

## PROPOSED STATUTORY & REGULATORY CHANGES TO CCDBG

In May 2013, the Administration for Children and Families (ACF) issued new proposed regulations governing the federal child care assistance program, and in June, Senators Mikulski (D-MD), Burr (R-NC), Harkin (D-IA), Alexander (R-TN), and Gillibrand (D-NY) introduced a bill to reauthorize the program (S. 1086, the Child Care and Development Block Grant Act of 2013). The Senate Health, Education, Labor, and Pensions (HELP) Committee approved the reauthorization bill, with amendments, in September 2013. In March 2014, the Senate passed an amended version. Both the reauthorization bill and the proposed regulations would make changes to current child care policies.

The chart below compares current law governing the Child Care and Development Block Grant (CCDBG) with provisions of the reauthorization bill (as introduced and as amended in committee and through floor amendments) and proposed regulations that would make changes in the following areas:

- CCDBG Purposes & General Administration
- Consumer Education and Provider Compliance with Health & Safety Standards (including criminal background checks)
- Child Care Program Standards and Quality Improvement Activities
- Family-Friendly Policies
- Payment Rates and Practices

While the reauthorization bill and the proposed regulations address many similar issues, the specific approaches used are often different because the bill would change existing law, while the regulations are limited to implementing current law. To learn more about the regulations, see [our fact sheet](#) and the website for ACF's [Office of Child Care](#).

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<i>CCDBG Purposes &amp; General Administration</i>				
<b>Purposes</b>	<p>The goals of this subchapter are to:</p> <ul style="list-style-type: none"> <li>• Allow each State maximum flexibility to develop programs and policies to best suit the needs of children and parents</li> <li>• Promote parental choice</li> <li>• Encourage States to provide consumer education information</li> <li>• Assist States to provide child care to parents trying to achieve independence from public assistance</li> <li>• Assist States in implementing the health, safety, licensing, and registration standards established in State regulations</li> </ul> <p>CCDBG Act Sec. 658A, 42 U.S.C. §9801 note</p>	<p>Adds language to existing purposes to emphasize quality of care and adds the following goals:</p> <ul style="list-style-type: none"> <li>• Improving school readiness</li> <li>• Increasing the number and proportion of low-income children in high-quality care</li> <li>• Improving coordination and delivery of early childhood education</li> </ul> <p>S. 1086 Sec. 2 (Act Sec. 658A(b))</p>	<p><u>Instructs the Secretary of Health and Human Services and the Secretary of Education to conduct an interdepartmental review of all Federal early learning and care programs in order to:</u></p> <ul style="list-style-type: none"> <li>• <u>Develop a plan to eliminate duplicative and overlapping programs, as identified by the Government Accountability Office's 2012 annual report</u></li> <li>• <u>Make recommendations to Congress to streamline such programs</u></li> <li>• <u>Issue a report not later than 1 year after enactment of the law to the Senate's Committee on Health, Education, Labor, and Pensions and the House's Committee on Education and Workforce. The report will outline efficiencies that can be achieved by, and recommendations for, eliminating duplication, overlap, and fragmentation among all Federal early</u></li> </ul>	<p>Adds language to supplement existing regulations and emphasize objectives including:</p> <ul style="list-style-type: none"> <li>• Promoting high-quality care that supports children's learning, development, and success in school</li> <li>• Expanding high-quality choices available to parents</li> <li>• Ensuring program integrity</li> </ul> <p>45 CFR §98.1(b) (78 Fed. Reg. pp. 29447, 29492)</p>

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Purposes, cont.			<u>learning and care programs.</u>  <u>Sec. 13</u>  <u>Includes language about the Senate's findings on child poverty in the United States and the "sense of the Senate" that the President should present to Congress a comprehensive plan to significantly reduce child poverty by 2019.</u>  <u>Sec. 16</u>  (Remaining provisions same as introduced)	
Lead Agencies	Lead agency (LA) must be a State Agency designated by the chief executive of the State. Sec. 658D(a), §9858b(a)	Lead agency can be a State Agency or a joint interagency office established by the governor. Sec. 4(2) (Sec. 658D(a), §9858b(a))	(Same as introduced)	(No changes)
Entity				
Duties	Lead agency must: <ul style="list-style-type: none"> <li>• Administer CCDBG funds</li> <li>• Develop a State plan</li> <li>• Hold at least one public hearing on provision of child care services under the plan, with sufficient statewide</li> </ul>	(No changes)	In addition to existing duties, at the option of an Indian tribe or tribal organization in the State, LA must collaborate and coordinate with such Indian tribe or tribal organization in the	Supplements existing regulations with additional administrative duties for LAs, including: <ul style="list-style-type: none"> <li>• Making the State plan (and any amendments) public, ideally on the LA website. §98.14(d) (pp. 29450, 29492)</li> </ul>

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<b>Lead Agencies,</b> cont. <i>Duties, cont.</i>	notice <ul style="list-style-type: none"> <li>• Coordinate provision of services with other Federal, State, or local child care/ development programs</li> <li>• Consult with local government representatives</li> </ul> Sec. 658D(b), §9858b(b)		development of the State plan. Sec. 4(b) (Sec. 658D(b)(1), §9858b(b)(1))	<ul style="list-style-type: none"> <li>• Providing advance written notice to affected parties of changes in the program that adversely affect income eligibility, payment rates, or sliding scale fees. §98.18(b)(2) (pp. 29454, 29493)</li> </ul> <p>In addition, the proposed rule:</p> <ul style="list-style-type: none"> <li>• Clarifies LA responsibility for ensuring program integrity, pursuant to new §98.68 (which formalizes changes made to State plan). §§98.10, 98.68 (pp. 29448, 29481, 29492, 29497); <i>see</i> <b>Reports &amp; Audits.</b></li> <li>• Identifies minimum standards for content of LA contracts with other agencies/ organizations (e.g., task schedule, budget, performance measures). §98.11 (pp. 29448, 29492).</li> <li>• Adds new entities with which LAs are required to coordinate provision of child care services. §98.14(a)(1) (pp. 29448-49, 29492); <i>see</i> <b>General Administration &amp; Coordination.</b></li> </ul>

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Duration of State Plan	2 years. Sec. 658E(b), §9858c(b)	3 years. Sec. 5(a) (Sec. 658E(b), §9858c(b))	(Same as introduced)	(No changes)
Definitions	Defines: <ul style="list-style-type: none"> <li>• Caregiver</li> <li>• Child care certificate</li> <li>• Eligible child</li> <li>• Eligible child care provider</li> <li>• Family child care provider</li> <li>• Indian Tribe</li> <li>• Lead Agency</li> <li>• Parent</li> <li>• Secretary</li> <li>• Sliding scale fee</li> <li>• State</li> <li>• Tribal organization</li> </ul> Sec. 658P, §9858n	To existing definitions, adds definitions of “child with a disability” and “English learner.” Sec. 10 (Sec. 658P, §9858n)	To existing definitions, adds definitions of “child with a disability,” “English learner,” and “scientifically valid research.” Sec. 10 (Sec. 658P, §9858n)  <u>Specifies that children are ineligible for CCDBG assistance if they are from families with family assets that exceed \$1,000,000 (as certified by a member of such family).</u>  <u>Sec. 10 (Sec. 658P, §9858n)</u>	Deletes definition for “group home child care provider” and makes conforming changes to the definitions of: <ul style="list-style-type: none"> <li>• Categories of care</li> <li>• Eligible child care provider</li> <li>• Family child care provider</li> </ul> §98.2 (pp. 29447, 29492) Specifies that eligible children in the protective services category may include specific categories of vulnerable children as identified by the LA, not limited to children involved in the child welfare system. §98.20(a)(3)(ii) (pp. 29455, 29493)
Use of CCDBG Funds	With priority given to children of families with very low incomes and children with special needs, States shall use CCDBG funds for: <ul style="list-style-type: none"> <li>• Child care services on a sliding fee scale basis</li> <li>• Activities that improve the quality or availability of such services</li> </ul>	Maintains existing allowable uses of CCDBG funds (including priority given to children with low incomes/special needs) and specifically authorizes expenditures for: <ul style="list-style-type: none"> <li>• Activities that improve access to child care services, including access for homeless children</li> </ul>	<u>Directs the Secretary to reserve an amount not less than 2 percent of the amount appropriated under section 658B for Indian tribes and tribal organizations, with some limitations.</u>  <u>Sec. 9(A), (Sec. 658O(a), §9858m(a)(2))</u>	Adds a list of activities that should not be counted toward the 5 percent limit on administrative expenditures: <ul style="list-style-type: none"> <li>• Establishment/maintenance of child care database</li> <li>• Establishing/operating a certificate program</li> <li>• Eligibility determination</li> <li>• Preparation/participation in</li> </ul>

