

Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873 Email: fiscal.bureau@legis.wisconsin.gov • Website: http://legis.wisconsin.gov/lfb

May 6, 2014

TO: Members

Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Children and Families: Request to Allocate Federal Temporary Assistance for Needy

Families Contingency Funding and Child Care and Development Funding -- Agenda

Item III

REQUEST

On April 24, 2014, the Joint Committee on Finance received a request from the Governor under section 16.54(2)(a)2 of the statutes for one-time supplemental funding of \$19,830,000 in federal temporary assistance for needy families (TANF) contingency funds and of \$3,849,400 in federal child care and development funds (CCDF) to increase funding for a number of programs described in further detail below. The request would increase the Department of Children and Families' (DCF) economic support federal block grant operations appropriation [20.437(2)(mc)] by \$1,290,500 FED in 2013-14 and \$1,950,000 FED in 2014-15 and the economic support federal block grant aids appropriation [20.437(2)(md)] by \$20,438,900 FED in 2014-15.

Under s. 16.54(2)(a)2 of the statutes, the Governor may not administer, and no state agency may encumber or expend, certain federal monies unless the Governor first notifies the Co-chairs of the Joint Committee on Finance under a 14-day passive review process. The Co-chairs notified the Governor on April 28, 2014, that an objection was made and that a meeting would be held to address the request.

BACKGROUND

TANF Contingency Funds. The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 changed public assistance from an entitlement to a capped block grant. However, a contingency fund was also established to provide additional matching grants to states during times of economic downturns if certain conditions are met. In order to receive a payment of contingency funds, a state must: (a) be a needy state; and (b) submit a request for contingency funds during an eligible month. The state applied for contingency funds, and was determined to be

a needy state, in federal fiscal year (FFY) 2009, 2011, 2012, 2013, and 2014.

Under 2013 Act 20, it was assumed that the state would not receive TANF contingency funds during the 2013-15 biennium. The appropriation for the TANF contingency fund was eliminated under the federal Claims Resettlement Act of 2010. However, the continuing resolutions extending the TANF program through September, 2014, retained the appropriation and continued to provide funding for the contingency fund. It is unknown whether TANF contingency funds will be available beyond FFY 2014.

DCF received notice that the state will receive \$29,974,589 in TANF contingency funds in FFY 2014. DCF has received formal award notices totaling \$25,154,875 of this amount. The Governor's request would allocate \$19,830,000 of the FFY 2014 TANF contingency award (\$280,000 in 2013-14 and \$19,550,000 in 2014-15). The remaining unallocated TANF contingency funds would be added to the TANF balance and be available to appropriate during the 2015-17 biennial budget process, through separate legislation, or with approval of the Joint Committee on Finance.

Child Care and Development Funds. The CCDF provides a combination of discretionary and entitlement funds for child care services for low-income families and to improve the quality and supply of child care for all families. Under Act 20, it was estimated that the state's award of child care funds would total \$87.8 million in 2013-14 and \$87.2 million 2014-15. However, DCF indicates that the actual FFY 2014 award amount resulted in an additional \$3,849,400. The Governor's request would allocate the full amount of this increase for child care-related programs.

W-2 and TANF Related Revenues and Expenditures. Attachment 1 shows the most recent revenue and expenditure estimates for TANF-related programs during the 2013-15 biennium. Attachment 1 reflects previous action by the Joint Committee on Finance, previous reallocations by the administration, receipt of TANF contingency funds, the increase in CCDF funding, reallocation of TANF funds waiting for approval by the Department of Administration (DOA), and expenditures contained in the Governor's request.

It should be noted that there is a decrease of \$4.7 million in the TANF block grant in 2014-15. The state received a penalty in this amount for failing to meet the terms of a corrective action plan during the period July 1, 2003, through June 30, 2004, in regards to the income eligibility and verification system. DCF is hopeful that a new corrective action plan would make the reduction to the TANF block grant a one-time reduction.

