

THE CHILD CARE AND DEVELOPMENT BLOCK GRANT REAUTHORIZATION: CHANGES TO PREVIOUS LAW

In November 2014, President Obama signed the Child Care and Development Block Grant Act of 2014 into law—the first reauthorization of the federal child care program since 1996. Passed with strong bipartisan support, the law aims to protect the health and safety of children in child care, facilitate families' access to child care assistance, and improve the quality of care. However, the reauthorization does not meaningfully increase funding for CCDBG above FY 2014 levels (\$2.36 billion). Specifically, it authorizes \$2.36 billion for FY 2015, \$2.48 billion for FY 2016, \$2.54 billion for FY 2017, \$2.60 billion for FY 2018, \$2.67 billion for FY 2019, and \$2.75 billion for FY 2020. (At least 2 percent of the total CCDBG appropriation is to be reserved for Indian tribes and tribal organizations.)

The chart below compares the prior version of the law governing the Child Care and Development Block Grant (CCDBG) with provisions of the reauthorization law that make changes in the following areas:

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

Topic	Old Law: Child Care and Development Block Grant Act of 1990 (as amended prior to 2014)	New Law: Child Care and Development Block Grant Act of 2014
<i>CCDBG Purposes and General Administration</i>		
Purposes	<p>The goals of this subchapter are to:</p> <ul style="list-style-type: none"> • Allow each State maximum flexibility to develop programs and policies to best suit the needs of children and parents • Promote parental choice • Encourage States to provide consumer education information • Assist States to provide child care to parents trying to achieve independence from public assistance • Assist States in implementing the health, safety, licensing, and registration standards established in State regulations <p>CCDBG Act Sec. 658A, 42 U.S.C. §9801 note</p>	<p>Adds language to existing purposes to promote quality of care and parental involvement and adds the following goals:</p> <ul style="list-style-type: none"> • Improve child care and development of participating children • Increase the number and percentage of low-income children in high-quality child care settings <p>CCDBG Act Sec. 658A</p>
Lead Agencies	<p>Lead agency (LA) must be a State agency designated by the chief executive of the State.</p> <p><i>Entity</i> Sec. 658D(a), §9858b(a)</p> <p><i>Duties</i> Lead agency must:</p> <ul style="list-style-type: none"> • Administer CCDBG funds • Develop a State plan • Hold at least one public hearing on provision of child care services under the plan, with sufficient statewide notice • Coordinate provision of services with other Federal, State, or local child care/development programs • Consult with local government representatives <p>Sec. 658D(b), §9858b(b)</p>	<p>Lead agency can be a State agency or a joint interagency office established by the governor.</p> <p>Sec. 658D(a)</p> <p>In addition to existing duties, at the option of an Indian tribe or tribal organization in the State, the lead agency must collaborate and coordinate with such Indian tribe or tribal organization in the development of the State plan in a timely manner.</p> <p>Sec. 658D(b)(1)(E)</p>
Duration of State Plan	<p>Two years.</p> <p>Sec. 658E(b), §9858c(b)</p>	<p>Three years.</p> <p>Sec. 658E(b)</p>
Definitions	<p>Defines:</p> <ul style="list-style-type: none"> • Caregiver • Child care certificate • Eligible child • Eligible child care provider 	<p>Adds definitions for:</p> <ul style="list-style-type: none"> • Child with a disability • English learner • Scientifically valid research

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Definitions, cont.	<ul style="list-style-type: none"> • Family child care provider • Indian tribe • Lead Agency • Parent • Secretary • Sliding scale fee • State • Tribal organization <p>Sec. 658P, §9858n</p>	<p>Adds foster parent to the definition of a “parent” and specifies that the family of an “eligible child” must not have assets exceeding \$1 million (as certified by a member of the family).</p> <p>Sec. 658P</p>
Use of CCDBG Funds	<p>With priority given to children of families with very low incomes and children with special needs, States shall use CCDBG funds for:</p> <ul style="list-style-type: none"> • Child care services on a sliding fee scale basis • Activities that improve the quality or availability of such services • Any other activity that the State deems appropriate to meet CCDBG goals <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>	<p>Maintains existing allowable uses of CCDBG funds (except for “any other activity...” category), including priority given to children with low incomes/special needs, and specifically authorizes expenditures for:</p> <ul style="list-style-type: none"> • Activities that improve access to child care services, including access for homeless children • 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), which shall: <ul style="list-style-type: none"> ○ Provide parents with consumer education information concerning the full range of child care options, including faith- and community-based providers and care provided during nontraditional hours/in emergency child care centers ○ To the extent practicable, work directly with families receiving CCDBG assistance to help them enroll their children in appropriate, high-quality child care settings ○ Collect data and provide information on coordination of services and supports (including Individuals with Disabilities Education Act (IDEA) services for children with disabilities) and on the supply of /demand for child care ○ Establish partnerships with public agencies and private entities, including faith- and community-based providers, to increase the supply and quality of child care services ○ As appropriate, coordinate their activities with the activities of the LA and local agencies that administer CCDBG funds <p>Sec. 658E(c)(3)(B)(i), (iii)</p>

