

Overview of Proposed Changes to ACF-800 and ACF-801 CCDF Administrative Data Reports

The recently-enacted reauthorization of the Child Care and Development Block Grant (CCDBG) Act (Public Law 113-186), includes a number of changes to the administrative data reporting requirements for the Child Care and Development Fund (CCDF) program. These changes impact both the ACF-800 annual aggregate report and the ACF-801 monthly case-level report.

The Office of Child Care (OCC) is proposing changes to the ACF-800 and ACF-801 reporting forms to implement these statutory changes and to strengthen administrative data. The proposed revisions are available for two rounds of public comment under the Paperwork Reduction Act. OCC's goal is to finalize the revised data reporting forms in FY2015, so that State reporting on the new forms can begin in FY2016 (which starts October 1, 2015). As discussed below, two of the proposed changes would not take effect until FY2018 (which starts October 1, 2017).

This document provides an overview of the most significant proposed changes to the reporting forms. For complete details, see the proposed reporting forms and instructions.

Proposed Changes to ACF-800 Annual Aggregate Report

Child Fatalities

As reauthorized, section 658K(a)(2)(F) of the CCDBG Act now requires States to report (for each provider type) the number of fatalities occurring among children while in the care and facility of child care providers serving CCDF children (regardless of whether the child who dies was receiving CCDF). ACF is proposing changes to the ACF-800 to collect this information as required by law.

In order for the State/Territory CCDF Lead Agency to report this data, the State will need a mechanism for accurately compiling and aggregating data on the number of child deaths occurring in CCDF-funded child care settings. Unless this data is already being collected within the State, the Office of Child Care (OCC) recommends that CCDF Lead Agencies establish policies and procedures for child care providers serving children receiving CCDF support to report any deaths to a designated State or Territorial agency, such as the licensing agency.

Although not part of the Federal CCDF administrative data reporting requirement, OCC also recommends that States extend these policies and procedures to include serious injuries (rather than just deaths). We also recommend that States and Territories require all child care providers, regardless of subsidy receipt, to report incidents of serious child injuries or death to a designated agency. Section 658E(c)(2)(D) of the CCDBG Act now requires States to make publicly available by electronic means the number of deaths, serious injuries, and instances of substantiated child abuse that occur within child care settings each year. The ACF-800 reporting, however, will be limited to child deaths occurring in CCDF-funded child care settings.

The primary purpose of tracking and reporting this information is prevention of future tragedies. Therefore collecting and reporting the data is only the first step. CCDF Lead Agencies, working in partnership with State licensing entities, should review all child fatalities and serious injuries in child care, including lapses in health and safety (e.g., unsafe sleep practices for infants, transportation safety, issues with physical safety of facilities, etc.), to help identify appropriate responses, such as training needs of providers.

To ensure coordination, OCC also strongly encourages CCDF Lead Agencies to work with their established Child Death Review systems and with the National Center for the Review and Prevention of Child Death Review (www.childdeathreview.org). The National Center for the Review and Prevention of Child Death Review, which is funded by the Maternal and Child Health Bureau in the HHS Health Resources and Services Administration (HRSA), reports that all 50 states and the District of Columbia already review child deaths through 1,200 state and local Child Death Review panels. (National Center for Child Death Review, Keeping Kids Alive: A Report on the Status of Child Death Review in the United States, 2011) The Child Death Review system is a process in which multidisciplinary teams of people meet to share and discuss case information on deaths in order to understand how and why children die so that they can take action to prevent other deaths. These review systems vary in scope and in the types of death reviewed, but every review panel is charged with making both policy and practice recommendations that are usually submitted to the state governor and are publicly available. The National Center for the Review and Prevention of Child Death Review provides support to local and state teams throughout the child death review process through training and technical assistance designed to strengthen the review and the prevention of future deaths.

Lead Agencies also may work in conjunction with the National Commission to Eliminate Child Abuse and Neglect Fatalities, established in 2013 by the Protect Our Kids Act. (P.L. 112-275) The Commission, consisting of 12 members appointed by the President and Congress, will work to develop recommendations to reduce the number of children who die from abuse and neglect. The Commission will hold hearings and gather information about current federal programs and prevention efforts in order to recommend a comprehensive strategy to reduce and prevent child abuse and neglect fatalities nationwide.

Consumer Education

An existing provision of the CCDBG Act, unchanged by reauthorization, requires the ACF-800 to collect information on the manner in which consumer education information was provided to parents and the number of parents to whom such information was provided. In addition, the reauthorization includes a number of new requirements related to consumer education:

- States must make available by electronic means, easily accessible provider-specific information showing results of monitoring and inspection reports.
- Requires States to have a website describing processes for licensing and monitoring child care providers, processes for conducting criminal background checks, and offenses that prevent individuals from being child care providers.
- Requires States to provide information to parents and providers, including information about: other programs that assist families; policies regarding expulsions of children from early care and education programs; and developmental screenings for children at risk of cognitive or developmental delays.