Also of note is the significant underspending in the Wisconsin Shares program. Estimated underspending of \$13.3 million in 2013-14 and \$12 million in 2014-15 is primarily due to a reduction in the number of families participating in Wisconsin Shares. The average monthly number of families participating in Wisconsin Shares to-date in 2013-14 is approximately 5% less than the average monthly number of families in 2012-13. DCF has indicated that several reasons may be contributing to the decline in participation: (a) there are fewer regulated providers overall; (b) some people who are persistently unemployed may be among the population otherwise eligible for a child care subsidy; (c) out-of-pocket costs of regulated care continue to increase; (d) there has

been an increase of four-year-old kindergarten programs throughout the state; and (e) DCF's fraud prevention efforts.

DCF has indicated that with a portion of the available funding from the underspending in Wisconsin Shares, the Department intends to increase child care provider rates. However, no decisions have been made as to the scope or cost of the rate increase.

As shown in Attachment 1, the estimated TANF balance at the end of the 2013-15 biennium would be \$41.3 million if the Governor's request is approved. However, since a significant portion of the revenue to fund ongoing expenditures is from one-time revenue, there is an estimated structural deficit of \$47.7 million going into the 2015-17 biennium.

ANALYSIS

TANF Contingency Funds

The following table shows the total amount of TANF contingency funds allocated under the request in 2013-14 and 2014-15.

TABLE 1

Allocation of FFY 2014 TANF Contingency Funds
2013-14 and 2014-15

Program	<u>2013-14</u>	<u>2014-15</u>	<u>Total</u>
W-2 Benefits Emergency Assistance CARES for W-2	\$0 0 280,000	\$18,100,000 1,100,000 350,000	\$18,100,000 1,100,000 630,000
Total	\$280,000	\$19,550,000	\$19,830,000

W-2 Benefits. W-2 is the state's TANF work program. W-2 agencies administer the program at the local level and provide services to W-2 participants. Under the current 2013-2016 W-2 agency contracts, eight W-2 agencies serve 10 geographical areas in the state (four in Milwaukee County and six in the rest of the state). However, DCF pays W-2 benefits as a direct state activity.

The Governor's budget proposal for the 2013-15 biennium assumed that W-2 monthly benefit expenditures would decrease by 1% per month, beginning August, 2012. However, beginning January 1, 2013, when the new W-2 agency contracts took effect, monthly expenditures increased. Additional funding was provided for W-2 benefit payments by the Legislature under Act 20, with the assumption that expenditures would decline by 1% per month, beginning April, 2013.

Yet, monthly benefit expenditures continued to increase during most of calendar year (CY) 2013. As a result, on January 8, 2014, the Committee approved a request to allocate \$9,599,900 in income augmentation revenue for W-2 benefits in 2013-14. The potential shortfall for 2014-15 was not addressed at that time.

Benefit expenditures peaked in December, 2013, at \$8.6 million. In March, 2014, benefit expenditures totaled \$7.9 million, a decrease of approximately 7.5%. Assuming expenditures remain at \$7.9 million each month until June, 2015, \$22.4 million would be needed to fully fund W-2 benefits in 2014-15. Assuming the monthly benefit amount remains at \$7.9 million until June, 2014, and then decreases at the rate of 1% per month until June, 2015, \$16.5 million would be needed to fully fund W-2 benefits in 2014-15. The Governor is requesting \$18.1 million from TANF contingency funds to address the W-2 benefit shortfall in 2014-15, which falls within this range (\$16.5 million to \$22.4 million).

Therefore, assuming expenditures will continue to decline at a modest rate, the request of \$18.1 million for W-2 benefits appears reasonable. However, the Committee could deny the request to use \$18.1 million in TANF contingency funds for W-2 benefits in 2014-15. The Governor could then submit another request under the passive review process to allocate funds for W-2 benefits in 2014-15 when monthly benefit expenditure data in 2014-15 is available to more accurately estimate the need.

Emergency Assistance. The emergency assistance program provides assistance to needy persons with children in cases of fire, flood, natural disaster, energy crisis, homelessness, or impending homelessness. The W-2 agencies administer the emergency assistance program at the local level. Emergency assistance may be provided once in a 12-month period.

The actual payment amount for emergencies other than energy crisis is calculated as the lower of the following two amounts: (a) the total of the maximum payment amount per group member for that group size multiplied by the number of members in the group; or (b) the total financial need. The actual payment for energy crisis is the maximum payment amount for the group (\$500) or the amount needed to obtain or maintain essential utility service, whichever is lower.