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Use of CCDBG Funds, cont.		<p>Maintains 5 percent limit on administrative expenditures and specifies that the State must:</p> <ul style="list-style-type: none"> • Reserve the required quality set-aside and funds for administrative costs, and • From the remainder, use no less than 70 percent to fund direct services <p>Sec. 658E(c)(3)(E)</p>
General Administration & Coordination	<p>The Secretary shall:</p> <ul style="list-style-type: none"> • Coordinate HHS activities relating to child care and coordinate with other Federal entities engaging in similar activities to the extent practicable • Collect, publish, and make available a listing of State child care standards once every three years • Provide technical assistance to States to carry out the CCDBG program, including assistance on a reimbursable basis <p>Sec. 658I(a), §9858g(a)</p>	<p>In addition to existing duties, the Secretary shall:</p> <ul style="list-style-type: none"> • Disseminate information on practices that scientifically valid research indicates are most successful in improving quality of child care programs • After consultation with the heads of any other Federal agencies involved, issue guidance and disseminate information on best practices regarding the use of funding for coordinating with other programs <p>Technical assistance, such as business technical assistance, to States (which may include providing assistance on a reimbursable basis) shall be provided by qualified experts on practices grounded in scientifically valid research, where appropriate.</p> <p>Sec. 658I(a)</p> <p>To the extent practicable, the State must efficiently coordinate CCDBG services with programs operated at the Federal, State, and local levels for children in preschool programs, tribal early childhood programs, and other early childhood programs in order to expand accessibility and continuity of care and assist children to receive full-day services. If the State elects to combine CCDBG funding for funding with other early childhood programs, it must describe the funding streams in its State plan and explain how it will use the combined funding.</p> <p>Sec. 658E(c)(2)(O)</p>

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<p>General Administration & Coordination, cont.</p>		<p>The State must also:</p> <ul style="list-style-type: none"> • Encourage partnerships among State agencies, other public agencies, Indian tribes and tribal organizations, and private entities (including faith- and community-based) to leverage existing service delivery systems and increase the supply/quality of child care services for children under 13. Sec. 658E(c)(2)(P) • Give priority to investments for children of families in areas that have significant concentrations of poverty and unemployment and do not have high-quality care services. Sec. 658E(c)(2)(Q) • Consult with the State Advisory Council on Early Childhood Education and Care in developing State plan. Sec. 658E(c)(2)(R)
<p>Reports & Audits</p>	<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 providers, and families served.</p> <p>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.</p> <p>Sec. 658K, §9858i</p> <p>On a biennial basis, the Secretary shall submit a report to the Senate Committee on Health, Education, Labor and Pensions (HELP Committee) and the House Committee on Education and the Workforce that contains a summary and analysis of the data and information provided in the annual reports from the States, including an assessment and (where appropriate) recommendations for strategies to improve access to quality and affordable child care.</p> <p>Sec. 658L, §9858j</p>	<p>In addition to existing requirements, the State shall collect and submit information regarding whether the children receiving assistance are homeless.</p> <p>Sec. 658K(a)(1)(B)(xi)</p> <p>Clarifies that reports shall not contain personally identifiable information.</p> <p>Sec. 658K(a)(1)(E)</p> <p>Beginning in November 2015, in addition to existing requirements, annual reports must include aggregate data on the number of child fatalities occurring at providers receiving CCDBG assistance, listed by type of child care provider and indicating whether the providers are licensed or license-exempt.</p> <p>Sec. 658K(a)(2)(F)</p> <p>By July 31, 2016 and thereafter, the Secretary shall include in its biennial reports to Congress a determination around whether each State has complied with its obligation to use CCDBG funds for child care services or activities that improve quality, availability, or access to such services, with priority given to services for children with very low family incomes or special needs.</p> <p>Sec. 658L(a)</p>

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Reports & Audits, cont.		<p>In addition, by September 30, 2016 and each September 30 thereafter, the Assistant Secretary for Children and Families must prepare a report that determines whether each State uses CCDBG funds for child care services or activities that improve quality, availability, or access to such services, with priority given to services for children with very low family incomes or special needs.</p> <ul style="list-style-type: none"> • The Secretary must withhold 5 percent of a State’s CCDBG funds if a State found to be noncompliant does not appropriately modify its State plan within six months of the Secretary’s report • The Secretary may waive the penalty for one year if he/she determines that noncompliance was due to extraordinary circumstances and reports to appropriate congressional committees on the basis for and expected impact of the waiver <p>Sec. 658E(c)(3)(B)(ii)</p> <p>Adds provision directing the U.S. Comptroller General to conduct studies to determine, for each State, the number of families that:</p> <ul style="list-style-type: none"> • Are eligible for CCDBG assistance, • Have applied for assistance (identified by the type of assistance requested), and • Have been placed on a waiting list for the assistance <p>The Comptroller General must report the results of each study to the Senate HELP Committee and the House Committee on Education and the Workforce by November 2016 and every two years thereafter.</p> <p>Sec. 12 [not incorporated into CCDBG Act]</p> <p>Adds provision directing the Secretary of HHS and the Secretary of Education to conduct an interdepartmental review of all federal early learning and care programs for children less than six years of age and submit a detailed report to the Senate HELP Committee and the House Committee on Education and the Workforce outlining specific recommendations for eliminating overlap and fragmentation among all Federal early learning and care programs.</p> <p>Sec. 13 [not incorporated into CCDBG Act]</p>

