

## Federal Poverty Guidelines and State Median Income Estimates

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### OF INTEREST TO

The Division of Early Learning (DEL, the Division), early learning coalitions and other direct subrecipients of DEL implementing federal and state early learning programs, such as the School Readiness Program, the Voluntary Prekindergarten Education Program and Outreach, Awareness and Monitoring Initiative (OAMI) Services.

### SUMMARY

The Division of Early Learning and the early learning coalitions (coalitions) are responsible for administering state and federal funds associated with several early learning programs. This includes establishing, in each coalition's school readiness plan, a sliding fee scale based on the federal poverty guidelines and state median income estimates for serving children through the school readiness programs.

This guidance offers information on the procedures that coalitions should follow to revise sliding fee scales to reflect the adoption of the most recent federal poverty guidelines and state median income estimates.

### BACKGROUND

Section 1002.85(2)(c)5., F.S., states that each coalition is required to adopt, as part of its school readiness plan, a "sliding fee scale and policies on applying the waiver or reduction of fees in accordance with s. 1002.84(8)."

Each coalition shall "establish a parent sliding fee scale that requires a parent copayment to participate in the school readiness program. Providers are required to collect the parent's copayment. A coalition may, on a case-by-case basis, waive the copayment for an at-risk child or temporarily waive the copayment for a child whose family's income is at or below the federal poverty level and experiences a natural disaster or an event that limits the parent's ability to pay, such as incarceration, placement in residential treatment, or becoming homeless, or an emergency situation such as a household fire or burglary, or while the parent is participating in parenting classes. A parent may not transfer school readiness program services to another school readiness program provider until the parent has submitted documentation from the current school readiness program provider to the early learning coalition stating that the parent has satisfactorily fulfilled the copayment obligation." (Section 1002.84(8). F.S and 45 C.F.R. 98.45(k))

Rule 6M-4.400(1)(a), Florida Administrative Code, provides additional instruction regarding the establishment of a coalition's sliding fee scale, stating that a "coalition's sliding fee scale must be set at a level that provides economically disadvantaged families equal access to the care available to families whose income is high enough not to qualify for financial assistance for school readiness services." Furthermore, the total amount of a family's copayment for services based upon the sliding fee scale may not "exceed 10 percent of the family's income, regardless of the number of children in care. If the coalition's proposed sliding fee scale does exceed 10 percent of family income, the coalition must

provide justification of how the sliding fee scale meets the federal requirement that the copayment be affordable, prior to approval of the proposed sliding fee scale by the Office of Early Learning.”

A family’s income must remain at or below 85 percent of the State Median Income (SMI) as the upper level of the program subsidy support to maintain eligibility (Rules 6M-4.200 and 6M-4.208, F.A.C).

The United States Department of Health and Human Services (HHS) annually revises the federal poverty guidelines. The revised guidelines are published in the Federal Register. The federal poverty guidelines specify that “these guidelines go into effect on the day they are published unless an office administering a program using the guidelines specifies a different effective date for that particular program.” (The most recent federal poverty guidelines are available at <https://aspe.hhs.gov/poverty-guidelines>). HHS annually revises and publishes LIHEAP State Median Income Estimates. (The most recent estimates are available at <https://www.acf.hhs.gov/ocs/policy-guidance/liheap-im-2021-03-state-median-income-estimates-optional-use-fy-2021>).

## PROGRAM GUIDANCE

Upon the annual publication of the revised HHS Poverty Guidelines and LIHEAP Estimated State Median Income, the Office of Early Learning will distribute, by email, a copy of the revised guidelines to all coalitions. The communication will include examples of sliding fee scale formats.

### **Upon receipt of this communication, a coalition should:**

1. Electronically submit a coalition plan amendment request to the Division of Early Learning. The revised sliding fee scale should be attached to the request and **should be formatted as an Excel spreadsheet using the sliding fee scale template** that is electronically provided to coalitions annually. The sliding fee scale should indicate the coalition name, county name, and effective date of the revised sliding fee scale. The effective date for the revised sliding fee scale must be no later than July 1 of each fiscal year. Each coalition should submit its plan amendment no later than April 1st each year.
2. Distribute its revised sliding fee scale and a copy of the revised federal poverty guidelines and state median income estimates, with implementation instructions, to any entity providing school readiness services on behalf of the coalition, including, but not limited to, qualified contractors, fiscal agents, and independent auditors, as appropriate after its sliding fee scale is approved by the Office of Early Learning.
3. Determine eligibility and parent fees, for both new and current school readiness program participants based on the revised federal poverty guidelines and state median income estimates. Beginning on the effective date of the revised sliding fee scale, co-payments for parents of new participants should be calculated in accordance with the revised sliding fee scale. Co-payments for parents of current participants should be recalculated upon eligibility redetermination or change in income.

## HISTORY

This guidance replaces the prior version identified as OEL-PI-0052-09 (February 13, 2013). Reissued November 26, 2014. Revised and reissued June 1, 2016; Effective July 1, 2016. Revised and reissued June 1, 2017. Effective July 1, 2017. Revised and reissued April 6, 2018; Effective July 1, 2018. Revised and reissued April 12, 2019; Effective July 1, 2019. Revised and reissued March 3, 2020; Effective July 1,

2020. Revised and reissued March 11, 2021; Effective July 1, 2021; Revised and reissued March 4, 2022; Effective July 1, 2022.

ATTACHMENTS

Attachment A – Plan Amendment Justification of Co-Payments Above 10 Percent of Gross Family Income

Attachment B – Sliding Fee Schedule Memo 2021

Attachment C – Sliding Fee Scale Model 2021

Please direct questions and comments to Division of Early Learning at 850-717-8500 or email [oel.questions@oel.myflorida.com](mailto:oel.questions@oel.myflorida.com)