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<b>Use of CCDBG Funds, cont.</b>	<ul style="list-style-type: none"> <li>Any other activity that the State deems appropriate to meet CCDBG goals</li> </ul> <p>Sec. 658E(c)(3)(B), §9858c(c)(3)(B)</p> <p>State may expend no more than 5 percent of CCDBG funds on administrative costs.</p> <p>Sec. 658E(c)(3)(C), §9858c(c)(3)(C)</p>	<ul style="list-style-type: none"> <li>Establishment/support of a system of local/regional child care resource and referral organizations (coordinated by a statewide lead child care resource and referral organization)</li> </ul> <p>Sec. 5(b)(2)(C) (Sec. 658E(c)(3)(B), §9858c(c)(3)(B))</p> <p>Maintains 5 percent limit on administrative expenditures and specifies that the State must:</p> <ul style="list-style-type: none"> <li>Reserve the required quality set-aside and funds for administrative costs, and</li> <li>From the remainder, use no less than 70 percent to fund direct services</li> </ul> <p>Sec. 5(b)(2)(D) (Sec. 658E(c)(3)(E), §9858c(c)(3)(E))</p>	(Remaining provisions same as introduced)	<p>judicial hearings</p> <ul style="list-style-type: none"> <li>Child care placement</li> <li>Recruitment, licensing, and inspection of providers</li> <li>Staff training on billing and claims processes</li> <li>Reviews and supervision of child care placements</li> <li>Activities associated with payment rate setting</li> <li>Resource and referral services</li> <li>Training for child care staff</li> </ul> <p>§98.52(d) (pp. 29479, 29496)</p> <p>Clarifies that if LA enters into agreements with sub-recipients for CCDF program operation, amount of contract or grant attributable to administrative activities will be counted toward the 5 percent limit.</p> <p>§98.52(e) (pp. 29479, 29496)</p>
<b>General Administration &amp; Coordination</b>	<p>The Secretary shall:</p> <ul style="list-style-type: none"> <li>Coordinate HHS activities with relating to child care and coordinate with other Federal entities engaging in similar activities to the extent practicable</li> <li>Collect, publish, and make available a listing of State</li> </ul>	<p>Maintains existing requirements at Sec. 658I(a).</p> <p>Requires the State to expand accessibility and continuity of quality early childhood education/care and assist children enrolled in part-day pre-K/Head Start to receive full-day services</p>	<p><u>Adds language to note that the State will have to “efficiently” coordinate CCDBG services with listed programs.</u></p> <p><u>Sec. 5(b)(2)(C) (Sec. 658E(c)(2)(O)(i), §9858c(c)(2)(O)(i))</u></p> <p>Adds language to include Indian</p>	<p>Increases technical assistance set-aside from ¼ of one percent to ½ of one percent of CCDF funds.</p> <p>§98.60(b)(1) (pp. 29480, 29496)</p> <p>Adds new entities with which LAs are required to coordinate provision of child care services:</p> <ul style="list-style-type: none"> <li>Public education agencies</li> </ul>

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<b>General Administration &amp; Coordination, cont.</b>	<p>child care standards once every three years</p> <ul style="list-style-type: none"> <li>• Provide technical assistance to States to carry out the program</li> </ul> <p>Sec. 658I(a), §9858g(a)</p>	<p>by coordinating CCDBG services with:</p> <ul style="list-style-type: none"> <li>• Head Start/Early Head Start</li> <li>• ESEA programs (Tit. I &amp; Tit. IV, Part B)</li> <li>• IDEA programs (Sec. 619 &amp; Part C)</li> <li>• Home visiting programs established by the Affordable Care Act</li> <li>• State and local early childhood education programs</li> <li>• Programs for homeless children</li> <li>• Other Federal programs supporting early childhood development</li> </ul> <p>The State must also:</p> <ul style="list-style-type: none"> <li>• Encourage partnerships among State agencies, other public agencies and private entities to leverage existing service delivery systems and increase the supply/quality of children care services for children under 13</li> <li>• Consult with the State Advisory Council on Early Childhood Education &amp; Care</li> </ul>	<p>tribes/tribal organizations, child care programs funded through State veterans' affairs offices, <u>and State agencies and programs serving children in foster care and foster families</u> to list of programs with which States must coordinate CCDBG services.</p> <p>Sec. 5(b)(2)(C) (Sec. 658E(c)(2)(O)-(P), §9858c(c)(2)(O)-(P))</p> <p><u>Requires that, if the State elects to combine funding for services, the plan shall describe how the State will combine funding and use the combined funding.</u></p> <p><u>Sec. 5(b)(2)(C)</u> <u>(Sec. 658E(c)(2)(O)(ii), §9858c(c)(2)(O)(ii))</u></p> <p>Amends Sec. 658I(a) to require that technical assistance provided by the Secretary be “consistent with (as appropriate) scientifically valid research,” and to require the Secretary to disseminate information on practices that scientifically valid research indicates are most</p>	<p>responsible for pre-K (if applicable) and IDEA (parts B &amp; C)</p> <ul style="list-style-type: none"> <li>• Agencies responsible for child care licensing, Head Start collaboration, and emergency response</li> <li>• State Advisory Council on Early Childhood Education &amp; Care (if applicable)</li> <li>• Statewide afterschool network or other coordinating entity for out-of-school time care (if applicable)</li> </ul> <p>§98.14(a)(1) (pp. 29448-49, 29492)</p>

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General Administration & Coordination, cont.		<p>in developing the State plan</p> <p>Sec. 5(b)(2)(C) (Sec. 658E(c)(2)(O)-(R), §9858c(c)(2)(O)-(R))</p>	<p>successful in improving CCDBG program quality.</p> <p>Sec. 8(a)(1) (Sec. 658I(a)(3)-(4), §9858g(a)(3)-(4))</p> <p><u>Requires that the Secretary of Education and heads of any other involved Federal agencies issue guidance and disseminate information on best practices regarding use of funding combined by States.</u></p> <p><u>Sec. 8(a)(1)(c) (Sec. 658I(a)(5), §9858g(a)(5))</u></p> <p>Prohibits the Secretary from permitting States to alter the eligibility requirements for CCDBG-eligible children, including work requirements for the parents of eligible children.</p> <p>Sec. 8(a)(2) (Sec. 658I(c), §9858g(c))</p> <p>Authorizes States to request relief from any provision of Federal law (including a regulation, policy, or procedure) that might conflict with a CCDBG requirement. The</p>	



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General Administration & Coordination, cont.			<p>request must:</p> <ul style="list-style-type: none"> <li>• Detail the provision of Federal law that might conflict</li> <li>• Describe how modifying compliance with that provision to meet CCDBG requirements will improve service delivery for children</li> <li>• Certify that the health, safety, and well-being of CCDBG children will not be compromised as a result of such modification</li> </ul> <p>The Secretary must consult with the requesting State and the head of each Federal agency responsible for administering the law from which relief is requested to jointly identify the provision(s) for which a waiver is necessary. The Federal agency head may then waive the identified provision(s).</p> <p>Sec. 8(b) (Sec. 658I(d), §9858g(d))</p> <p><u>Amends 40 U.S.C. §590 to require that where space is used in Federal buildings for child</u></p>	

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General Administration & Coordination, cont.			<p>care services, such services <u>must be provided to children of whom at least 50 percent have 1 parent or guardian employed by the Federal government or who is conducting research in the Federal building for a Federal agency.</u></p> <p><u>Sec. 15, 40 U.S.C. §590</u></p> <p>(Remaining provisions same as introduced)</p>	
Reports & Audits	<p>States shall collect information on a monthly basis with respect to families receiving assistance (including, e.g., information relating to family income and demographics, child care services and other government assistance received), and must submit this information to the Secretary quarterly. States may use scientifically acceptable sampling methods to meet this requirement.</p> <p>States must also submit annual reports to the Secretary with aggregate data on, e.g., child care costs, payments made to</p>	<p>Maintains existing requirements re: reports &amp; audits. Adds information regarding whether children receiving CCDBG assistance are homeless to list of data to be collected on a monthly basis.</p> <p>Sec. 8 (Sec. 658K, §9858i)</p>	<p>Adds provision directing the U.S. Comptroller General to conduct studies to determine, for each State, the number of families that are eligible for CCDBG, have applied for assistance, and have been placed on a waiting list. The Comptroller General must prepare a report containing the results of each study and submit the report to appropriate congressional committees within two years of enactment of the reauthorization bill, and every two years thereafter.</p> <p>Sec. 11 [not incorporated into CCDBG Act; no U.S. Code cite]</p>	<p>Requires LAs to submit quarterly expenditure reports for each fiscal year and specifies that such reports must document the following CCDF expenditures (including discretionary, mandatory, matching, and MOE funds):</p> <ul style="list-style-type: none"> <li>• Child care administration</li> <li>• Quality activities (excluding targeted funds)</li> <li>• Targeted funds identified in appropriations law</li> <li>• Direct services</li> <li>• Non-direct services</li> <li>• Other information as specified by the Secretary</li> </ul> <p>§98.65(g)-(h) (pp. 29481, 29497)</p>

