

Frequently Asked Questions (FAQs) about the CCDF 2015 NPRM

Q: What is the Child Care and Development Fund (CCDF)?

A: CCDF is currently a \$5 billion federal block grant program administered by States, Territories and Tribes. CCDF provides financial assistance to low-income families to access child care so they can work or attend a job training or educational program. The CCDF program helps fund child care assistance for 1.4 million children, under age 13, each month. In addition, the investments in quality benefit millions more children by building the skills and qualifications of the teacher workforce, supporting child care programs to achieve higher standards, and providing consumer education to help parents select child care that meets their families' needs.

Q: What is CCDBG reauthorization?

A: The Child Care and Development Block Grant (CCDBG) Act is the law (along with Section 418 of the Social Security Act) that authorizes the federal child care subsidy program known as Child Care and Development Fund (CCDF)¹. On November 19, 2014, President Obama signed into law bipartisan supported legislation that reauthorizes the CCDBG Act for the first time since 1996. For the first time in 18 years, the law makes many important statutory changes focused on reforming child care in this country to better support the success of both parents and children. The proposed rule published by HHS updates the CCDF regulations to provide detail and clarification based on the law.

Q: What are the major provisions of the proposed rule?

A: The proposed rule addresses the CCDBG reauthorization, which includes provisions to: 1) protect the health and safety of children in child care; 2) help parents make informed consumer choices and access information to support child development; 3) provide equal access to stable, high quality child care for low-income children; and 4) enhance the quality of child care and the early childhood workforce.

Q: Why is HHS proposing new regulations?

A: The majority of current CCDF regulations were last revised in 1998. This proposed rule is needed to update the existing regulations to align with the requirements in the reauthorized law and to reflect what has been learned since 1998 about the health and safety of children in subsidized care and the quality of child care settings, as well as child development.

Q: How many children and families are currently being served by CCDF?

¹ The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (Pub.L. 104-193) consolidated funding for child care under section 418 of the Social Security Act (42 U.S.C. § 618) and made such funding subject to the requirements of the Child Care and Development Block Grant (CCDBG) Act of 1990, as amended. The U.S. Department of Health and Human Services (HHS) subsequently designated the combined mandatory and discretionary funding streams as the Child Care and Development Fund (CCDF) program.

A: 1.4 million children under age 13 from almost 1 million low-income working families are served by CCDF each month. However, the number of children who will benefit from the proposed rule is much higher, because most providers who accept children on CCDF also accept non-CCDF children. All the children cared for by these providers will benefit. In addition, CCDF funds support initiatives to improve the quality of child care for all children.

Q: How many child care providers serve children receiving CCDF subsidies?

A: Nationally, almost 370,000 child care providers served children receiving CCDF subsidies in FY 2014. 23 percent of those providers were child care centers, and 77 percent were home-based providers. Home-based providers include family child care homes, group child care homes, and care provided in the child's home.

Q: What child care providers do the proposed rules apply to?

A: The majority of the provisions in the proposed regulation, including health and safety training, annual monitoring and inspections, and professional development apply to child care providers who serve children who are receiving CCDF subsidies. Pre-licensure monitoring visits only apply to licensed providers serving children receiving CCDF subsidies. Note, however, the rule clarifies that the requirement to conduct background checks is not limited to providers serving children receiving CCDF. The proposed background check requirements are for staff members of providers that are licensed, regulated, or registered—regardless of whether they provide care for children receiving CCDF assistance. States may choose to exempt relative providers from all health and safety and background check requirements.

Q: Will home-based or faith-based providers be affected by this proposed rule?

A: This regulation is for all child care providers who care for children served by CCDF subsidies - whether they are faith-based, home-based, or center-based - unless a State chooses to exempt relatives from certain requirements. Several States currently choose to exempt faith-based providers from State child care licensing, and this regulation does not force any State to change this policy. However, if they accept children served by CCDF funds, they will need to meet the applicable CCDF requirements.

Q: What does the proposed rule do to protect the health and safety of children in child care?

