed, do not have an assigned fee level or a minimum required copayment. However, all families may be responsible for charges above the minimum required copayments if a provider's rates exceed allowable state reimbursement maximums or the provider has other additional charges.

* Federal Poverty Level (FPL) = U.S. Department of Health and Human Services 2014 poverty guidelines. The Arizona state statutory limit for child care assistance is 165 percent of the Federal Poverty Level.

** The Federal Child Care & Development Fund (CCDF) statutory limit for child care assistance is 85 percent of the Low Income Home Energy Assistance Program State Median Income (SMI) Estimates for Federal Fiscal Year (FFY) 2015, October 1, 2014 through September 30, 2015. 79 FR 42331-42332, July 21, 2014.



NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 6. ECONOMIC SECURITY

CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY
SOCIAL SERVICES

[R16-93]

PREAMBLE

- | | |
|---|---------------------------------|
| 1. <u>Article, Part, or Section affected (as applicable)</u> | <u>Rulemaking Action</u> |
| Appendix A | Repeal |
| Appendix A | New Section |
2. **Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general), the implementing statute (specific), and the statute or session law authorizing the exemption:**
 Authorizing statute: A.R.S. §§ 41-1954(A)(3) and 46-134(10)
 Implementing statute: A.R.S. § 46-809
 Statute authorizing the exemption: A.R.S. § 41-1005(A)(24)
 3. **The effective date of the rule and the agency’s reason it selected the effective date:**
 October 1, 2015. This date reflects the effective date for the payment rates and fee schedule contained in the rulemaking.
 4. **A list of all notices published in the Register as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:**
 None
 5. **The agency’s contact person who can answer questions about the rulemaking:**
 Name: Rod Huenemann
 Address: Department of Economic Security
 P.O. Box 6123, Mail Drop 1292
 Phoenix, AZ 85005
 or
 Department of Economic Security
 1789 W. Jefferson St., Mail Drop 1292
 Phoenix, AZ 85007
 Telephone: (602) 542-6159
 Fax: (602) 542-6000
 E-mail: rhuenemann@azdes.gov
 6. **An agency’s justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:**
 A.R.S. § 41-1005(A)(24) gives the Department an exemption from the Administrative Procedure Act to develop rules under A.R.S. § 46-805. This statute gives the Department the authority to establish payment rates for child care assistance and a sliding fee scale and formula for determining child care assistance. The Department is adopting the Child Care Assistance Gross Monthly Income Eligibility Chart and Fee Schedule to adjust the eligibility limits for child care assistance, to reflect updated Federal Poverty Guidelines. Eligibility for Child Care Assistance is tied to the Federal Poverty Level under A.R.S. § 46-803.
 7. **A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
 Not applicable
 8. **A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**
 Not applicable
 9. **The summary of the economic, small business, and consumer impact, if applicable:**
 Because these rules are exempt from the Administrative Procedure Act under A.R.S. § 41-1005(A)(24), the Department did not prepare an economic impact statement.



- 10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking, if applicable:
Not applicable
- 11. An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:
Not applicable
- 12. Any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:
No other matters are prescribed.
 - a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:
Not applicable
 - b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:
Federal Regulation 45 CFR 98.20(a)(2), promulgated under the Child Care and Development Block Grant Act of 1990 (42 USC 9858), was in effect during the time period covered by this rulemaking and is applicable to the subject of the rule. The rule is more stringent than 45 CFR 98.20(a)(2). To be eligible for child care assistance, the federal regulation at 45 CFR 98.20(a)(2) provides for a maximum family income of 85 percent of the State’s median income and the state statute at A.R.S. § 46-803(D) provides for a maximum family income of 165 percent of the federal poverty level which is less than or equal to 85 percent of the State’s median income for most family sizes. A.R.S. § 46-803(D) authorizes the Department to exceed the requirements of federal law.
 - c. Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitiveness of business in this state to the impact on business in other states:
Not applicable
- 13. A list of any incorporated by reference material and its location in the rule:
Not applicable
- 14. Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:
Not applicable
- 15. The full text of the rules follows:

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Effective October 1, 2014 through September 30, 2015