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<b>Reports &amp; Audits,</b> cont.	providers, and families served. After the close of each program period covered in the State plan, the State shall conduct an independent audit of its expenditures and submit the audit to the Secretary. The State shall repay any amounts not paid in accordance with CCDBG law. Sec. 658K, §9858i		<p><u>Adds provision requiring the Assistant Secretary for Children and Families to submit an annual report (by September 30) regarding whether each State used funds in accordance with the priority for services for children of families with very low incomes and children with special needs. If a State does not comply with the priority requirement:</u></p> <ul style="list-style-type: none"> <li>• <u>The Secretary shall inform the State that the State has six months since the Secretary filed the report to fully comply.</u></li> <li>• <u>The Secretary shall provide the State an opportunity to modify the State plan, make it consistent with the priority requirements, and resubmit the plan.</u></li> <li>• <u>If the State still fails to comply within the six-month period, the Secretary shall withhold 5 percent of funds that would otherwise be allocated to the State under this subchapter for the next full fiscal year.</u></li> </ul>	<p>Adds a new section on program integrity to formalize changes made to the CCDF plan. States are required to establish:</p> <ul style="list-style-type: none"> <li>• Internal controls to ensure sound fiscal management and identify risks</li> <li>• Processes to identify fraud and other program violations</li> <li>• Procedures to document and verify eligibility</li> <li>• Processes to investigate and recover fraudulent payments</li> </ul> <p>§98.68 (pp. 29481-82, 29497)</p> <p>Requires the CCDF plan to include a description of how the LA will monitor program implementation responsibilities undertaken by agencies other than the LA.</p> <p>§98.16(b) (pp. 29450, 29492)</p> <p>States with improper payment rates that exceed a level set by ACF must submit corrective action plans.</p> <p>§98.102(c) (pp. 29485-86, 29497)</p>

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Reports & Audits, cont.			<p>The Secretary may grant a <u>waiver of one year to a State with extraordinary circumstances, such as a natural disaster, that prevent the State from complying. If a waiver is granted, the Secretary shall submit a report to the appropriate congressional committee on the circumstances of the waiver within 30 days of the granting of such waiver. The Secretary must state the reason for the waiver, the expected impact on children served, and any other relevant information the Secretary deems necessary.</u></p> <p><u>Sec. 5(b)(3)(B)(iii) (Sec. 658E(c)(3)(b)(ii), §9858c(c)(3)(b)(ii))</u></p> <p>(Remaining provisions same as introduced)</p>	

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<i>Consumer Education and Provider Compliance with Health &amp; Safety Standards</i>				
<b>Consumer Education &amp; Parental Complaints</b>	<p>States must collect and disseminate consumer information that will promote informed child care choices.</p> <p>Sec. 658E(c)(2)(D), §9858c(c)(2)(D)</p> <p>State must maintain a record of “substantial parental complaints” and make information about such complaints available upon public request.</p> <p>Sec. 658E(c)(2)(C), §9858c(c)(2)(C)</p>	<p>States must publicize information about:</p> <ul style="list-style-type: none"> <li>• Availability of child care services provided through CCDBG</li> <li>• If available, information about the quality of providers (including QRIS data)</li> <li>• State processes for licensing providers, background checks, and monitoring of providers</li> <li>• Assistance to obtain child care services</li> <li>• Other assistance programs that CCDBG families may be eligible for, including IDEA (Sec. 619, Part C) programs</li> <li>• Research and best practices concerning child development</li> <li>• How the State can help families/providers obtain developmental screenings for CCDBG children</li> </ul> <p>Sec. 5(b)(2)(c) (Sec. 658E(c)(2)(E), §9858c(c)(2)(E))</p>	<p>The publicly available results of monitoring and inspection reports (required by the bill as introduced) must also include information on the date of inspections and, where applicable, information on corrective action taken.</p> <p>Sec. 5(b)(2)(C) (Sec. 658E(c)(2)(D), §9858c(c)(2)(D))</p> <p><u>Clarifies that information collected by the States and submitted via reports to the Secretary shall not contain individually identifiable information.</u></p> <p><u>Sec. 8 (Sec. 658K(a)(1), §9858i(a)(1))</u></p>	<p>To disseminate information to parents and the general public, States must create a user-friendly website that includes:</p> <ul style="list-style-type: none"> <li>• A description of State licensing and regulatory requirements and enforcement procedures (including background check process for providers and offenses that preclude a provider from serving children)</li> <li>• Provider-specific information on requirements met, violations, and compliance actions taken</li> </ul> <p>§98.33(a) (pp. 29460-63, 29494)</p> <p>Required consumer education activities also include establishing a “transparent system of quality indicators.” States may decide which providers to include in the quality indicators system. ACF recommends a QRIS to implement this requirement; States may use an alternative</p>

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Consumer Education & Parental Complaints, cont.		<p>For eligible child care providers (i.e., licensed/regulated/registered), States must make public the results of monitoring and inspection reports (including those due to major substantiated complaints) about failure to comply with CCDBG and State child care policies, which must:</p> <ul style="list-style-type: none"> <li>• Be electronically available in consumer-friendly format and organized by provider</li> <li>• Include number of deaths, serious injuries, and instances of substantiated child abuse</li> </ul> <p>Sec. 5(b)(2)(C) (Sec. 658E(c)(2)(D), §9858c(c)(2)(D))</p> <p>By 2015, ACF shall operate a national toll- free hotline and website to disseminate consumer education information, help parents access quality child care in their communities, and allow reports of suspected child abuse/health &amp; safety violations of health and safety at CCDBG providers. The hotline and website must:</p> <ul style="list-style-type: none"> <li>• Be hosted by childcare.gov</li> </ul>		<p>system but it must:</p> <ul style="list-style-type: none"> <li>• Include provider-specific information about quality of care</li> <li>• Describe the standards used to assess the quality of child care providers</li> <li>• Take into account teaching staff qualifications and/or competencies, learning environment, curricula, and activities</li> <li>• Disseminate provider-specific quality information to the public through the consumer education website or another approved mechanism</li> </ul> <p>§98.33(b) (pp. 29460-63, 29494)</p> <p>To families receiving CCDBG assistance, LAs must also provide a consumer statement that includes information about available child care options and specific information about the provider selected by the parent, including compliance with health and safety requirements and any voluntary quality standards met pursuant to the system of quality</p>

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Consumer Education & Parental Complaints, cont.		<p>and have nationwide, 24-hour capacity</p> <ul style="list-style-type: none"> <li>• Enable consumers to obtain referrals to local providers through a zip code search</li> <li>• Ensure the widest possible access to services for families who speak languages other than English</li> <li>• Ensure that families have access to high-quality child care consumer education and referral services</li> <li>• Provide the following information: <ul style="list-style-type: none"> <li>○ A localized list of all state-licensed providers</li> <li>○ Provider-specific quality information</li> <li>○ Provider-specific information about compliance with State regulations</li> <li>○ Referrals to local resource and referral organizations</li> <li>○ State information about child care subsidy programs and other financial supports for families</li> </ul> </li> </ul>		<p>indicators.</p> <p>§98.33(c) (pp. 29461-63, 29494)</p> <p>LAs must establish a hotline for parents to submit complaints about providers.</p> <ul style="list-style-type: none"> <li>• LAs are <i>encouraged</i> to widely publicize the number and consider requiring providers to post the number.</li> <li>• LAs are <i>encouraged</i> to create a 24-hour toll-free hotline with multi-lingual options and a TYY/TDD option.</li> <li>• LAs should have a complaint response plan that includes follow-up time depending on the severity of the complaint.</li> <li>• LAs may work with other State agencies to adapt an existing hotline.</li> </ul> <p>§98.32(a) (pp. 29459, 29494)</p>