The maximum payment amount per group member for emergencies other than energy crisis is as follows: (a) \$258 per group member when the group is two members; (b) \$172 per group member when the group is three members; (c) \$129 per group member when the group is four or five members; and (d) \$110 per group member when the group is six or more members.

Act 20 provided \$7.5 million annually for the emergency assistance program, an increase of \$1.5 million annually. Actual expenditures for the emergency assistance program in 2012-13 totaled \$7.5 million. From July, 2013, through March, 2014, expenditures for the emergency assistance program totaled \$6.6 million. Assuming the average monthly expenditures during this time period would continue from April, 2014, through June, 2014, a total of \$8.6 million would be needed for the emergency assistance program in 2013-14. This amount is \$1.1 million more than the amount budgeted under Act 20. DCF anticipates addressing this shortfall by reallocating funds,

with the approval of DOA, budgeted for the W-2 agency contracts, but not earned by the W-2 agencies, during the first year of the 2013-2016 W-2 agency contracts.

DCF anticipates a similar shortfall in the emergency assistance program during 2014-15. The Governor requests that \$1.1 million of the TANF contingency funds be allocated to the emergency assistance program in 2014-15 to address the anticipated shortfall.

However, expenditures from the emergency assistance program have not been consistent from year to year: (a) \$6.0 million in 2009-10; (b) \$6.9 million in 2010-11; (c) \$8.1 million in 2011-12; (d) \$7.5 million in 2012-13; and (e) an estimated \$8.6 million in 2013-14. It is possible that with an improving economy, expenditures could be similar to those in 2012-13 (\$7.5 million) and stay within the budgeted amount.

The Committee could deny the request to use \$1.1 million in TANF contingency funds for the emergency assistance program in 2014-15. If necessary, the Governor could then submit another request under the passive review process to allocate funds for emergency assistance in 2014-15 when expenditure data is available in 2014-15 to more accurately estimate the need.

CARES Costs for the W-2 Program. CARES is the state's information system that supports public assistance programs, including W-2, FoodShare, child care, and medical assistance. Several agencies, therefore, utilize the CARES computer system for their various programs, including DCF, the Department of Health Services (DHS), and the Department of Workforce Development. Each agency is assigned its share of the CARES cost.

The allocation of costs methodologies were reviewed and modified to more accurately reflect CARES usage related to DHS and DCF activities. As a result of this review, an updated allocation methodology was implemented that resulted in an increase in DCF's share of CARES costs and a decrease in DHS's share.

Due to the change in the allocation of these costs between agencies, DCF's portion of the CARES costs have increased for W-2 and related programs. The Governor requests that \$280,000 in 2013-14 and \$350,000 in 2014-15 in TANF contingency funds be allocated to state administration of TANF in order to fully fund the CARES costs associated with W-2 and related programs.

Child Care and Development Funds

The following table shows the total amount of CCDF funds allocated under the request in 2013-14 and 2014-15.

TABLE 2

Allocation of Increase in Child Care and Development Funds
2013-14 and 2014-15

<u>Program</u>	<u>2013-14</u>	<u>2014-15</u>	<u>Total</u>
DHS MilES Costs	\$490,500	\$0	\$490,500
CARES for Wisconsin Shares	520,000	650,000	1,170,000
Programming Costs	0	500,000	500,000
Electronic Fingerprints	0	150,000	150,000
Child Care Services	0	300,000	300,000
YoungStar Contract	0	1,158,000	1,158,000
Technical Assistance Contracts	0	80,900	80,900
Total	\$1,010,500	\$2,838,900	\$3,849,400

DHS Child Care Eligibility Costs. DCF contracts with Milwaukee enrollment services (MilES), the Milwaukee County enrollment services unit in DHS, to determine and redetermine eligibility for Wisconsin Shares participants in Milwaukee County. A portion of the child care eligibility costs incurred in 2012-13 were paid in 2013-14. The Governor requests that \$490,500 in CCDF funds be allocated to state child care administration in order to cover the unanticipated costs in 2013-14.

CARES Costs for Wisconsin Shares. As described above for the increased CARES W-2 costs, DCF's portion of the CARES costs have increased related to the Wisconsin Shares program. Pursuant to the new allocation amounts, the Governor requests that \$520,000 in 2013-14 and \$650,000 in 2014-15 in CCDF funds be allocated to state child care administration in order to fully fund the CARES costs associated with the Wisconsin Shares program.