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2	0—1,115	1,116—1,311	1,312—1,770	1,771—1,901	1,902—2,033	2,034—2,164
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6	0—2,266	2,267—2,665	2,666—3,598	3,599—3,865	3,866—4,131	4,132—4,398
7	0—2,553	2,554—3,003	3,004—4,055	4,056—4,355	4,356—4,655	4,656—4,955
8	0—2,840	2,841—3,341	3,342—4,511	4,512—4,845	4,846—5,179	5,180—5,513
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11	0—3,703	3,704—4,356	4,357—5,881	5,882—6,317	6,318—6,619**	
12	0—3,991	3,992—4,695	4,696—6,339	6,340—6,754**		

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* Federal Poverty Level (FPL) = US Department of Health and Human Services 2014 poverty guidelines. The Arizona state statutory limit for child care assistance is 165 percent of the Federal Poverty Level.

** The Federal Child Care & Development Fund (CCDF) statutory limit for child care assistance is 85 percent of the Low Income Home Energy Assistance Program State Median Income (SMI) Estimates for Federal Fiscal Year (FFY) 2015, October 1, 2014 through September 30, 2015. 79 FR 42331-42332, July 21, 2014.



ARIZONA DEPARTMENT OF ECONOMIC SECURITY

CHILD CARE ASSISTANCE GROSS MONTHLY INCOME ELIGIBILITY CHART AND FEE SCHEDULE

Effective October 1, 2015

FAMILY SIZE	FEE LEVEL 1 (L1) INCOME MAXIMUM EQUAL TO OR LESS THAN 85% FPL*	FEE LEVEL 2 (L2) INCOME MAXIMUM EQUAL TO OR LESS THAN 100% FPL*	FEE LEVEL 3 (L3) INCOME MAXIMUM EQUAL TO OR LESS THAN 135% FPL*	FEE LEVEL 4 (L4) INCOME MAXIMUM EQUAL TO OR LESS THAN 145% FPL*	FEE LEVEL 5 (L5) INCOME MAXIMUM EQUAL TO OR LESS THAN 155% FPL*	FEE LEVEL 6 (L6) INCOME MAXIMUM EQUAL TO OR LESS THAN 165% FPL*
1	0 – 834	835 – 981	982 – 1,325	1,326 – 1,423	1,424 – 1,521	1,522 – 1,619
2	0 – 1,129	1,130 – 1,328	1,329 – 1,793	1,794 – 1,926	1,927 – 2,059	2,060 – 2,192
3	0 – 1,424	1,425 – 1,675	1,676 – 2,262	2,263 – 2,429	2,430 – 2,597	2,598 – 2,764
4	0 – 1,718	1,719 – 2,021	2,022 – 2,729	2,730 – 2,931	2,932 – 3,133	3,134 – 3,335
5	0 – 2,013	2,014 – 2,368	2,369 – 3,197	3,198 – 3,434	3,435 – 3,671	3,672 – 3,908
6	0 – 2,308	2,309 – 2,715	2,716 – 3,666	3,667 – 3,937	3,938 – 4,209	4,210 – 4,480
7	0 – 2,602	2,603 – 3,061	3,062 – 4,133	4,134 – 4,439	4,440 – 4,745	4,746 – 5,051
8	0 – 2,897	2,898 – 3,408	3,409 – 4,601	4,602 – 4,942	4,943 – 5,283	5,284 – 5,624
9	0 – 3,192	3,193 – 3,755	3,756 – 5,070	5,071 – 5,445	5,446 – 5,821	5,822 – 6,196
10	0 – 3,486	3,487 – 4,101	4,102 – 5,537	5,538 – 5,947	5,948 – 6,357	6,358 – 6,645**
11	0 – 3,781	3,782 – 4,448	4,449 – 6,005	6,006 – 6,450	6,451 – 6,783**	
12	0 – 4,076	4,077 – 4,795	4,796 – 6,474	6,475 – 6,922**		

MINIMUM REQUIRED COPAYMENTS

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**The Federal Child Care & Development Fund (CCDF) statutory limit for child care assistance is 85 percent of the Low Income Home Energy Assistance Program State Median Income (SMI) Estimates for Federal Fiscal Year (FFY) 2016, October 1, 2015 through September 30, 2016. 80 FR, Page 32958-32959, June 10, 2015.