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Consumer Education & Parental Complaints, cont.		<p>Sec. 8 (Sec. 658L(b), §9858j(b))</p> <p>The Secretary shall reserve at least \$1,000,000 for the hotline and website.</p> <p>Sec. 9 (Sec. 658O(a), §9858m(a))</p>		
<b>Compliance with State Licensing Requirements</b>	<p>The State must certify the State has licensing requirements and describe these requirements and how they are effectively enforced. The State is not required to mandate that specific types of providers meet licensing requirements.</p> <p>Sec. 658E(c)(2)(E), §9858c(c)(2)(E)</p>	<p>The State must certify the State has licensing requirements and describe these requirements and how they are effectively enforced. For providers exempt from licenses, the State must demonstrate how services provided by exempt providers are comparable in safety and quality to licensed providers and why licensing exemption does not endanger health, safety, or development of children receiving services.</p> <p>Sec. 5(b)(2)(C) (Sec. 658E(c)(2)(F), §9858c(c)(2)(F))</p> <p>Within two years of enactment, the State must have in effect policies applicable to licensing for CCDBG providers that:</p>	<p>Amends language of bill as introduced to require only that State explain why licensing exemption does not endanger the health, safety, or development of children receiving services; does not require demonstration of comparability in safety/quality to licensed providers.</p> <p>Sec. 5(b)(2)(C) (Sec. 658E(c)(2)(F)(ii), §9858c(c)(2)(F)(ii))</p> <p>Allows State to request relief from a provision of Federal law that might conflict with a CCDBG requirement, including a licensing requirement.</p> <p>Sec. 5(b)(2)(C) (Sec. 658E(c)(2)(F)(ii),</p>	<p>State must describe licensing requirements and how they are effectively enforced, as well as any exemptions to the licensing requirements and a rationale for such exemptions.</p> <p>§§98.16(q), 98.40(a)(2) (pp. 29452, 29464-65, 29493-94)</p> <p>Requires all CCDBG providers to be subject to on-site monitoring, including unannounced visits.</p> <p>§98.41(d) (pp. 29470-72, 29495); <i>see</i></p> <p><b>Establishment/Enforcement of Health &amp; Safety Requirements.</b></p>



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Compliance with State Licensing Requirements, cont.		<ul style="list-style-type: none"> <li>• Ensure licensing inspectors are qualified and trained</li> <li>• Maintain enough inspectors to conduct timely inspections</li> <li>• Require inspectors to perform at least one pre-licensure health, safety and fire inspection and at least one annual unannounced health, safety, and fire inspection of each CCDBG provider</li> </ul> <p>Sec. 5(b)(2)(C) (Sec. 658E(c)(2)(K), §9858c(c)(2)(K))</p>	<p>§9858c(c)(2)(F)(ii)); <i>see also</i> <b>General Administration &amp; Coordination</b>, Sec. 8(b) (Sec. 658I(d), §9858g(d))</p> <p>Specifies that State policies regarding the ratio of licensing inspectors to child care providers must be “consistent with research findings and best practices”; adds provision authorizing the Secretary to provide guidance regarding appropriate ratios, but the Secretary may not prescribe a particular ratio. Also clarifies that inspectors may or may not inspect for compliance with health, safety, and fire standards at the same time.</p> <p>Sec. 5(b)(2)(C) (Sec. 658E(c)(2)(K), §9858c(c)(2)(K))</p> <p>Directs the Secretary (in consultation with Indian tribes/tribal organizations) to develop minimum child care standards applicable to tribes/organizations receiving CCDBG funds, including</p>	

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Compliance with State Licensing Requirements, cont.			<p>standards requiring a reservation of funds for activities to improve the quality of care provided to Indian children.</p> <p>Sec. 9 (Sec. 658O(c)(2)(D), §9858m(c)(2)(D))</p> <p><u>Prohibits the Secretary from permitting Indian tribes/tribal organizations from using funds for construction or renovation if such use will result in a decrease in the level of child care services provided by the tribe or organization. However, the Secretary may waive that limitation if:</u></p> <ul style="list-style-type: none"> <li>• <u>The decrease in the level of services is temporary</u></li> <li>• <u>The Indian tribe/tribal organization submits to the Secretary a plan that demonstrates that child care services will increase or the quality will improve after the date on which construction or renovation is complete</u></li> </ul> <p><u>Sec. 9 (Sec. 658O(c)(6), §9858m(c)(6))</u></p>	

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Compliance with State Licensing Requirements, cont.			(Remaining provisions same as introduced)	
Establishment/ Enforcement of Health & Safety Requirements	<p>The State must certify that there are requirements applicable to child care providers serving CCDBG children to protect their health and safety. These requirements must address:</p> <ul style="list-style-type: none"> <li>• Infectious disease prevention and control</li> <li>• Building and physical premises safety</li> <li>• Minimum health and safety training appropriate to the provider setting</li> </ul> <p>Note: “Nothing in this subparagraph shall be construed to require the establishment of additional health and safety requirements for child care providers that are subject to health and safety requirements in the categories described in this subparagraph on Nov. 5, 1990 under State or local law.”</p> <p>Sec. 658E(c)(2)(F), §9858c(c)(2)(F)</p>	<p>The State must certify that there are requirements applicable to providers serving CCDBG children to protect their health and safety (including prevention of shaken baby syndrome and head trauma). These requirements must address:</p> <ul style="list-style-type: none"> <li>• Infectious disease prevention and control (with the establishment of a grace period to allow homeless children to receive services while their families take action to comply with, e.g., immunization requirements )</li> <li>• Hand-washing and universal health precautions</li> <li>• Medication and parental consent</li> <li>• Prevention and response to food and allergy emergencies</li> <li>• Prevention of SIDS and safe sleeping</li> <li>• Sanitary food handling</li> <li>• Building and physical premises safety</li> </ul>	<p>In addition to requirements listed in bill as introduced, pre-service/orientation training may include “any other subject area determined by the State to be necessary to promote child development or to protect children’s health and safety.”</p> <p>Sec. 5(b)(2)(C) (Sec. 658E(c)(2)(I)(ii), §9858c(c)(2)(I)(ii))</p> <p><u>Provides that children in foster care and foster families may also take advantage of the grace period to comply with immunization requirements.</u></p> <p><u>Sec. 5(b)(2)(C) (Sec. 658E(c)(2)(I)(i)(I), §9858c(c)(2)(I)(i)(I)</u></p> <p><u>Requires State plans to include a statewide child care disaster plan to ensure safe child care before, during, and after an emergency. The plan shall outline coordination of activities</u></p>	<p>Based on statutory directive to assure “building and premises safety,” requires:</p> <ul style="list-style-type: none"> <li>• Comprehensive criminal background checks for CCDF providers (<i>see Criminal Background Checks</i>)</li> <li>• Pre-inspections to verify compliance with fire, health, and building codes before a provider can begin serving CCDF children</li> <li>• Emergency preparedness and response planning for CCDF providers</li> </ul> <p>§98.41(a)(2) (pp. 29465-66, 29494-95)</p> <p>Also requires pre-service/orientation training that is appropriate for ages of children and provider setting, which must cover:</p> <ul style="list-style-type: none"> <li>• First-aid and CPR</li> <li>• Medication administration</li> </ul>

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Establishment/ Enforcement of Health & Safety Requirements, cont.		<ul style="list-style-type: none"> <li>• Emergency and disaster response</li> <li>• Handling and storage of hazardous materials</li> <li>• Protection from hazards that can cause bodily injury</li> <li>• Transportation of children (if applicable)</li> <li>• First aid and CPR</li> </ul> <p>Pre-service/orientation training must incorporate these requirements and may also include nutrition and physical activity.</p> <p>Sec. 5(b)(2)(C) (Sec. 658E(c)(2)(I), §9858c(c)(2)(I))</p> <p>Providers must comply with reporting requirements under the Child Abuse Protection Act.</p> <p>Sec. 5(b)(2)(C) (Sec. 658E(c)(2)(L) §9858c(c)(2)(L))</p>	<p>among State agencies, resource and referral agencies, and the <u>State Advisory Council on Early Childhood Education and Care</u>. Plans must also include:</p> <ul style="list-style-type: none"> <li>• <u>Guidelines for continuation of services after an emergency or disaster, including emergency and temporary child care services</u></li> <li>• <u>Evacuation, relocation, and other procedures for communication and reunification of families, including accommodations for infants and toddlers, children with disabilities and children with chronic medical conditions, and procedures for staff and volunteer training and practice drills</u></li> </ul> <p>Sec. 5(b)(2)(C) (Sec. 658E(c)(2)(U), §9858c(c)(2)(U))</p> <p>(Remaining provisions same as introduced)</p>	<p>policies and practices</p> <ul style="list-style-type: none"> <li>• Poison prevention and safety</li> <li>• Safe sleep practices and SIDS prevention</li> <li>• Shaken baby syndrome and abusive head trauma prevention</li> <li>• Age-appropriate nutrition, feeding (including support for breast-feeding), and physical activity</li> <li>• Procedures for preventing spread of infectious disease including safe handling of food</li> <li>• Recognition and reporting of suspected child abuse and neglect</li> <li>• Emergency preparedness and response procedures</li> <li>• Management of common childhood illnesses including food allergies</li> <li>• Transportation and child passenger safety (if applicable)</li> <li>• Caring for children with special needs and developmental disabilities in compliance with the ADA</li> <li>• Child development,</li> </ul>