A: The proposed rule builds on the health and safety provisions included in the CCDBG reauthorization to ensure that children are in safe and nurturing environments. The provisions include, but are not limited to:

- Annual monitoring requirements for CCDF licensed and licensed-exempt providers and a pre-licensure inspection for licensed CCDF providers;
- Health and safety requirements and training on basic topics for CCDF providers (e.g., first aid, CPR), including requirements to prepare child care staff to recognize and report child abuse and neglect;

- Comprehensive background checks for child care staff members (including prospective child care staff members and individuals with unsupervised access to children) of all licensed and CCDF-eligible providers (which includes licensed providers who do not receive CCDF funds); and
- Provisional hiring of staff while background checks are being processed, provided the staff are continually supervised by an individual who has completed the background check requirements.

States may choose to exempt relative providers caring only for relative children from health and safety requirements.

Q: What are the health and safety topics that providers must be trained on?

A: The proposed rule includes training on basic topics for all caregivers, teachers, and directors working for CCDF providers, including:

1. Prevention and control of infectious diseases (including immunization);
2. SIDS and use of safe sleep practices;
3. Administration of medication;
4. Prevention/response to food allergies;
5. Building and physical premises safety;
6. Prevention of shaken baby syndrome and abusive head trauma;
7. Emergency preparedness and response planning;
8. Storage of hazardous materials and biocontaminants;
9. Precautions in transporting children (if applicable);
10. First-aid and CPR;
11. Recognition and reporting of child abuse and neglect; and
12. May include requirements related to nutrition, access to physical activity, caring for children with special needs, and any subject area necessary to promote child development or children’s health and safety.

In addition, Lead Agencies must establish training and professional development requirements addressing major domains of child development. The majority of these topics are included in the statute. This proposed rule revises the list to add recognition and reporting of child abuse and neglect and training related to child development.

Q: What is included in a comprehensive background check?

A: The proposed rule includes the following components:

1. A Federal Bureau of Investigation fingerprint check using Next Generation Identification;
2. A search of the National Crime Information Center’s National Sex Offender Registry; and,
3. A search of the following registries, repositories, or databases in the State where the child care staff member resides and each State where such staff member resided during the preceding 5 years:
 - a. State criminal registry or repository using fingerprints;
 - b. State sex offender registry or repository; and
 - c. State-based child abuse and neglect registry and database.

This list represents a consolidation of the five components of a background check included in the Act. We are proposing the consolidated list after extensive consultation with the FBI and other subject-matter experts.

Q: Do monitoring and inspection requirements apply to child care provided in the child's home?

A: We are proposing to give Lead Agencies the option to develop alternative monitoring protocols for CCDF care provided in the child's own home that are appropriate to the setting. A child's home may not meet the same standards as other child care facilities and this provision gives Lead Agencies flexibility in conducting a more streamlined and targeted inspection. This flexibility cannot be used to bypass the monitoring requirement altogether. We are actively soliciting comments on this proposal. States continue to have the flexibility to choose to exempt relative child care providers from health and safety and background check requirements, including monitoring.

Q: Does the proposed rule address consumer and provider education?

A: The proposed rule includes several provisions to help parents, the general public, and, where applicable, providers, access information about the type and quality of child care available, as well as access information to support child development, including information about accessing developmental screenings. Some of these provisions include:

- Posting provider-specific results of monitoring reports in a consumer-friendly and easily accessible format, as well the number of deaths and serious injuries occurring in that child care setting;
- Disseminating information on child care services and other assistance programs;
- Requiring a consumer education website with provider-specific quality information through a quality rating and improvement system or other transparent system of quality indicators, if available for the provider;
- Making a provider-specific consumer education statement available to families receiving child care assistance; and
- Requiring States to post the annual number of deaths, serious injuries, and instances of substantiated child abuse in their subsidized child care settings.

Q: How will this proposed rule help low-income working parents achieve financial stability?

A: This proposed rule emphasizes the need to provide high-quality, stable care for families to help parents maintain employment or finish education programs. Some of these provisions include:

- Establishing minimum twelve month eligibility periods to guarantee families participating in the child care subsidy system a full year of participation and support lengthening the six month eligibility period set by about half the States today;
- Establishing a graduated phaseout period for families who, at redetermination exceed initial State income thresholds; this would extend assistance until families exceed 85% SMI or for at least one year;

- Requiring States to offer a minimum of three months of continued child care when a parent loses a job or is no longer in education or training, to ensure the families have the child care they need while they look for a new job or reengage in education or training;
- Requiring States to adopt policies that take into account temporary fluctuations in earnings, and;
- Requiring States to ensure that their redetermination processes do not unduly disrupt parents' employment.