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Waivers	Not addressed.	<p>Upon a State’s request, the Secretary may waive any provision of CCDBG law or sanctions imposed for noncompliance if:</p> <ul style="list-style-type: none"> • The State’s request describes one or more conflicting or duplicative requirements preventing the effective delivery of child care services, extraordinary circumstances (such as a natural disaster or financial crisis), or an extended period of time for the State legislature to enact legislation to implement CCDBG provisions • The circumstances described in the request prevent the State from complying with any statutory or regulatory requirement of CCDBG • The waiver will, by itself, improve the State’s ability to carry out CCDBG purposes, and • The waiver will not contribute to inconsistency with CCDBG objectives <p>The State’s waiver request must :</p> <ul style="list-style-type: none"> • Detail each sanction or provision of CCDBG law from which the State seeks relief • Describe how a waiver of that sanction/provision will by itself improve delivery of child care services, and • Certify that the health, safety, and well-being of children served through CCDBG will not be compromised as a result of the waiver <p>The Secretary must approve or disapprove the State’s waiver request within 90 days and make a report to the Senate HELP Committee and the House Committee on Education and the Workforce regarding the basis for approval or disapproval.</p> <p>The initial waiver period may be no longer than three years, with an option to renew the waiver for no more than one year upon approval from the Secretary. The Secretary shall terminate a waiver prior to its expiration if he/she determines (after notice and opportunity for a hearing) that the State’s performance has been inadequate or the waiver is no longer necessary to achieve its original purposes.</p> <p>Waiver authority does not authorize the Secretary to permit States to alter the eligibility requirements for children (including work/job training/education requirements for parents).</p> <p>Sec. 658I(c)</p>

Topic	Old Law: Child Care and Development Block Grant Act of 1990 (as amended prior to 2014)	New Law: Child Care and Development Block Grant Act of 2014
<i>Consumer Education and Provider Compliance with Health and Safety Standards</i>		
Consumer Education & Parental Complaints	<p>States must collect and disseminate consumer information that will promote informed child care choices. 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. Sec. 658E(c)(2)(C), §9858c(c)(2)(C)</p>	<p>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, within a year of complying with monitoring and inspection requirements. Public results must:</p> <ul style="list-style-type: none"> • Be electronically available in consumer-friendly format and organized by provider • Include number of deaths, serious injuries, and instances of substantiated child abuse that occurred for eligible child care providers each year • Include date of inspection and, where applicable, information on corrective action taken <p>Sec. 658E(c)(2)(D)</p> <p>States must collect and disseminate—through resource and referral organizations or other means—information to parents, the public, and (where applicable) providers about:</p> <ul style="list-style-type: none"> • Availability of child care services provided through CCDBG and, if feasible, other programs for which the family may be eligible • If available, information about the quality of providers (including quality rating and improvement system (QRIS) data) • State processes for licensing providers, background checks (and disqualifying offenses), monitoring and inspections of providers (made available through a State website) • Financial assistance to obtain child care services • Other assistance programs that CCDBG families may be eligible for, including TANF, Head Start, LIHEAP, SNAP, WIC, CACFP, Medicaid, and IDEA (Sec. 619, Part C) programs • Research and best practices concerning child development • State policies regarding social-behavioral health of young children and policies on expulsion of preschool-aged children in early childhood programs receiving CCDBG assistance • How the State can help families/providers obtain developmental screenings for CCDBG children <p>Sec. 658E(c)(2)(E)</p>

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Consumer Education & Parental Complaints, cont.		<p>The Secretary shall operate, directly or through the use of grants or contracts, a national toll-free hotline and website to disseminate consumer education information, help parents access quality child care in their communities (with a range of price options), and allow reports (anonymous if desired) of suspected child abuse/health and safety violations at CCDBG providers. The hotline and website must:</p> <ul style="list-style-type: none"> • Be hosted by childcare.gov and have nationwide, 24-hour capacity • Enable consumers to obtain referrals to local providers through a zip code search • Ensure the widest possible access to services for families who speak languages other than English • Ensure that families have access to easy-to-understand, high-quality child care consumer education and referral services • Provide the following information: <ul style="list-style-type: none"> ○ A localized list of all eligible providers (differentiating between licensed and license-exempt providers) ○ Provider-specific quality information from QRIS or other quality indicators (to the extent the information is publicly available and to the extent practicable) ○ Provider-specific information about compliance with State licensing and health/safety requirements to the extent the information is publicly available and to the extent practicable) ○ Referrals to local resource and referral organizations ○ State information about child care subsidy programs and other financial supports for families <p>The Secretary may not compel States to provide additional data that is currently not publicly available or required by CCDBG, unless such data are related to the purposes and scope of CCDBG and are subject to a notice and comment period of at least 90 days.</p> <p>Sec. 658L(b)</p> <p>The Secretary shall reserve up to \$1.5 million of the total CCDBG appropriation for each fiscal year to operate the national toll-free hotline and website.</p> <p>Sec. 658O(a)(3)</p>

