



ADMINISTRATION FOR  
**CHILDREN & FAMILIES**



# CCDF 2015 NPRM Topical Webinar: Consumer Education and Quality Provisions

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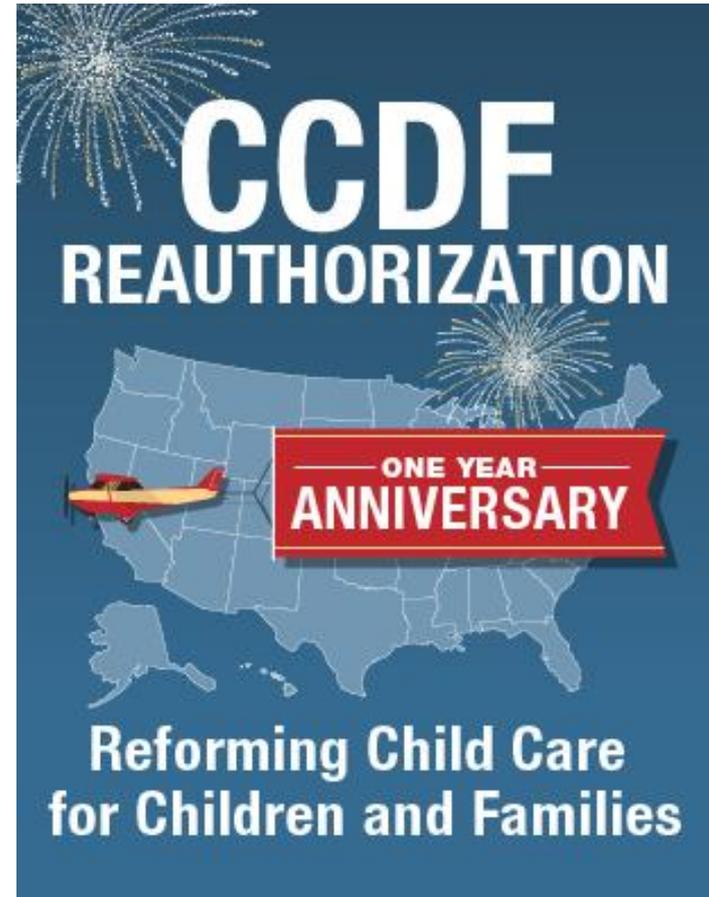
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# Introduction

- In 2014, Congress passed the Child Care and Development Block Grant (CCDBG) Act of 2014 (P.L. 113-186) on a bipartisan basis. President Obama signed it into law November 19, 2014.
- The reauthorization was an historic re-envisioning of the Child Care and Development Fund (CCDF) program.
- This webinar summarizes certain components of the proposed rule.
- **For full text** see the Federal Register at <http://federalregister.gov/a/2015-31883>.



# What is a Notice of Proposed Rulemaking (NPRM)?

- Public notice of proposed federal regulations to address the law.
- Public comment period – 60 days from Federal Register publishing date (February 22, 2016).
- ACF will review public comments and issue final regulations.
- Projected final issuance Summer 2016.

# Proposed Changes

The proposed rule addresses the CCDBG Act of 2014, which includes provisions to:

- Protect the health and safety of children in child care
- **Help parents make informed consumer choices and access information to support child development**
- Provide equal access to stable, high quality child care for low-income children
- **Enhance the quality of child care and the early childhood workforce**

# Consumer Education and Quality Provisions

This webinar describes the following:

- Helping Parents Make Informed Consumer Choices and Access Information to Support Child Development
- Enhancing the Quality of Child Care and the Early Childhood Workforce
- What Proposed Provisions Would Apply to Tribes?
- The Public Comment Process



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# Helping Parents Make Informed Consumer Choices and Access Information to Support Child Development



# Key Provisions of the Law

- States must provide specific list of information (through resource and referral agencies or other means) to:
  - Parents of children receiving CCDF,
  - The general public, and,
  - Child care providers (where applicable).
- Requirements for state consumer website.
- New national ChildCare.gov website.

# Requiring Information for Parents, Providers, and the General Public

## The Law Requires :

- The availability of child care services provided through CCDF and other programs for which the family might be eligible;
- Other assistance programs for which the family might be eligible;
- Programs carried out under the Individuals with Disabilities Education Act (IDEA);
- Research and best practices concerning children’s development; and,
- State policies regarding social-emotional behavior of young children, including policies on expulsion in early childhood programs.

## The NPRM Clarifies:

- Information on State policies regarding social emotional behavior should be for birth to school-age or age-appropriate, and that polices on expulsion and suspension apply to children birth to age five (45 CFR 98.33(b)(1)(v)).
- States describe their suspension and expulsion policies for children birth to age five in child care and other early childhood programs (45 CFR 98.16(ee)).
- In deciding how to provide consumer education, Lead Agencies may consider the most effective ways to reach families, including through partnerships with child care resource and referral.