In light of the law's new emphasis on consumer education, we are proposing several revisions to the consumer education elements on the ACF-800. First, we propose to delete items 10a through 10g regarding the content of consumer education. Given the law's new specificity regarding consumer education, many of these content areas are now mandatory, and we can collect information on State's implementation status through other mechanisms such as the State Plan. Second, we have added language to the ACF-800 instructions to indicate that States may use data collected through its consumer education website, required by the new law, as one source for calculating the number of families receiving consumer education (item 9). Finally, we've revised item 11 regarding consumer education methods, including by adding referrals to other programs for which parents might be eligible.

Proposed Changes to ACF-801 Monthly Case-level Report

Child and Family Records

Family Homeless Status

As reauthorized, section 658K(a)(1)(B)(xi) of the CCDBG Act now requires States to report whether children receiving assistance under this subchapter are homeless children. To comply with this new requirement, ACF is proposing changes to the ACF-801 Child Care Quarterly Case Record Form.

CCDF provides a tremendous benefit to children and families who experience homelessness and are dealing with a great many challenges. Access to quality child care can help buffer children and families from the challenges and risks associated with homelessness by supporting children's learning and development in safe, stable and nurturing environments and providing valuable financial support to parents.

Collecting this data will be important for tracking performance on serving homeless children and families, which is one of the key priority areas of the new CCDBG Act. Whereas the previous statute did not include any specific mention of the homeless population, the new law places significant emphasis on serving homeless families. The law now specifically prioritizes this population by requiring Lead Agencies to:

- Improve access to child care services by using procedures to permit enrollment (after an initial eligibility determination) of homeless children while documentation is obtained;
- Establish a grace period that allows homeless children to receive CCDF services while their families are taking any necessary action to comply with immunization and other health and safety requirements;
- Provide training and technical assistance on identifying and serving homeless children and their families; and
- Conduct specific outreach to homeless families.

The CCDBG Act also requires ACF to prepare a report annually that contains a determination about whether each State uses CCDF funds in accordance with priority for services requirements. The data will help States track what percentage of their families and children served are homeless and will also allow the State to target resources to geographic areas that may have a higher prevalence of homelessness.

We propose that States report using the definition of homeless in section 725 of subtitle VII-B of the McKinney-Vento Act, which is the definition used by the Department of Education, the Office of Head Start, and USDA Child Nutrition programs, among others. This definition of homeless children and youth is as follows:

The term "homeless children and youths" —

(A) means individuals who lack a fixed, regular, and adequate nighttime residence; and

(B) includes —

- (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

- (ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- (iv) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

Using this definition will allow for easier alignment between other early childhood education programs that are serving children from birth to age 8.

Child with Disability

Section 658E(c)(3)(B) of the CCDBG Act requires a State's priority for services to include children with special needs. Reauthorization strengthened this provision by requiring ACF to prepare a report annually that contains a determination about whether each State uses CCDF funds in accordance with priority for services requirements, including the priority for children with special needs. While States have flexibility to define "children with special needs" in their CCDF Plans, many States include children with disabilities in their definitions. Therefore, ACF proposes to add to the ACF-801 a new data element indicating whether or not each child receiving services is a child with a disability. This will provide data to help ACF determine, as required by law, whether States are in compliance with priority for service requirements.

Reauthorization also added several other new provisions related to ensuring children with disabilities have access to subsidies, and that the child care available meets the needs of these children. For example, States are now required to develop and implement strategies (which may include alternative payment rates, or the provision of services through grants and contracts) to increase the supply and improve the quality of child care services for certain populations, including children with disabilities (658E(c)(2)(M)). This proposed new data element on the 801 will help to inform these State policies by providing critical information about the extent to which the CCDF program is serving children with disabilities.

We propose that States report using the definition for "child with a disability" that was added by reauthorization to section 658P of the CCDBG Act. "Child with a disability" includes:

- (A) a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401);
- (B) a child who is eligible for early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.);
- (C) a child who is less than 13 years of age and who is eligible for services under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and
- (D) a child with a disability, as defined by the State.

Military Status

The Administration has taken a number of actions to increase services and supports for members of the military and their families. We are proposing to add a new data element to the ACF-801 to determine the family's status related to military service. This element will identify if the parent is currently active duty (i.e. serving full-time) in the U.S. Military or a member of either a National Guard unit or a Military Reserve unit. This data will allow States and OCC to determine the extent to which military families are accessing the CCDF program.