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Establishment/ Enforcement of Health & Safety Requirements, cont.				<p>including knowledge of the developmental stages and milestones of all developmental domains appropriate for the ages of children receiving services.</p> <p>§98.41(a)(3) (pp. 29466-70, 29495)</p> <p>Requires all CCDF providers to be subject to on-site monitoring, including unannounced visits. LAs may exempt only relatives and providers giving care in a child's own home from this requirement.</p> <ul style="list-style-type: none"> <li>• Must conduct unannounced monitoring visits in response to complaints</li> <li>• CCDF providers must report any serious injuries or deaths of children in care <ul style="list-style-type: none"> <li>○ LAs must conduct annual assessment of all injuries and deaths in child care §98.16(v)(2) (pp. 29453, 29493)</li> </ul> </li> <li>• LAs may not solely rely on self-certification by providers without</li> </ul>

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Establishment/ Enforcement of Health & Safety Requirements, cont.				<p>documentation or other verification that requirements have been met</p> <ul style="list-style-type: none"> <li>• Recommends that providers receive one monitoring visit prior to serving children and at least one unannounced visit annually</li> </ul> <p>§98.41(d) (p. 29470-72)</p>
Criminal Background Checks, generally	Not addressed.	Specific provisions – including applicable personnel, search procedures, prohibitions, frequency, results disclosure and appeals, and fees – detailed below.	<u>Amends the Crime Control Act to extend criminal background check provisions to all Federal agencies hiring, or contracting to hire, individuals to provide child care services. Except where noted, provisions are substantially similar to those in the bill as introduced.</u>  <u>Sec. 14 (42 U.S.C. § 13041)</u>	Specific provisions – including applicable personnel, search procedures, and prohibitions – detailed below.
Criminal Background Checks, specific provisions  <i>Applicable personnel</i>	N/A	Requires criminal background checks for all providers that are licensed/regulated/ registered or receive CCDBG funds. <ul style="list-style-type: none"> <li>• Applies to staff who care for children or have unsupervised access to children</li> </ul>	(Same as introduced)	Requires all CCDF providers to have a comprehensive criminal background check. LAs may exempt only relatives and providers giving care in a child's own home from this requirement.  §98.41(a)(2)(i) (p. 29465, 29494)

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<b>Criminal Background Checks, specific provisions, cont.</b>  <i>Applicable personnel, cont.</i>		<ul style="list-style-type: none"> <li>Applies to family child care providers (exception: an individual related to all children for whom care is provided)</li> </ul> Sec. 7 (Sec. 658H(a), (h))		
<i>Search procedures</i>	N/A	Background check must include searches of: <ul style="list-style-type: none"> <li>State criminal and sex offender registry for each State where the staff member has lived in the past 10 years</li> <li>State-based abuse and neglect registries each State where the staff member has lived in the past 10 years</li> <li>National Crime Information Center</li> <li>FBI Integrated Automated Fingerprint Identification System</li> <li>National Sex Offender Registry</li> </ul> Sec. 7 (Sec. 658H(b))	<u>For Federal agencies only:</u> <ul style="list-style-type: none"> <li>Background checks must <u>include the same elements as listed for CCDBG providers (at left), except State criminal and sex offender registries and state-based abuse and neglect registries must be checked for different time periods. The registries must be checked for each State where the staff member has lived in the past 10 years or for the period since the staff member attained 18 years of age, whichever is longer.</u></li> </ul> Sec. 14  (Remaining provisions same as introduced)	Background check must include: <ul style="list-style-type: none"> <li>Use of fingerprints for State checks of criminal history records and checks of FBI criminal history records</li> <li>Clearance through the child abuse and neglect registry, if available</li> <li>Clearance through sex offender registries, if available</li> </ul> §98.41(a)(2)(i) (pp. 29465, 29494)

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<b>Criminal Background Checks, specific provisions, cont.</b>  <i>Prohibitions</i>	N/A	<p>A child care staff member will be ineligible for employment by providers that are licensed, regulated, or registered under State law or received CCDBG funds if he or she:</p> <ul style="list-style-type: none"> <li>• Refuses to consent to a criminal background check</li> <li>• Knowingly makes a materially false statement in connection with the background check</li> <li>• Is required to be registered in a State or national sex offender registry</li> <li>• Has been convicted of a felony concerning: <ul style="list-style-type: none"> <li>○ Murder</li> <li>○ Child abuse or neglect</li> <li>○ A crime against children, including child pornography</li> <li>○ Spousal abuse</li> <li>○ Crime involving rape or sexual assault</li> <li>○ Kidnapping</li> <li>○ Arson</li> <li>○ Physical assault/battery</li> <li>○ A drug-related offense committed during the preceding 5 years</li> </ul> </li> </ul>	<p>Adds the following to the list of <u>those actions that would make a child care staff member ineligible for employment</u>:</p> <ul style="list-style-type: none"> <li>• <u>Conviction for a violent misdemeanor committed as an adult against a child, including the following crimes: child abuse, child endangerment, sexual assault, or a misdemeanor involving child pornography</u></li> </ul> <p><u>Sec. 7 (Sec. 658H(c))</u></p> <p>(Remaining provisions are the same as introduced)</p>	<p>Requires that the State website's description of licensing and regulatory requirements/enforcement procedures include an explanation of the background check process and offenses that preclude a provider from serving children. <i>See Consumer Education &amp; Parental Complaints.</i></p>



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<b>Criminal Background Checks, specific provisions, cont.</b>  <i>Prohibitions, cont.</i>		(exception: State may allow a review process for drug offenders that would permit them to work despite offense)  A child care provider will be ineligible for CCDBG if it employs a staff member who fails the criminal background check.  Sec. 7 (Sec. 658H(c)) States may also disqualify individuals from working for child care providers for other convictions that bear upon their fitness to care for children.  Sec. 7 (Sec. 658H(g))		
<i>Frequency</i>	N/A	Child care providers must request background checks: <ul style="list-style-type: none"> <li>For existing staff members, within two years of enactment and at least once every five years thereafter</li> <li>For prospective staff members, once prior to hiring and at least once every five years thereafter</li> </ul>	<u>For Federal agencies only:</u> <ul style="list-style-type: none"> <li><u>There is no exception for staff members who have received background checks within the last five years and were employed/seeking employment with another provider at a Federal agency.</u></li> </ul>	Not addressed.

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<b>Criminal Background Checks, specific provisions, cont.</b>  <i>Frequency, cont.</i>		<p>Exceptions – providers are not required to submit background checks for employees if:</p> <ul style="list-style-type: none"> <li>• The staff member received a background within the last five years and was employed/seeking employment with another provider in the State, and</li> <li>• The State provides a background check result for the staff member, who was separated from the prior child care employer for no more than 180 consecutive days</li> </ul> <p>Sec. 7 (Sec. 658H(d))</p>		
<i>Results Disclosure &amp; Appeals</i>	N/A	<p>State shall carry out the background check “as expeditiously as possible” and provide results to child care provider and staff member.</p> <ul style="list-style-type: none"> <li>• To provider, State must indicate only whether staff is eligible or ineligible to provide care based on background check results, without revealing the crime</li> </ul>	<p>Requires State to carry out background check within no more than 45 days for providers covered by CCDBG.</p> <p>Sec. 7 (Sec. 658H(e)(1))</p> <p><u>Requires State to carry out background check “as expeditiously as possible” for Federal agencies.</u></p> <p><u>Sec. 14 (42 U.S.C. § 13041)</u></p>	Not addressed.

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<b>Criminal Background Checks, specific provisions, cont.</b>  <i>Results Disclosure &amp; Appeals, cont.</i>		or related information <ul style="list-style-type: none"> <li>• State shall inform an ineligible staff member of his/her disqualifying crime(s)</li> <li>• States cannot publicly release results of background checks unless it is part of local/statewide data (not individually identifiable)</li> </ul> State must provide process for child care staff members to appeal the results of a background check. Sec. 7 (Sec. 658H(e))	(Remaining provisions are the same as introduced)	
	<i>Fees</i>	Fees for background checks cannot be more than the actual costs of processing. (Sec. 658H(f))	(Same as introduced)	Not addressed ( <i>see</i> p. 29490 for discussion of potential cost to States)