Programming Development and Maintenance. Since the creation of DCF, information technology (IT) programming needs and costs have increased. DCF indicates that the Department has absorbed, prioritized, or deferred many of the IT development and maintenance needs. However, additional funding is needed for the costs to develop and maintain IT programs related to child care, such as YoungStar and fraud-related enhancements. The Governor requests \$500,000 in 2014-15 for these ongoing programming development and maintenance costs.

Electronic Fingerprints for Child Care Providers. Under provisions of Act 20, DCF, a county department, an agency contracted with to certify child care providers, or a school board must require child care providers, their employees, and their nonclient residents to be fingerprinted, for the purposes of a background check, on two fingerprint cards, each bearing a complete set of the person's fingerprints, or by other technologies approved by law enforcement agencies, unless the person has previously been fingerprinted for this purpose. DCF is authorized to charge a fee of \$31.50 for the costs of obtaining and submitting fingerprints for a background search. Of this

amount, \$15 is the fee that the state's Department of Justice (DOJ) is statutorily required to charge for a state fingerprint-based background check. An additional fee of \$16.50 is collected and forwarded to the Federal Bureau of Investigation (FBI) for a federal fingerprint-based background check.

DCF indicates that if the fingerprints were provided on fingerprint cards, the Department would have to collect them and store them in paper files. Electronic storage, on the other hand, is a readily accessible method of storing and transferring the digital fingerprints. Since Act 20 was enacted, DCF discovered that digital fingerprints could be obtained for an additional \$7.75 per person. As an incentive to child care providers to use the digital fingerprint method, DCF would pay the additional \$7.75 per person (the \$31.50 fee would be paid by the provider) in order to encourage as many providers as possible to use the digital system to save time and money for DCF after these one-time costs are paid. Once the fingerprints for all existing providers are in DCF's system, annual costs would include only new providers.

DCF estimates approximately 19,000 digital fingerprint records would be created and stored in 2014-15 for all of the existing child care providers, their employees, and their nonclient residents. The Governor requests $$150,000 (19,000 \times $7.75 = $147,250)$ from CCDF funds on a one-time basis to support the effort to encourage digital fingerprints, rather than have fingerprints submitted on paper.

Services Used with IM Consortia. Income maintenance (IM) refers to the eligibility determination and management functions associated with several public assistance programs, including medical assistance, FoodShare, and Wisconsin Shares. DHS contracts with 10 multicounty consortia for counties outside of Milwaukee County. As part of the contract, each multicounty consortium is responsible for performing several activities, such as operating and maintaining a call center, conducting application processing and eligibility determinations, and operating a centralized document processing unit (CDPU).

DHS currently provides call center services to the IM consortia, named the Call Center Anywhere (CCA). Although some of the calls that are serviced by CCA are calls related to child care under the Wisconsin Shares program, DCF has inadvertently not paid any costs related to those calls.

In addition, eligibility determination paperwork for DHS programs is scanned into the CDPU. However, any child care-specific eligibility documents that CDPU staff receive are sent back to the county, and county staff scan the documents. DHS is able to adjust its cost allocation for the CDPU to include the child care-specific documentation so that CDPU staff scan the documents, rather than sending the documents back to the counties for scanning.

The Governor requests \$300,000 of the CCDF funding in 2014-15 to pay for DCF's share of CCA costs for calls related to child care and for its share of costs for having the CDPU scan child care eligibility documents, rather than having county staff scan the documents. DCF indicates that the estimate is based on the percentage of child care calls received during a portion of CY 2013 for the CCA costs and the percent of child care-only documents that would be scanned through the

CDPU based on CY 2013 document estimates. These costs would be ongoing.

Increase YoungStar Contract Funding. DCF contracts with the Consortium to rate child care providers under YoungStar, the child care quality rating and improvement system, to provide technical assistance and grants for improvement, and to administer YoungStar at the local level. Members of the Consortium include the Celebrate Children Foundation, Supporting Families Together Association (SFTA), and Wisconsin Early Childhood Association.