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<p>Inspections & Compliance with Licensing Requirements</p> <p><i>States</i></p>	<p>The State must certify that it has licensing requirements and describe the requirements and how they are effectively enforced, but 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 that it has licensing requirements and describe the requirements and how they are effectively enforced.</p> <p>For license-exempt providers, the State must explain why licensing exemption does not endanger the health, safety, or development of children receiving services.</p> <p>Sec. 658E(c)(2)(F)</p> <p>No later than November 2016, the State must have policies and practices applicable to CCDBG providers and their facilities that:</p> <ul style="list-style-type: none"> • Ensure that individuals hired as licensing inspectors are qualified and have received training in related health/safety requirements • Require at least one pre-licensure inspection of licensed/regulated CCDBG providers for compliance with health/safety/fire standards and at least one unannounced inspection annually thereafter for compliance with all child care licensing standards, including health/safety/fire standards (compliance with all three standards may be inspected simultaneously) • Require annual inspections of license-exempt providers receiving CCDBG funds (except providers related to all children in their care) for compliance with health/safety/fire standards at a time to be determined by the State • Require ratio of licensing inspectors to child care providers be sufficient to enable the State to conduct inspections on a timely basis <p>The Secretary may provide guidance, if requested by the State, regarding appropriate inspector-to-provider ratios, but may not prescribe a particular ratio.</p> <p>Sec. 658E(c)(2)(K)</p>

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<p>Inspections & Compliance with Licensing Requirements, cont.</p> <p><i>Indian Tribes</i></p>	<p>For Indian tribes and tribal organizations receiving CCDBG assistance, in lieu of any licensing and regulatory requirements applicable under State and local law, the Secretary, in consultation with Indian tribes and tribal organizations, shall develop minimum child care standards that appropriately reflect tribal needs and available resources.</p> <p>Sec. 658E(c)(2)(E)(ii)</p>	<p>For Indian tribes and tribal organizations receiving CCDBG assistance, in lieu of any licensing and regulatory requirements applicable under State or local law, the Secretary, in consultation with Indian tribes and tribal organizations, shall develop minimum child care standards. The standards shall reflect Indian tribe/tribal organization needs and resources and shall include:</p> <ul style="list-style-type: none"> • Standards requiring a publicly available application • Health and safety standards • Standards requiring a reservation of funds for activities to improve the quality of child care services provided to Indian children <p>Sec. 658O(c)(2)(D)</p>
<p>Establishment/ Enforcement of Health & Safety Requirements</p>	<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"> • Infectious disease prevention and control • Building and physical premises safety • Minimum health and safety training appropriate to the provider setting <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. These requirements must include minimum health and safety training to be completed pre-service or in an orientation period, in addition to ongoing training, and address the following topics:</p> <ul style="list-style-type: none"> • Infectious disease prevention and control (with the establishment of a grace period to allow homeless children and children in foster care to receive services while their families take action to comply with immunization and other requirements) • Prevention of SIDS and safe sleep practices • Administration of medication and parental consent • Prevention and response to food and allergy emergencies • Building and physical premises safety (including identification and protection from hazards that can cause bodily injury) • Prevention of shaken baby syndrome and abusive head trauma • Emergency preparedness and disaster response • Handling/storage of hazardous materials and disposal of biocontaminants • Transportation of children (if applicable) • First aid and CPR <p>Requirements may also include nutrition, physical activity, and any other subject determined necessary by the State to promote child development or protect health/safety.</p> <p>Sec. 658E(c)(2)(I)</p>

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Establishment/ Enforcement of Health & Safety Requirements, cont.		<p>The State plan must certify that procedures are in effect to ensure that CCDBG providers comply with these health and safety requirements, and that child care providers will comply with reporting requirements under the Child Abuse Protection Act.</p> <p>Sec. 658E(c)(2)(J),(L)</p> <p>The State plan must also include a statewide child care disaster plan to ensure safe child care before, during, and after a major emergency. The plan shall outline coordination of activities among State agencies, the resource and referral system, and the State Advisory Council on Early Childhood Education and Care. Plans must include:</p> <ul style="list-style-type: none"> • Evacuation, relocation, shelter-in-place, and lock-down procedures, and procedures for communication and reunification with families, continuity of operations, and accommodation of infants and toddlers, children with disabilities and children with chronic medical conditions • Guidelines for continuation of services after an emergency or disaster, including emergency and temporary child care services (and standards for providers during that period) • Procedures for staff and volunteer emergency preparedness training and practice drills <p>Sec. 658E(c)(2)(U)</p>
Criminal Background Checks <i>Applicable Personnel</i>	Not addressed.	<p>The State must require criminal background checks for all child care staff members (including prospective child care staff members) of providers, including:</p> <ul style="list-style-type: none"> • Center-based child care provider • Family child care provider • Regular provider of child care services for compensation that: <ul style="list-style-type: none"> ○ Is not related to at least one child in their care, and ○ Is licensed, regulated, or registered under State law or receives CCDBG assistance