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<i>Child Care Program Standards and Quality Improvement Activities</i>				
<b>Professional Training Requirements</b>	Not addressed.	<p>The State must have training requirements applicable to CCDBG providers that:</p> <ul style="list-style-type: none"> <li>• Provide a set of workforce and competency standards for CCDBG providers</li> <li>• Are developed with the State Advisory Council on Early Childhood Education and Care</li> <li>• Include an evidence-based training framework to promote children’s learning and development</li> <li>• Incorporate the State’s early learning and development guidelines and (where applicable) development/health standards</li> <li>• Are appropriate for different age groups, English learners, and children with disabilities (to the extent practicable)</li> </ul> <p>The State must also develop a “statewide progression of</p>	<p>Specifies that training requirements must be appropriate for Indians (as well as different age groups, English learners, and children with disabilities as required by the bill as introduced). The required “statewide progression of professional development” must also be accessible to providers supported through Indian tribes or tribal organizations that receive CCDBG assistance.</p> <p>Sec. 5(b)(2)(C) (Sec. 658E(c)(2)(G)(ii)(IV), (iii), §9858c(c)(2)(G)(ii)(IV), (iii))</p> <p><u>Includes “early language and literacy development” among improved child outcomes.</u></p> <p><u>Sec. 5(b)(2)(C)</u> <u>(Sec. 658E(c)(2)(G)(ii)(III), §9858c(c)(2)(G)(ii)(III))</u></p> <p>(Remaining provisions same as introduced)</p>	<p>The rule amends the list of allowable quality improvement activities at §98.51(a)(2) to encourage States to establish a framework for guiding and measuring quality activities, which <i>may</i> include “implementation of professional development systems to ensure a well-qualified workforce,” which may contain:</p> <ul style="list-style-type: none"> <li>• Development of core knowledge and competencies to define key content and skills</li> <li>• Establishment of career pathways</li> <li>• Professional development assessments to build capacity of institutions to meet needs of the child care workforce and the children they serve</li> <li>• Expanded access to professional development opportunities</li> <li>• Rewards or financial support for participating providers</li> </ul>

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Professional Training Requirements, cont.		<p>professional development,” which may include acquisition of course credit or other credential.</p> <p>The State must engage the State Advisory Council on Early Childhood Education and Care in aligning training opportunities with State’s training framework; may engage other institutions/training providers as well.</p> <p>Sec. 5(b)(2)(C) (Sec. 658E(c)(2)(G), §9858c(c)(2)(G))</p>		<p>§98.51(a)(2)(iv) (pp. 29477-78, 29495)</p> <p><i>See also Activities to Improve the Quality of Child Care.</i></p>
Child-to-Provider Ratio Standards	Not addressed.	<p>The State must set standards for CCDBG providers that address:</p> <ul style="list-style-type: none"> <li>• Group size limits for different ages</li> <li>• Appropriate child-to-provider ratios</li> <li>• Required qualifications for providers.</li> </ul> <p>The Secretary may provide guidance to States on child-to-provider ratios but shall not require specific standards.</p> <p>Sec. 5(b)(2)(C) (Sec. 658E(c)(2)(H), §9858c(c)(2)(H))</p>	(Same as introduced)	<p>Not specifically addressed in proposed regulations, but preamble discussion of new pre-inspection requirements to verify compliance with health and safety codes notes, “Child-staff ratios should also be set such that providers can demonstrate the capacity to evacuate all of the children in their care in a timely manner.”</p> <p>(p. 29466)</p>

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Early Learning & Development Guidelines	Not addressed.	<p>The State must develop/implement early learning developmental guidelines for use by child care providers that are licensed/regulated under State law (and not a relative of all children for whom services are provided). Guidelines must be:</p> <ul style="list-style-type: none"> <li>• Research-based</li> <li>• Developmentally appropriate for children from birth through entry into kindergarten</li> <li>• Aligned with State standards for education in kindergarten through third grade.</li> </ul> <p>The State cannot use CCDBG funds to develop or implement an assessment of children that will:</p> <ul style="list-style-type: none"> <li>• Be the sole basis to determine a provider is ineligible to participate in CCDBG</li> <li>• Be used as primary or sole basis to reward or sanction an individual provider</li> <li>• Be used as primary or sole method for assessing</li> </ul>	<p>To list of prohibitions, adds that State cannot use CCDBG funds to develop or implement an assessment of children that will be used to deny eligibility to participate in CCDBG.</p> <p>Sec. 5 (b)(2)(C) (Sec. 658E(c)(2)(T)(iii)(IV), §9858c(c)(2)(T)(iii)(IV))</p> <p>(Remaining provisions same as introduced)</p>	<p>The rule amends the list of allowable quality improvement activities at §98.51(a)(2) to encourage States to establish a framework for guiding and measuring quality activities, which <i>may</i> include “establishment and implementation of age-appropriate learning and development guidelines for children of all ages, including infants, toddlers, and school-age children.”</p> <p>§98.51(a)(2)(ii) (pp. 29476, 29495)</p> <p><b>See also Activities to Improve the Quality of Child Care.</b></p>

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Early Learning & Development Guidelines, cont.		<p>program effectiveness</p> <p>However, the State may use a single assessment for children for:</p> <ul style="list-style-type: none"> <li>• Improving instruction or the classroom environment</li> <li>• Targeting professional development</li> <li>• Determining need for health services or other support for a child/family</li> <li>• Obtaining information for the State-level quality improvement process, or</li> <li>• Conducting a program evaluation to provide program improvement/parent information</li> </ul> <p>The Federal government may not mandate the content of the State early learning guidelines or prescribe/require review of the standards a State uses to establish the guidelines or their alignment with State education standards.</p> <p>Sec. 5 (b)(2)(C) (Sec. 658E(c)(2)(T), §9858c(c)(2)(T))</p>		

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<b>Activities to Improve the Quality of Child Care</b>	<p>States must use at least 4 percent of CCDBG funds for:</p> <ul style="list-style-type: none"> <li>• Activities designed to provide comprehensive consumer education to parents and the public</li> <li>• Activities that increase parental choice</li> <li>• Activities designed to improve the quality and availability of child care (such as resource and referral services)</li> </ul> <p>Sec. 658G, §9858e</p>	<p>Of CCDBG funds, the State must reserve:</p> <ul style="list-style-type: none"> <li>• 6 percent in 2014</li> <li>• 8 percent in 2016, and</li> <li>• 10 percent in 2018 and thereafter</li> </ul> <p>for activities to improve child care quality and increase parental options/access to high- quality care. Three percent of such funds in 2014 and each year thereafter shall be used for quality improvement activities related to care for infants and toddlers. Reserved funds shall be used to carry out at least two of the following activities:</p> <ul style="list-style-type: none"> <li>• Supporting training/professional development of child care workforce through, e.g.: <ul style="list-style-type: none"> <li>○ Training that leads to a higher level of skill or certification</li> <li>○ Programs to increase retention/competencies of providers (including wage incentive programs and tiered payment rates)</li> <li>○ Training that relates to the use of</li> </ul> </li> </ul>	<p>Clarifies references to 2014, 2016 and 2018 by changing them to “the first and second full fiscal years after the date of enactment,” “the third and fourth full fiscal years after the date of enactment,” and “the fifth full fiscal year after the date of enactment and each succeeding fiscal year.” Also clarifies that, beginning in the first fiscal year after enactment, States are to reserve three percent of CCDBG funds for improvement of infant/toddler care <i>in addition to</i> the general set-asides for quality improvement activities.</p> <p>Sec. 6 (Sec. 658G(a)(2), §9858e(a)(2))</p> <p>Adds the following professional development activities to list of allowable uses of reserved funds in bill as introduced:</p> <ul style="list-style-type: none"> <li>• Training regarding State early learning and developmental guidelines (where applicable)</li> <li>• Training/outreach on engaging parents/families in culturally and linguistically</li> </ul>	<p>Maintains the requirement in §98.51 that at least 4 percent of CCDF funds be used to support quality activities.</p> <p>Amends the list of allowable quality improvement activities to encourage States to establish a framework for guiding and measuring quality activities. (All of the activities previously listed at §98.51(a)(2) “are incorporated into this new framework, and the proposed revision should not be interpreted as an indication that the previously delineated activities are no longer allowable” to count toward the 4 percent requirement.)</p> <p>The recommended framework includes the following revised list of activities:</p> <ul style="list-style-type: none"> <li>• Activities to ensure health and safety of children</li> <li>• Establishment and implementation of age-appropriate learning and development guidelines for children of all ages</li> <li>• Establishment and implementation of quality</li> </ul>



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Activities to Improve the Quality of Child Care, cont.		<p>developmentally and age appropriate curricula, including specialized training for providers who care for infants and toddlers, English learners, children with disabilities</p> <ul style="list-style-type: none"> <li>○ Training in early math and literacy</li> <li>○ Incorporating use of data</li> <li>○ Including positive behavior management strategies</li> <li>○ Incorporating feedback from experts</li> <li>○ Training about nutritional and physical activity needs of children</li> <li>○ Training to serve children with disabilities</li> <li>• Supporting the use of early learning and development guidelines by: <ul style="list-style-type: none"> <li>○ Developing and implementing such guidelines</li> <li>○ Providing technical assistance to promote language/literacy skills,</li> </ul> </li> </ul>	<p>appropriate ways to expand their knowledge, skills, and capacity to become meaningful partners in supporting their children's learning and development</p> <ul style="list-style-type: none"> <li>• Training for child care providers regarding the early neurological development of children</li> <li>• <u>Connecting child care staff members of child care providers with available Federal and State financial aid, or other resources, that would assist child care staff members in pursuing relevant postsecondary training.</u></li> </ul> <p>Sec. 6 (Sec. 658G(b), §9858e(b))</p> <p>(Remaining provisions same as introduced)</p>	<p>improvement systems that may contain the following elements:</p> <ul style="list-style-type: none"> <li>○ Establishment of quality standards and indicators</li> <li>○ Supports, training, and technical assistance to help programs meet quality standards</li> <li>○ Financial incentives/monetary supports to help programs meet quality standards</li> <li>○ Quality assurance and monitoring to measure program quality over time</li> <li>○ Outreach and consumer education about provider quality consistent with §98.33</li> <li>• Implementation of professional development systems that may contain the following elements: <ul style="list-style-type: none"> <li>○ Establishment of core knowledge and competencies for the child care workforce</li> <li>○ Establishment of career pathways</li> </ul> </li> </ul>