Act 20 provided \$6.9 million annually for the YoungStar contract based on the average monthly expenditures from January, 2011, through May, 2012. However, actual expenditures totaled \$8.0 million in CY 2012 and \$8.1 million in CY 2013. DCF indicates that the increase in expenditures is due to an increase in the number of child care providers participating in YoungStar. Costs for technical assistance and micro-grants are higher for providers who are rated with more stars. Therefore, as providers improve their rating, costs for technical assistance and micro-grants increase.

To address the increased expenditures, DCF anticipates reallocating, with DOA's approval, \$2,558,000 from underspending in the direct child care services allocation in 2013-14. Of this amount \$1,400,000 would address a shortfall in CY 2013 and \$1,158,000 would address a shortfall for the first six months of CY 2014. For the remaining six months of CY 2014 (the first six months of 2014-15), the Governor requests that \$1,158,000 of the CCDF funds be allocated for the YoungStar contract to reflect the increase in expenditures.

DCF indicates that CY 2015 expenditures would also likely exceed budgeted amounts. As a result, additional funds may be needed for the YoungStar contract in 2014-15 (the first six months of the CY 2015 contracts). However, DCF has indicated that any shortfall would likely be addressed by reallocating funds available from underspending in other TANF-related programs, such as Wisconsin Shares.

Child Care Technical Assistance Contracts. Federal law requires states to use 4% of certain federal and state funding sources for child care quality improvements. DCF provides funding for technical assistance to child care providers as part of the child care quality improvements.

The Supporting Families Together Association contracts with DCF to perform pre-licensing technical assistance. The SFTA provides information to potential applicants for child care center licenses to help them decide if they want to operate a child care center. Technical consultants provide information on building requirements, setting up a child care center, the education required for the operator and any staff, development and review of a center's operating policies and procedures, a site visit to the location to determine readiness for licensing, and follow-up. These services have been provided under a technical assistance contract since 1991 at the same funding level. After a request for proposals process, the two-year contract (CY 2014 and CY 2015) amount is higher than budgeted by \$30,900 annually. DCF anticipates addressing the CY 2014 shortfall by reallocating, with DOA's approval, \$30,900 from underspending in the direct child care services allocation to the SFTA technical assistance contract.

A new technical assistance contract in the amount of \$50,000 would provide focused, intensive training sessions for child care program directors and their supervisory staff regarding best practices for curriculum development and program design for the after-school child population.

The Governor requests a total \$80,900 of CCDF funds to fully fund these technical assistance contracts.

Total Allocations and Programs Under Request

The following table shows the total amount of CCDF and TANF contingency funds that would be allocated under the request.

TABLE 3

Allocation of Increase in Child Care and Development Funds and TANF Contingency Funds 2013-14 and 2014-15

Federal Block Grant Operations Appropriation

<u>Program</u>	<u>2013-14</u>	<u>2014-15</u>	<u>Total</u>
DHS MilES Costs CARES Programming Costs Electronic Fingerprints Child Care Eligibility Services	\$490,500 800,000 0 0	\$0 1,000,000 500,000 150,000 300,000	\$490,500 1,800,000 500,000 150,000 300,000
Total	\$1,290,500	\$1,950,000	\$3,240,500

Federal Block Grant Aids Appropriation

<u>Program</u>	<u>2013-14</u>	<u>2014-15</u>	<u>Total</u>
W-2 Benefits Emergency Assistance YoungStar Contract Technical Assistance Contracts	\$0 0 0 0	\$18,100,000 1,100,000 1,158,000 80,900	\$18,100,000 1,100,000 1,158,000 80,900
Total	\$0	\$20,438,900	\$20,438,900
Total All Funds	\$1,290,500	\$22,388,900	\$23,679,400

ALTERNATIVES

A. TANF Contingency Funds

- 1. Approve the request to allocate \$19,830,000 FED in TANF contingency funds for: (a) CARES system for W-2 (\$280,000 in 2013-14 and \$350,000 in 2014-15); (b) W-2 benefit payments (\$18,100,000 in 2014-15); and (c) the emergency assistance program (\$1,100,000 in 2014-15).
- 2. Modify the request to deny allocation of TANF contingency funds for one or more of the following programs:
 - a. CARES system for W-2 (\$280,000 FED in 2013-14 and \$350,000 FED in 2014-15);
 - b. W-2 benefit payments (\$18,100,000 FED in 2014-15); or
 - c. Emergency assistance payments (\$1,100,000 FED in 2014-15).