Family ZIP Code and Provider ZIP Code

As reauthorized, sections 658E(a)(2)(M) and 658E(a)(2)(Q) of the CCDBG Act now require States to address the needs of certain populations regarding supply and access to high-quality child care services in underserved areas including areas that have significant concentrations of poverty and unemployment. To successfully implement these requirements, it is critical that States and OCC be able to examine the supply of care in particular communities. However, the ACF-801 currently only requires States to report each family's FIPS Code—which covers large geographic areas, and therefore does not support analysis of supply in more localized communities. In addition, the ACF-801 currently includes only the family's FIPS Code, but contains no information about the location of where child care services are provided.

To address these gaps, we are proposing to add Zip Codes, which cover a much smaller geographic area than FIPS Codes, to both the family and the provider records. These new elements will allow States and OCC to identify the communities where CCDF families and providers are located, including the type and quality level of providers. Understanding the supply of care in communities is critical for developing policies to increase the number of CCDF children in high quality care.

Social Security Numbers

With reauthorization, section 658K(a)(1)(E) of the CCDBG Act now prohibits the ACF-801 report from containing personally identifiable information. As a result, we are proposing to delete Social Security Numbers (SSNs) from the family record (element 3) and the child's record (element 17). Note that the form will still require a unique identifying number, other than the SSN, that is assigned by the State for each family. It is imperative that the unique State identifier assigned to each family (head of household) be used consistently over time—regardless of whether the family transitions on and off subsidy, or moves within the State. This will allow States and OCC to identify unique families over time in the absence of the Social Security Number (SSN). A State may still use personally identifiable information, such as SSNs, for its own purposes, but this information cannot be reported on the ACF-801. We also remind CCDF Lead Agencies that, under the Privacy Act, States cannot require families to disclose SSNs as a condition of receiving CCDF, although States may collect SSNs if the families disclose the SSNs voluntarily.

Child Care Provider Records

Quality of Child Care Providers

The existing ACF-801 allows States several ways of reporting information on the quality of each child's provider(s)—including: QRIS participation and rating, accreditation status, provider is subject to State pre-K standards, and other State-defined quality measure. These elements provide data on provider quality for each child receiving a child care subsidy as reported on the ACF-801. This is a key component of the Administration's efforts to help more children in low-income families access high quality care. Working with States to track this data will give us a key indicator on the progress we are making toward that goal. Reauthorization reinforced this priority by adding a number of provisions that bolster support for quality, including new higher quality spending requirements. States must also take into consideration the cost of providing higher quality when setting payment rates (658E(c)(4)(B)(iii)(II)). To ensure that the CCDF program is providing meaningful access to high quality care, it is essential for States to have data on the quality of providers participating in the subsidy program.

To date, States have been required to report on at least one of the quality elements for a portion of the provider population. This has resulted in States reporting limited quality data—often for only a small portion of their child care providers. Therefore, we are proposing that, effective with the October 2017 report, States must report quality information for every child care provider. This delayed effective date is designed to give States the necessary time to make adjustments to their data systems.

States with a Quality Rating and Improvement System (QRIS), at a minimum, would be required to report elements 33 (QRIS participation) and 34 (QRIS rating) for every provider. These States may report additional quality elements (35 through 38) at their option.

States without QRIS would be required to report quality information for every provider using one or more of the following elements: 35 (accreditation status), 36 (provider is subject to State or local pre-K standards), 37 (provider meets other State-defined quality measure), or 38 (provider is subject to Head Start or Early Head Start standards). We are proposing to add element 38, indicating whether or not the provider is subject to Head Start or Early Head Start standards, as a new element on the form. With the recent funding for Early Head Start-Child Care Partnerships, we believe a number of States may be interested in tracking this data as another means for looking at the number of children in quality settings.

Date of Most Recent Inspection

Section 658E(c)(2)(J) of the reauthorized CCDBG Act requires States to monitor both licensed and license-exempt CCDF providers, effective November 19, 2016.

- For licensed providers, this must include at least one pre-licensure inspection to ensure compliance with health, safety and fire standards and at least one annual, unannounced inspection for compliance with all licensing standards, including health, safety, and fire standards.
- For license-exempt providers (except those serving relatives) the State must conduct annual inspections (which can be unannounced) to ensure compliance with health, safety, and fire standards.

To ensure that CCDF providers are monitored at least annually, CCDF Lead Agencies will need to track inspection dates for these providers. OCC is also interested in data that ensures States are meeting monitoring requirements. Therefore, we propose to add a data element to the ACF-801 effective October 2017 indicating, for each child care provider currently providing services to a CCDF child, the date of the most recent inspection for compliance with health, safety, and fire standards (including licensing standards for licensed providers). If the State uses more than one visit to check for compliance with these standards, the State should report the most recent date on which all inspections were completed. The delayed effective date (October 2017) for this new element corresponds with the start of a fiscal year and gives States time to make changes to their data systems.