Q: What is considered a “temporary change” in work, training, or education?

A: This proposed rule defines “temporary changes” as:

- Any time-limited absence from work for an employed parent for periods of family leave (including parental leave) or sick leave;
- Any interruption in work for a seasonal worker who is not working between regular industry work seasons;
- Any student holiday or break for a parent participating in training or education;
- Any reduction in work, training or education hours, as long as the parent is still working or attending training or education;
- Any other cessation of work or attendance at a training or education program that does not exceed three months or a longer period of time established by the Lead Agency;
- Any change in age, including turning 13 years old during the eligibility period; and
- Any change in residency within the State, Territory, or Tribal service area.

Q: What does the proposed rule do to enhance the quality of child care and the early childhood workforce?

A: The proposed rule includes several provisions aimed at improving the quality of child care and supporting the early childhood workforce. Some of these provisions are:

- Gradually increasing (over a five year period) the proportion of funds States must use for quality from four percent to nine percent, and describing allowable quality activities (e.g., training and professional development, tiered quality rating and improvement systems, etc.);
- Adding a new three percent infant and toddler set-aside to improve the supply and quality of providers serving the youngest children;
- Helping parents make informed consumer choices and access information to identify high-quality care;
- Requiring States to take the cost of quality into account when setting rates; and
- Requiring States to have training and professional development requirements and a progression of professional development for CCDF providers, including caregivers, teachers, and directors.

Q: How does this proposed rule impact Tribes?

A: Because CCDBG Reauthorization did not explicitly define which requirements apply to Tribes, this proposed rule clarifies which provisions of the Act apply to CCDF tribal grantees and how tribal grantees should implement these provisions. The proposals included in the regulation are designed to increase tribal flexibility, while balancing the CCDF dual goals of promoting families' financial stability and fostering healthy child development. In order to take into account the wide variation in size of our Tribal grantees, the proposed rule established three tiers of requirements of tribal grantees based on the size of their CCDF allocation, with reduced requirements for the medium and smaller Tribes. We believe that ensuring the health and safety of children in child care and promoting quality to support child development are of the utmost importance. As such, we are proposing that all Tribes providing direct services be subject to the proposed health and safety, monitoring, and background check requirements, and that all Tribes be required to meet the quality spending requirements. As discussed in the preamble of the proposed rule, Tribes have the flexibility to propose alternative monitoring and background check strategies in their Plans, provided that these strategies protect the health and safety of children in care.

Q: Can States request an extension on implementing the provisions of reauthorization or the regulations?

A: The statute provides for two types of waivers for provisions or penalties in the law: (1) transitional/legislative waivers to provide transitional relief from conflicting or duplicative requirements preventing implementation, or to allow for a period of time for a State legislature to enact legislation; and (2) waivers for extraordinary circumstances such as a natural disaster or financial crisis.

Q: Can the public comment on the proposed rule?

A: Yes. We strongly encourage the public to comment on the proposed rule and will take into account all comments when developing the Final Rule. Comments will be received until [60 days after publication].

Please submit comments electronically at www.regulations.gov. This approach is our preferred method for receiving comments. To submit comments electronically, follow the "Submit a comment" instructions at <http://www.regulations.gov>. We will also accept comments via the United States Postal Office to: Office of Child Care, Administration for Children and Families, 330 C Street SW, Washington, DC, 20201, Attention: Office of Child Care Policy Division.

To ensure we can effectively respond to your comment(s), clearly identify the issue(s) on which you are commenting. Provide the page number, identify the column, and cite the relevant paragraph/section from the Federal Register document, (e.g., On page 10999, second column, § 98.20(a)(1)(i)). All comments received are a part of the public record and will be posted for public viewing on www.regulations.gov, without change. That means all personal identifying information (such as name or address) will be publicly accessible. Please do not submit confidential information, or otherwise sensitive or protected information. We accept anonymous comments. If you wish to remain anonymous, enter "N/A" in the required fields.