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Criminal Background Checks, cont. <i>Applicable Personnel, cont.</i>		A child care staff member is defined as an individual (who is not related to at least one child in his/her care): <ul style="list-style-type: none"> • Who is employed by a child care provider for compensation, or • Whose activities involve the care or supervision of children for a child care provider (or unsupervised access to children who are cared for or supervised by a child care provider) Sec. 658H(a), (i)
<i>Search procedures</i>	Not addressed.	Background check must include searches of: <ul style="list-style-type: none"> • State criminal and sex offender registry in the State where the staff member resides, and the States where he/she has lived in the past five years • State-based child abuse and neglect registries and databases for the State where the staff member resides, and the States where he/she has lived in the past five years • National Crime Information Center • FBI Integrated Automated Fingerprint Identification System • National Sex Offender Registry Sec. 7 (Sec. 658H(b))
<i>Prohibitions</i>	Not addressed.	State licensing, regulation, and registration requirements must prohibit the employment of a child care staff member by providers that receive CCDBG funds if the staff member: <ul style="list-style-type: none"> • Refuses to consent to a criminal background check • Knowingly makes a materially false statement in connection with the background check • Is registered or is required to be registered on a State or national sex offender registry • Has been convicted of a felony consisting of: <ul style="list-style-type: none"> ○ Murder ○ Child abuse or neglect ○ A crime against children, including child pornography ○ Spousal abuse ○ A crime involving rape or sexual assault ○ Kidnapping

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<p>Criminal Background Checks, cont.</p> <p><i>Prohibitions, cont.</i></p>		<ul style="list-style-type: none"> ○ Arson ○ Physical assault/battery ○ A drug-related offense committed during the preceding five years (subject to review), or ● Has been convicted of a violent misdemeanor committed as an adult against a child, including child abuse, child endangerment, sexual assault, or a misdemeanor involving child pornography <p>A child care provider will be ineligible for CCDBG assistance if it employs a staff member who is ineligible under these provisions. Sec. 658H(a),(c)</p> <p>A State may disqualify individuals for employment based on convictions for other crimes that bear upon the fitness of an individual to provide care for and have responsibility for the safety and well-being of children. Sec. 658H(h)</p>
<p><i>Frequency</i></p>	<p>Not addressed.</p>	<p>Child care providers must request background checks:</p> <ul style="list-style-type: none"> ● For existing staff members, once by September 30, 2017 and at least once every five years thereafter ● For prospective staff members, once prior to hiring and at least once every five years thereafter <p>Exceptions – providers are not required to submit background checks for employees if:</p> <ul style="list-style-type: none"> ● The staff member received a background check within the last five years and was employed/seeking employment with another provider in the State, and ● The State provided a background check result for the staff member, who was separated from the prior child care employer for no more than 180 consecutive days <p>Sec. 658H(d)</p>
<p><i>Results Disclosure & Appeals</i></p>	<p>Not addressed.</p>	<p>The State must carry out a background check within no more than 45 days after submission of the request for the check. Sec. 658H(e)(1)</p>

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<p>Criminal Background Checks, cont.</p> <p><i>Results Disclosure & Appeals, cont.</i></p>		<p>Regarding disclosure of background check results:</p> <ul style="list-style-type: none"> • To the provider, the State must indicate only whether staff is eligible or ineligible to provide care based on background check results, without revealing the crime or related information • To the ineligible staff member, State shall report his/her disqualifying crime(s) • The State cannot publicly release or share the results of background checks except as part of aggregated data by crime (and then it must not be individually identifiable) <p>Sec. 658H(e)(2)</p> <p>The State must provide a process for child care staff members and prospective staff members to appeal the results of a background check. The State must ensure that:</p> <ul style="list-style-type: none"> • Staff members are given notice of opportunity to appeal and are provided with instructions about how to appeal • The appeals process is completed in a timely manner <p>Sec. 658H(e)(3)</p> <p>The State may allow for a review process to determine eligibility for a staff member or prospective staff member who would otherwise be disqualified for a drug-related offense.</p> <p>Sec. 658H(e)(4)</p> <p>No private right of action if provider is in compliance with the section.</p> <p>Sec. 658H(e)(5)</p>
<i>Fees</i>	Not addressed.	<p>Fees for background checks cannot be more than the actual costs of processing and administration.</p> <p>Sec. 658H(f)</p>
<i>Transparency</i>	Not addressed.	<p>The State must ensure that the policies and procedures related to criminal background checks are published on State and LA websites (or other publicly available venue).</p> <p>Sec. 658H(g)</p>

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Criminal Background Checks, cont. <i>Penalty for Noncompliance</i>	Not addressed.	<p>The State must meet the background check requirements by September 30, 2017. The Secretary may grant an extension of up to one year, if the State demonstrates a good faith effort to comply.</p> <p>Thereafter, if the State fails to comply substantially with the requirements, the Secretary shall withhold 5 percent of the funds that would otherwise be allocated to the State the next fiscal year.</p> <p>Sec. 658H(j)</p>