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Activities to Improve the Quality of Child Care, cont.		<p style="text-align: center;">school readiness, and later school success</p> <ul style="list-style-type: none"> <li>• Developing and implementing a tiered quality rating system that shall: <ul style="list-style-type: none"> <li>○ Support and assess provider quality</li> <li>○ Build on State licensing/regulatory standards</li> <li>○ Improve the quality of different types of providers</li> <li>○ Describe the quality of facilities</li> <li>○ Improve parents' understanding of the early learning system and ratings</li> <li>○ Provide financial incentives and other supports to achieve high quality</li> </ul> </li> <li>• Improving the quality and supply of infant and toddler programs through, e.g.: <ul style="list-style-type: none"> <li>○ Establishing/expanding neighborhood-based, high-quality comprehensive family and child development</li> </ul> </li> </ul>		<ul style="list-style-type: none"> <li>○ Professional development assessments to build institutional capacity</li> <li>○ Expanded access to professional development opportunities</li> <li>○ Rewards or financial support for providers</li> <li>• Implementation of an infrastructure to build provider capacity to promote children's health, serve vulnerable children, and implement family engagement strategies</li> <li>• Assessment and evaluation of quality improvement activities</li> <li>• Any other activities consistent with quality improvement goals</li> </ul> <p>§98.51(a)(2) (pp. 29475-79, 29495-96)</p> <p>Clarifies that quality improvement activities are not restricted to CCDF-eligible children or providers serving those children.</p>

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Activities to Improve the Quality of Child Care, cont.		<ul style="list-style-type: none"> <li>centers               <ul style="list-style-type: none"> <li>○ Establishing/expanding community- based family child care networks</li> <li>○ Supporting statewide networks of infant/toddler care specialists</li> <li>○ Improving the infant/toddler child care workforce</li> <li>○ Developing infant/toddler components in State's quality rating system (if applicable)</li> <li>○ Improving ability of parents to access information about infant/toddler care</li> </ul> </li> <li>• Promoting broad provider participation in the quality rating system</li> <li>• Establishing/expanding a statewide system of child care resource and referral services</li> <li>• Facilitating compliance with State licensing, monitoring, health, and safety requirements</li> </ul>		<p>§98.51(d) (pp. 29478, 29496)</p> <p>Codifies existing ACF policy that targeted funds for quality improvement and other activities that may be included in appropriations law may not count towards meeting the 4 percent minimum quality requirement unless so specified by Congress.</p> <p>§98.51(e) (pp. 29478-79, 29496)</p>

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Activities to Improve the Quality of Child Care, cont.		<ul style="list-style-type: none"> <li>Evaluating the quality and effectiveness of child care programs</li> <li>Supporting providers seeking accreditation by a national body</li> <li>Supporting efforts to develop high-quality health and nutrition standards</li> <li>Carrying out other activities determined by the State to improve quality of care for which measurement is possible</li> </ul> <p>Sec. 6 (Sec. 658G, §9858e)</p>		
Reporting Requirements	Not addressed.	<p>The State must submit an annual report to the Secretary with information about the:</p> <ul style="list-style-type: none"> <li>Amount of funds reserved for quality improvement</li> <li>Quality improvement activities conducted</li> <li>Measures the State will use to evaluate progress</li> </ul> <p>Sec. 6 (Sec. 658G(d), §9858e(d))</p>	(Same as introduced)	<p>Requires a new annual performance report to ACF that includes a description of progress towards performance goals established to improve the quality of child care.</p> <p>§§98.16(v), 98.51(f) (pp. 29452-53, 29493, 29496)</p> <p>Also requires LAs to submit an indicator of the quality of the child care provider as part of the quarterly family case-level administrative data report.</p>

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Reporting Requirements, cont.				§98.71(a)(15) (pp. 29482, 29497)
Technical Assistance	<p>The Secretary shall provide technical assistance to assist States to carry out CCDBG, including assistance on a reimbursable basis; no quality component specified.</p> <p>Sec. 658(a)(3), §9858g(a)(3)</p>	<p>The Secretary shall offer technical assistance to States for quality improvement activities.</p> <p>Sec. 6 (Sec. 658G(e), §9858e(e))</p>	(Same as introduced)	<p>Increases technical assistance set-aside from ¼ of one percent to ½ of one percent of CCDF funds.</p> <p>Preamble notes that ACF believes the increase is necessary for it to “meet its responsibility to support Lead Agencies as they begin to improve health and safety standards, implement a transparent system of quality indicators, and invest in improving access to high quality child care.”</p> <p>§98.60(b)(1) (pp. 29480, 29496)</p>

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<i>Family-Friendly Policies</i>				
<b>Meeting the Needs of Certain Populations; Priority for Low-Income Populations</b>	<p>The State must demonstrate how it will meet the needs of:</p> <ul style="list-style-type: none"> <li>• Families receiving TANF</li> <li>• Families attempting to transition off TANF through work</li> <li>• Families at risk of becoming dependent on TANF</li> </ul> <p>Sec. 658E(c)(2)(H), §9858c(c)(2)(H)</p> <p>After complying with 42 U.S.C. §618(b)(2), which requires States to expend at least 70 percent of mandatory and matching CCDBG funds to provide child care assistance to the families described above, the State must ensure that a substantial portion of remaining CCDBG funds are used to provide assistance to other low-income working families.</p> <p>Sec. 658E(c)(3)(D), §9858c(c)(3)(D)</p>	<p>Maintains requirements to meet the needs of families receiving/at risk of becoming dependent on TANF or attempting to transition off the program; to expend at least 70 percent of mandatory and matching CCDBG funds to provide assistance to these families; and to ensure that a substantial portion of remaining CCDBG funds are used to provide assistance to other low-income working families.</p> <p>In addition, the State must give priority to investments that increase access to high-quality early childhood education in areas that have significant concentrations of poverty and unemployment.</p> <p>Sec. 5 (b)(2)(C) (Sec. 658E(c)(2)(Q) §9858c(c)(2)(Q))</p> <p>The State must also develop</p>	<p><u>Includes “offering child care certificates to parents” among ways in which State plans will develop and implement strategies to increase supply and quality of child care.</u></p> <p><u>Sec. 5(b)(2)(M) (Sec. 658E(c)(2)(M), §9858c(c)(2)(M))</u></p> <p><u>Includes language to require use of procedures for immediate enrollment (after an initial eligibility determination) and offer of services for homeless children.</u></p> <p><u>Sec. 5(b)(3)(B)(ii) (Sec. 658E(c)(3), §9858c(c)(3))</u></p>	<p>Clarifies that the substantial portion of funds used to provide assistance to low-income working families (after meeting other funding conditions) must be used for <i>direct</i> child care services.</p> <p>§98.50(a) (p. 29474, 29495)</p>

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Meeting the Needs of Certain Populations; Priority for Low-Income Populations, cont.		and implement strategies (which might include, e.g., higher pay/bonuses for providers or contracting with community-based organizations) to increase supply and improve the quality of child care for: <ul style="list-style-type: none"> <li>• Children in underserved areas</li> <li>• Infants and toddlers</li> <li>• Children with disabilities</li> <li>• Children who receive care during nontraditional hours</li> </ul> Sec. 5(b)(2)(C) (Sec. 658E(c)(2)(M), §9858c(c)(2)(M))		
Parental Choice of Providers	Parents must be given the option to enroll their children with providers who have a CCDBG grant or to receive a certificate (voucher).  Sec. 658E(c)(2)(A), §9858c(c)(2)(A)	(No changes)	<u>States that nothing in the subchapter will be construed to favor/promote the use of grants and contracts for child care services over the use of child care certificates. Similarly, nothing will be construed to disfavor/discourage the use of child care certificates for the purchase of child care services.</u>	Specifies that LAs must include some use of grants or contracts, in addition to certificates, for the provision of direct child care services and offer parents a choice between the two. <ul style="list-style-type: none"> <li>• State plan must indicate how LA will use grants or contracts to address shortages in the supply of high-quality child care.</li> </ul>