B. Child Care and Development Funds

- 1. Approve the request to allocate \$1,010,500 FED in 2013-14 and \$2,838,900 FED in 2014-15 in CCDF funding to reflect: (a) payment to DHS for child care eligibility determinations in Milwaukee County (\$490,500 in 2013-14); (b) CARES costs for Wisconsin Shares (\$520,000 in 2013-14 and \$650,000 in 2014-15); (c) programming costs (\$500,000 in 2014-15); (d) electronic fingerprints (\$150,000 in 2014-15); (e) child care eligibility services (\$300,000 in 2014-15); (f) the YoungStar contract (\$1,158,000 in 2014-15); and (g) child care technical assistance contracts (\$80,900 in 2014-15).
- 2. Modify the request to deny allocation of CCDF funding for one or more of the following:
- a. Payment to DHS for child care eligibility determinations in Milwaukee County (\$490,500 FED in 2013-14);
- b. CARES system for Wisconsin Shares (\$520,000 FED in 2013-14 and \$650,000 FED in 2014-15);
 - c. Programming costs (\$500,000 FED in 2014-15);
 - d. Electronic fingerprints (\$150,000 FED in 2014-15);
- e. Child care eligibility services outside of Milwaukee County (\$300,000 FED in 2014-15);
 - f CY 2014 YoungStar contract (\$1,158,000 FED in 2014-15);

g.	Child care technical	l assistance contracts	(\$80,900 FED	in 2014-15)).

3. Deny the entire request to allocate \$1,010,500 FED in 2013-14 and \$2,838,900 FED in 2014-15 in CCDF funding.

Prepared by: Kim Swissdorf

Attachment

ATTACHMENT 1

W-2 and TANF Related Revenues and Expenditures --Under April, 2014, Passive Review Request

D	2013-14	2014-15
Revenues State General Purpose Revenue in DCF (GPR) Carryover (All Funds) TANF Block Grant (FED) TANF Contingency Funds (FED) Child Care Block Grant (FED) TANF Overpayment Recoveries (FED) Income Augmentation Revenue (PR) Child Support Collections (PR) Child Care Licensing Fees (PR) AFDC Overpayment Recoveries (PR) SSBG from DHS (PR)	\$160,373,800 99,258,100 313,896,000 29,974,600 90,595,200 4,286,600 9,599,900 3,228,200 1,703,700 200,000 100,000	\$160,373,800 93,875,900 309,165,700 0 91,043,400 4,286,600 0 3,010,800 1,703,700 160,600 100,000
Public Benefits Fund (SEG) Total	9,139,700 \$722,355,800	9,139,700 \$672,860,200
Expenditures Wisconsin Works	¢07,880,200	¢00.707.000
Benefits W-2 Agency Contracts	\$97,889,300 56,486,500	\$90,796,000 58,336,500
Transform Milwaukee Jobs Program	\$3,750,000	\$5,000,000
Child Care Direct Child Care Subsidies Child Care State Administration and Licensing Quality and Availability Programs Child Care EBT Finance	\$258,100,200 30,429,500 15,684,700 0	\$262,734,000 31,399,500 14,334,700 2,300,000
Other Benefits Kinship Care Caretaker Supplement for Children of SSI Recipients Emergency Assistance	\$20,335,200 33,688,000 8,600,000	\$20,774,400 33,688,000 8,600,000
Administrative Support State Administration Fraud Prevention/Program Integrity	\$12,977,100 605,500	\$13,162,700 605,500
Other Support Services Children First	\$1,140,000	\$1,140,000
Grant Programs Boys and Girls Clubs Wisconsin Community Services	\$1,250,000 400,000	\$1,100,000 400,000
Expenditures in Other Programs Earned Income Tax Credit Social Services Block Grant Child Welfare Safety Services Child Welfare Prevention Services Total Expenditures Ending Balance	\$62,500,000 15,443,200 7,711,100 1,489,600 \$628,479,900 \$93,875,900	\$62,500,000 15,443,200 7,711,100 1,489,600 \$631,515,200 \$41,345,000
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