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<i>Child Care Program Standards and Quality Improvement Activities</i>		
Professional Training Requirements	Not addressed.	<p>The State must have training and professional development requirements applicable to CCDBG providers that promote child development and improve knowledge and skills of the workforce. Requirements must:</p> <ul style="list-style-type: none"> • Be conducted on an ongoing basis and provide for a progression of professional development (which may include encouraging postsecondary education) • Reflect current research and best practices relating to skills necessary for the child care workforce to meet developmental needs of children and to improve quality of, and stability within, the workforce • Be developed in consultation with the State Advisory Council on Early Childhood Education and Care (may also engage training providers in aligning training opportunities with the state’s training framework) • Incorporate the State’s early learning and developmental guidelines (where applicable), health/safety standards, and social-emotional behavior intervention models • Be accessible to providers supported through Indian tribes or tribal organizations that receive CCDBG assistance • Be appropriate for different age groups, English learners, children with disabilities and Native Americans and Indians (to the extent practicable) <p>The State plan must include the number of hours of training required annually for providers (as determined by the State).</p> <p>The Secretary shall not require credential acquisition, but the State may require a credential for providers.</p> <p>Sec. 658E(c)(2)(G)</p>
Child-to-Provider Ratio Standards	Not addressed.	<p>The State must determine standards for CCDBG providers that address:</p> <ul style="list-style-type: none"> • Group size limits for different ages • Appropriate child-to-provider ratios, in terms of age of children • Required qualifications for providers

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Child-to-Provider Ratio Standards, cont.		The Secretary may provide guidance to States on child-to-provider ratios but shall not require specific standards. Sec. 658E(c)(2)(H)
Early Learning & Developmental Guidelines	Not addressed.	<p>The State must develop, maintain or implement early learning and developmental guidelines (for children from birth to kindergarten entry) for use by child care providers statewide. Guidelines must be:</p> <ul style="list-style-type: none"> • Research-based • Developmentally appropriate for children • Aligned with entry to kindergarten • Implemented in consultation with the State educational agency and the State Advisory Council on Early Childhood Education and Care, and • Be updated as determined by the State <p>The State cannot use CCDBG funds to develop or implement an assessment of children that will:</p> <ul style="list-style-type: none"> • Be the sole basis to determine a provider is ineligible to participate in CCDBG • Be used as the primary or sole basis to reward or sanction an individual provider • Be used as the primary or sole method for assessing program effectiveness, or • Be used to deny children eligibility to participate in CCDBG <p>However, the State may use a single assessment of children for:</p> <ul style="list-style-type: none"> • Supporting learning or improving a classroom environment • Targeting professional development • Determining need for health, mental health, disability, developmental delay, or family support services • Obtaining information for the State-level quality improvement process, or • Conducting a program evaluation to provide program improvement and parent information <p>The Federal government may not mandate/control the content of the State early learning guidelines, prescribe the standards a State uses to</p>

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Early Learning & Developmental Guidelines, cont.		<p>establish/improve the guidelines (or their alignment with State education standards), or require a State to submit the guidelines for review.</p> <p>Sec. 658E(c)(2)(T)</p>
Activities to Improve the Quality of Child Care	<p>States must use at least 4 percent of CCDBG funds for:</p> <ul style="list-style-type: none"> • Activities designed to provide comprehensive consumer education to parents and the public • Activities that increase parental choice • Activities designed to improve the quality and availability of child care (such as resource and referral services) <p>Sec. 658G, §9858e</p>	<p>States must reserve a portion of CCDBG funds for activities (provided directly or through grants/contracts with resource and referral organizations or other appropriate entities) to improve child care quality and increase parental options/access to high-quality care. States must reserve at least:</p> <ul style="list-style-type: none"> • 7 percent in FY 2016 and FY 2017 • 8 percent in FY 2018 and FY 2019 • 9 percent in FY 2020 and each year thereafter <p>In addition, 3 percent of CCDBG funds in FY 2017 and each year thereafter must be reserved for quality improvement activities related to care for infants and toddlers.</p> <p>Sec. 658G(a)</p> <p>Reserved funds shall be used to carry out at least one of the following activities:</p> <ul style="list-style-type: none"> • Supporting training/professional development of child care workforce through, e.g.: <ul style="list-style-type: none"> ○ Activities included under 658E(c)(2)(G) [<i>see Professional Training Requirements, supra</i>] ○ Training and professional development that relate to the use of scientifically based, developmentally appropriate, and age-appropriate strategies to promote the social, emotional, physical, and cognitive development of children (including activities related to nutrition, physical activity, low-income populations, and children with disabilities) ○ Incorporating data to guide program improvement ○ Positive behavior management strategies and trainings (including to reduce expulsions of preschool-aged children) ○ Training/outreach on engaging parents/families in culturally and linguistically appropriate ways to expand their capacity to support their children’s learning and development