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Parental Choice of Providers, cont.			<u>including services provided by private or nonprofit entities, such as faith-based providers.</u>  <u>Sec. 10(A) (Sec. 658Q, §9858o)</u>	§98.16(i)(1) (pp. 29451, 29493) §§98.30(a)(1), 98.50(b)(3) (pp. 29458, 29494-95)  Also clarifies that LAs may: <ul style="list-style-type: none"> <li>Establish policies that require CCDF providers to meet higher standards of quality as indicated by the quality indicators system (provided they do not limit parental choice by excluding any category of provider)</li> <li>Provide parents with information and incentives to encourage them to choose high-quality providers</li> </ul> §98.30 (g)-(h) (pp. 29459, 29494)
<b>Eligibility Period/Redetermination; Protection of Working Parents</b>  <i>12-Month Eligibility</i>	Not addressed.	LA must consider each child receiving CCDBG assistance eligible for at least 12 months before a re-determination, even if the parent's work/education status or income changes during the 12-month period, as long as family income does not exceed	Makes minor revisions to clarify language describing 12-month eligibility requirement, including revisions to clarify that States must provide for continued assistance for families whose income at the beginning of a new 12-month	LA shall re-determine a child's eligibility for CCDF services no sooner than 12 months following initial determination or most recent re-determination. <ul style="list-style-type: none"> <li>LA has the option to allow a child to remain eligible until next redetermination, which</li> </ul>



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<b>Eligibility Period/Redetermination; Protection of Working Parents, cont.</b>  <i>12-Month Eligibility, cont.</i>		<p>85% of State median income.</p> <ul style="list-style-type: none"> <li>Exception: LA <i>may</i> determine that a child is ineligible within less than 12 months if a parent loses a job or stops attending a training/education program, but may not terminate assistance in such cases for at least 3 months</li> <li>State must also provide for continued CCDBG assistance – for a period of no more than 12 months – for children who are deemed ineligible at redetermination due to “a modest increase in the parents’ income,” if the family’s income does not exceed 85% SMI</li> <li>Policies must ensure that working parents are not required to “unduly disrupt their employment” to comply with eligibility redetermination requirements</li> </ul>	<p>eligibility period exceeds the State’s income limit to initially qualify for CCDBG.</p> <p>Sec. 5(b)(2)(C) (Sec. 658E(c)(2)(N), §9858c(c)(2)(N))</p> <p>(Remaining provisions same as introduced)</p>	<p>may occur at intervals longer than 12 months</p> <ul style="list-style-type: none"> <li>LA <i>may</i> establish criteria that require families to report changed circumstances <ul style="list-style-type: none"> <li>ACF recommends that States require parents to report job loss between eligibility determinations</li> <li>Tracking all eligibility criteria between re-determinations is allowed but not recommended</li> <li>Does not propose a regulatory change to require a two-tiered eligibility policy but recommends that LAs “consider this policy as a strategy that allows families to retain child care assistance while experiencing modest success in the job market” (p. 29455)</li> </ul> </li> </ul> <p>§98.20(b) (pp. 29456-57, 29493-94)</p> <p>For purposes of determining CCDF eligibility, States must define “working” to include</p>

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<b>Eligibility Period/Redetermination; Protection of Working Parents, cont.</b>  <i>12-Month Eligibility, cont.</i>		Sec. 5(b)(2)(C) (Sec. 658E(c)(2)(N), §9858c(c)(2)(N))		<p>some period of job search.</p> <ul style="list-style-type: none"> <li>States retain discretion to determine length of this period and decide whether job search is an eligible activity for families initially applying for a subsidy</li> </ul> <p>§98.16(g)(6) (pp. 29450-51, 29493)</p> <p>States must have policies to promote continuity of care for children and stability for families, including consideration of developmental needs of the child when authorizing child care services.</p> <ul style="list-style-type: none"> <li>States are not required to limit authorized services based on parents' work or education schedule and may, e.g., extend hours to support enrollment in high-quality care</li> <li>Policies must support timely eligibility determination and employment/ income advancement for parents</li> </ul> <p>§§98.16(h), 98.20(d) (pp. 29451, 29457, 29493)</p>

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<i>Payment Rates and Practices</i>				
<b>Provider Payment Practices, Generally</b>	Payment rates for CCDBG providers must be sufficient to ensure equal access for CCDBG-eligible families to child care services comparable to those provided to non-eligible families.  Sec. 658E(c)(4)(A), §9858c(c)(4)	Maintains general equal access provision; specifies that the State must certify that payment practices for CCDBG providers reflect generally accepted payment practices for non-CCDBG providers in the State.  Sec. 5(b)(2)(C) (Sec. 658E(c)(2)(S), §9858c(c)(2)(S))	(Same as introduced)	LAs must describe payment practices for CCDF providers, including: <ul style="list-style-type: none"> <li>• Timely reimbursement</li> <li>• How practices support high-quality services</li> <li>• How practices promote participation of providers in the subsidy system</li> </ul> §98.16(t) (pp. 29452, 29493)
<b>Sliding Fee Scales/ Family Cost Sharing</b>	The State must create and periodically revise sliding scale fees for family cost sharing for CCDBG services.  Sec. 658E(c)(5), §9858c(c)(5)	Maintains existing language on sliding fee scales and adds that cost sharing must not be a barrier to families receiving CCDBG assistance.  Sec. 5(b)(2)(C) (Sec. 658E(c)(5), §9858c(c)(5))	(Same as introduced)	Allows LAs to waive contributions from families meeting criteria established by the LAs (no longer limited to income at or below the Federal poverty level). <ul style="list-style-type: none"> <li>• Waiver criteria must be approved; cannot eliminate cost sharing for all families receiving CCDF assistance (<i>see also</i> §98.16(k))</li> <li>• LA may not use cost of care or subsidy payment rate as a factor in setting co-</li> </ul>

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Sliding Fee Scales/ Family Cost Sharing, cont.				payment amounts §98.42(c)-(d) (pp. 29472, 29495)
Market Rate Surveys	State plan must provide summary of the facts relied on to determine that provider payment rates are sufficient to ensure equal access.  Sec. 658E(c)(4)(A), §9858c(c)(4)	In addition to summary of facts in State plan, the State must develop and conduct “a statistically valid and reliable survey of the market rates for child care services in the State.” The market rate survey must: <ul style="list-style-type: none"> <li>• Be developed in consultation with the State Advisory Council on Early Childhood Education and Care, local program administrators, resource &amp; referral agencies, and other appropriate entities (within two years of plan submission)</li> <li>• Reflect variations in the cost of child care services by geographic area, type of provider, and age of child</li> </ul> The State must: <ul style="list-style-type: none"> <li>• Make the market rate survey results widely available (including</li> </ul>	In its description of how it will set payment rates, the State must also take into consideration the cost of providing higher quality child care services than were provided under CCDBG prior to enactment of the reauthorization bill.  Sec. 5(b)(2)(D), (Sec. 658E(c)(4)(B)(iii)(II), §9858c(c)(4)(B)(iii)(II))  (Remaining provisions same as introduced)	Revises existing regulations to allow varied methods of examining market rates. Specifically, in the summary of facts in the State plan, the LA must show how payment rates are adequate based on <i>either</i> : <ul style="list-style-type: none"> <li>• A “valid, local market price study” (phrased as “local market rate survey” in current §98.43(b)(2)) conducted within two years of the effective date of the currently approved plan, <i>or</i></li> <li>• An alternative methodology, that has been proposed by the LA and approved in advance by ACF</li> </ul> §98.43(b)(2)(ii) (pp. 29473-74, 29495)  Also specifies that LAs must take into account the quality of child care when determining payment rates.

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Market Rate Surveys, cont.		<p>internet posting)</p> <ul style="list-style-type: none"> <li>Describe how it will set provider payment rates in accordance with the market rate survey without reducing the number of families receiving CCDBG assistance (to the extent practicable)</li> <li>Describe how it will provide for timely payment for services</li> </ul> <p>The State may differentiate payment rates on the basis of such factors as:</p> <ul style="list-style-type: none"> <li>Geographic location</li> <li>Age or particular needs of children</li> <li>Whether providers provide care during nontraditional hours</li> <li>The State's determination that such differentiated rates are needed to enable a parent to choose high-quality care</li> </ul> <p>Sec. 5(b)(2)(D), (Sec. 658E(c)(4), §9858c(c)(4))</p>		<ul style="list-style-type: none"> <li>Recommends that LAs pay higher rates for higher-quality care and encourages LAs to make certain that rates are sufficient to ensure access at higher levels of quality</li> <li>LAs may pay amounts above providers' private pay rate as a quality bonus or incentive (e.g., tiered or quality reimbursement systems)</li> </ul> <p>§98.43(c) (pp. 29474, 29495)</p>