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<p>Activities to Improve the Quality of Child Care, cont.</p>		<ul style="list-style-type: none"> ○ Training on children’s nutritional and physical activity needs ○ Training on early neurological development ○ Connecting child care provider staff with available Federal and State financial aid, or other resources to assist them in pursuing relevant postsecondary training ● Improving upon the development/implementation of the State’s early learning and developmental guidelines by providing technical assistance to eligible providers that enhances cognitive, physical, social and emotional development (including early childhood development) of participating preschool and school-aged children ● Developing, implementing or enhancing a tiered quality rating system that may: <ul style="list-style-type: none"> ○ Support and assess provider quality ○ Build on State licensing/regulatory standards ○ Be designed to improve the quality of different types of providers/services ○ Describe the safety of facilities ○ Improve parents’ understanding of the early childhood system and ratings ○ Provide financial incentives and other supports to expand full diversity of child care options and help improve service quality ○ Accommodate a variety of distinctive approaches to early childhood education and care (including those in faith-based, community-based, child-centered or similar settings) ● Improving the supply and quality of infant and toddler care programs through, e.g.: <ul style="list-style-type: none"> ○ Establishing/expanding high-quality community- or neighborhood-based family and child development centers ○ Establishing/expanding community-based family child care networks ○ Promoting/expanding providers’ ability to provide developmentally appropriate services for infants and toddlers through training/professional development; coaching and technical assistance on this age group’s needs from qualified specialists; and improved coordination with early intervention specialists who provide services for infants and toddlers with disabilities

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Activities to Improve the Quality of Child Care, cont.		<ul style="list-style-type: none"> ○ Developing infant/toddler components in the State’s quality rating system (if applicable), licensing regulations, or early learning guidelines ○ Improving the ability of parents to access transparent and easy-to-understand information on high-quality infant/toddler care ○ Other activities determined by the State to improve infant and toddler care quality (based on evidence they improve health and safety, cognitive and physical development, well-being), including training in safe sleep practices, first aid and CPR <ul style="list-style-type: none"> ● Establishing/expanding a statewide system of child care resource and referral services ● Facilitating compliance with State requirements for inspection, monitoring, training, health and safety, and State licensing standards ● Evaluating quality and effectiveness of child care programs ● Supporting providers seeking accreditation by a national body ● Supporting efforts to develop high-quality health, mental health, nutrition, physical activity and development program standards ● Carrying out other activities determined by the State to improve quality of care for which measurement of outcomes related to provider preparedness, child safety, child well-being, or kindergarten entry is possible <p>Sec. 658G(b)</p> <p>Adds that the Secretary does not have authority to regulate, direct, dictate or place conditions (outside of what is required by the subchapter) on a State adopting specific child care quality activities or progress in implementing those activities.</p> <p>Sec. 658G(f)</p>
Reporting Requirements	Not addressed.	<p>Starting in FY 2016, the State shall annually (at the beginning of each fiscal year) submit to the Secretary a certification describing how the State used CCDBG funds to comply with the quality set-aside requirements during the preceding fiscal year.</p> <p>Sec. 658G(c)</p>

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Reporting Requirements, cont.		<p>In addition, the State must submit an annual report to the Secretary with information about the:</p> <ul style="list-style-type: none"> • Amount of funds reserved for quality improvement activities • Quality improvement activities carried out • Measures the State will use to evaluate its progress in improving the quality of child care programs and services <p>Sec. 658G(d)</p>
Technical Assistance, Research & Demonstration	<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. 658I(a)(3), §9858g(a)(3)</p>	<p>At the request of the State, the Secretary shall offer technical assistance for quality improvement activities, which may include technical assistance through the use of grants or cooperative agreements. (Technical assistance must be provided in accordance with section 658I(a)(3), which authorizes providing assistance on a reimbursable basis and requires that, where appropriate, technical assistance be provided by qualified experts on practices grounded in scientifically valid research.)</p> <p>Sec. 658G(e)</p> <p>The State must develop and implement strategies to strengthen the business practices of child care providers to expand the supply, and improve the quality of, child care services. (The Secretary may provide technical assistance to help States carry out this provision.)</p> <p>Sec. 658E(c)(2)(V), Sec. 658I(a)(3)</p> <p>The Secretary shall reserve up to ½ of 1 percent of the total CCDBG appropriation for each fiscal year to support technical assistance and dissemination of information on practices that scientifically valid research indicates are most successful in improving child care program quality.</p> <p>The Secretary may also reserve up to ½ of 1 percent of the total CCDBG appropriation for each fiscal year to conduct research and demonstration activities, as well as independent evaluations of the impact of CCDBG on increasing access to/improving the quality of child care services, and to disseminate key findings of those evaluations widely and on a timely basis.</p> <p>Sec. 658O(a)(4)-(5)</p>

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<i>Family-Friendly Policies</i>		
Meeting the Needs of Certain Populations; Priority for Low-Income Populations	<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 families receiving Temporary Assistance for Needy Families (TANF), families attempting to transition off TANF through work, and families at risk of becoming dependent on TANF, 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)(2)(H), 658E(c)(3)(D), §9858c(c)(2)(H), §9858c(c)(3)(D)</p>	<p>The State must develop and implement strategies (which may include, e.g., alternative reimbursement rates for providers, contracting with community-based organizations, or offering child care certificates to parents) to increase the supply and improve the quality of child care for:</p> <ul style="list-style-type: none"> • Children in underserved areas • Infants and toddlers • Children with disabilities • Children who receive care during nontraditional hours <p>Sec. 658E(c)(2)(M)</p> <p>After complying with 42 U.S.C. §618(b)(2), the State must ensure that a substantial portion of remaining CCDBG funds are used to provide assistance to other low-income working families including or in addition to the categories of families with children described above.</p> <p>Sec. 658E(c)(3)(D)</p> <p>The State must prioritize investments for children in areas with concentrated poverty and unemployment that do not have high-quality child care services.</p> <p>Sec. 658E(c)(2)(Q)</p>
Parental Choice of Providers	<p>Parents must be given the option to enroll their children with providers who have a CCDBG grant or to receive a certificate (voucher).</p> <p>Sec. 658E(c)(2)(A), §9858c(c)(2)(A)</p>	<p>Adds provision clarifying that CCDBG law shall not be construed to favor the use of grants/contracts over the use of child care certificates, or to disfavor the use of vouchers for child care services, including services provided by private or non-profit entities (such as faith-based providers).</p> <p>Sec. 658Q(b)</p>
Eligibility Period/Redetermination <i>12-Month Eligibility</i>	<p>Not addressed.</p>	<p>Each child receiving CCDBG assistance will be considered eligible for at least 12 months before a redetermination, regardless of a temporary change in the parent's work/education status or income, as long as family income does not exceed 85 percent of State median income (based on family size).</p>

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Eligibility Period/ Redetermination, cont. <i>12-Month Eligibility, cont.</i>		<p>The State plan must demonstrate how the State or its designated local entity takes into account irregular fluctuations in earnings for initial determination and redetermination of eligibility.</p> <p>Sec. 658E(c)(2)(N)(i)</p>
<i>Redetermination Procedures</i>	Not addressed.	<p>The State’s redetermination process must have policies in place to ensure that working parents (especially those receiving TANF) are not required to unduly disrupt their employment in order to comply with requirements for redetermination of eligibility.</p> <p>Sec. 658E(c)(2)(N)(ii)</p> <p>The State must have policies to allow for provision of continued CCDBG assistance at the beginning of a new eligibility period for children of parents who are working or attending a job training or educational program and whose family income exceeds the State’s income limit to initially qualify for such assistance, if the family income does not exceed 85 percent of the State median income (based on family size).</p> <p>Sec. 658E(c)(2)(N)(iv)</p>
<i>Job Search</i>	Not addressed.	<p>The State may choose not to terminate CCDBG assistance based on a parent’s loss of work (or cessation of attendance at a job training/educational program) and continue the assistance for at least three months to allow the parent to engage in a job search and resume work (or resume attendance at a job training or educational program).</p> <p>Sec. 658E(c)(2)(N)(iii)</p>

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<i>Payment Rates and Practices</i>		
Provider Payment Practices, Generally	<p>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.</p> <p>Sec. 658E(c)(4)(A), §9858c(c)(4)</p>	<p>Specifies that the State must certify that rates are sufficient to ensure equal access for CCDBG-eligible families to child care services comparable to those provided to non-eligible families.</p> <p>Sec. 658E(c)(4)(A)</p> <p>Adds language clarifying that States are not barred from differentiating payment rates on the basis of:</p> <ul style="list-style-type: none"> • Geographic location of child care providers • Age or particular needs of children • Whether providers provide care during nontraditional hours • The State’s determination that differentiated rates are needed to enable a parent to choose high-quality care <p>Sec. 658E(c)(4)(C)(ii)</p> <p>The State must certify that payment practices of providers receiving CCDBG assistance reflect generally accepted payment practices of child care providers that serve children who do not receive CCDBG assistance, and to the extent practicable, implement enrollment and eligibility policies that support the fixed costs of providing child care services by delinking provider reimbursement rates from an eligible child’s occasional absences due to holidays or unforeseen circumstances (such as illness).</p> <p>Sec. 658E(c)(2)(S)</p>
Sliding Fee Scales/ Family Cost Sharing	<p>The State must create and periodically revise sliding scale fees for family cost sharing for CCDBG services.</p> <p>Sec. 658E(c)(5), §9858c(c)(5)</p>	<p>Maintains existing language on sliding fee scales and adds that cost sharing must not be a barrier to families receiving CCDBG assistance.</p> <p>Sec. 658E(c)(5)</p>
Market Rate Surveys	<p>State plan must provide summary of the facts relied on to determine that CCDBG provider payment rates are sufficient to ensure equal access.</p> <p>Sec. 658E(c)(4)(A), §9858c(c)(4)</p>	<p>In addition to providing a summary of the facts relied on to determine that rates are sufficient to ensure equal access, the State—in consultation with the State Advisory Council on Early Childhood Education and Care, local program administrators, resource and referral agencies, and other appropriate entities—must develop and conduct:</p>

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Market Rate Surveys, cont.		<ul style="list-style-type: none"> • A statistically valid and reliable survey of the market rates for child care services in the State that reflects variations in the cost of child care services by geographic area, type of provider, and age of child, <i>or</i> • An alternative methodology, such as a cost estimation model, developed by the LA <p>The State must:</p> <ul style="list-style-type: none"> • Develop and conduct the market rate survey/alternative methodology within two years of the relevant State plan submission • Report on the results of the survey/alternative methodology and make the results widely available (including Internet posting) • Describe how it will set provider payment rates in accordance with the market rate survey/alternative methodology (and taking into consideration the cost of providing higher-quality child care services) without, to the extent practicable, reducing the number of families receiving CCDBG assistance • Describe how it will provide for timely payment for services <p>Sec. 658E(c)(4)(B)</p>