# Providing Information on Developmental Screenings

## The Law Requires:

- Lead Agencies to provide information on existing resources and services the State can provide in conducting developmental screenings and providing referrals, and a description of how a family or provider may use those resources.

## The NPRM:

- Would require resources about developmental screenings be provided to parents during the CCDF intake process, and to providers through training and education.
- Recommends, but does not require, all children receive a developmental screening within 45 days of enrollment.

[45 CFR 98.33(c)]

# Consumer Statement

The NPRM would require a consumer statement be provided to parents receiving CCDF.

## The Consumer Statement Must Include:

General Information	Provider-specific information
<ul style="list-style-type: none"><li>➤ Description of how CCDF subsidies are designed to promote equal access</li><li>➤ How to submit a complaint through the hotline</li><li>➤ How to contact local resource and referral agencies or other community-based supports</li></ul>	<ul style="list-style-type: none"><li>➤ Health and safety requirements met by provider</li><li>➤ Licensing or regulatory requirements met by the provider</li><li>➤ Date of last inspection</li><li>➤ Voluntary quality standards met by the provider</li></ul>

[45 CFR 98.33(d)]

# Maintaining a Consumer Education Website

## The Law Requires:

- States to make information describing the State processes for licensing, monitoring and inspections, and background checks for child care providers, and the offenses that prevent individuals from serving as child care providers, be made available through a State website.
- It also requires if available, providing the information about the quality of providers as determined by the State.
- States must also post the number of deaths, serious injuries, and instances of substantiated child abuse that occurred in child care settings each year.

The NPRM would require States to combine these components into a consumer-friendly and easily accessible website that ensures the widest possible access to services for families who speak languages other than English and persons with disabilities (45 CFR 98.33(a)).

# Components of the Consumer Education Website

Components	Details
State Policies and Procedures	<ul style="list-style-type: none"> <li>➤ Process for licensing providers</li> <li>➤ Process for conducting monitoring and inspections of providers</li> <li>➤ Policies related to background checks for providers</li> <li>➤ Offenses that would prevent an individual being a provider</li> </ul>
Provider-specific Information	<ul style="list-style-type: none"> <li>➤ Localized list of providers, differentiating between licensed and license-exempt, searchable by zip code</li> <li>➤ Quality of a provider, if available for that provider</li> <li>➤ Results of monitoring and inspection reports</li> <li>➤ Number of serious injuries and deaths of children occurred at the provider</li> </ul>
Aggregate Annual Data	<ul style="list-style-type: none"> <li>➤ Number of deaths, serious injuries, and instances of substantiated child abuse in child care settings</li> </ul>
Referrals	<ul style="list-style-type: none"> <li>➤ Referrals to local child care resource and referral organizations</li> </ul>
Contact Information	<ul style="list-style-type: none"> <li>➤ Directions on how parents can contact the Lead Agency, or a designee such as a resource and referral agency, for help understanding the website</li> </ul>

[45 CFR 98.33(a)]

# Posting Monitoring and Inspection Reports

- The CCDBG Act requires States make the results of monitoring and inspection reports available by electronic means in a consumer-friendly and easily accessible format.
- The NPRM includes additional specificity about the reports.

## Monitoring and Inspection Reports

- States must post full monitoring and inspection reports in plain language. If not in plain language, may post a plain language summary with full report.
- Reports must be posted in a timely manner. NPRM recommends, but does not require, posting within 90 days of inspection.
- Going forward, at least 5 years of results must be posted for each provider

[45 CFR 98.33(a)(2)(iii)]

# Aligning National & State Websites

- The law requires HHS to create a national hotline and website for consumer education and collecting reports of suspect health and safety violations by a provider caring for a child receiving CCDF.
- The NPRM would require State websites to include all of the required components of the national website, including:
  - A zip-code based localized list of all eligible child care providers, differentiating between licensed and license-exempt;
  - Referrals to local resource and referral organizations; and
  - Ensure the widest possible access to services for families who speak languages other than English.

[45 CFR 98.33(a)(2)(i) and (a)(4)]

# OCC Requests for Comment

Item	Citation
Database and website requirements for Lead Agencies to facilitate linkages to the national website.	45 CFR 98.33 p. 80493, column 1
Proposed 90 day benchmark for updating inspection results on the website in a timely manner after an inspection or corrective action. (We are not proposing to define timely in the regulatory language.)	45 CFR 98.33 p. 80494, column 1
Best practices for ensuring accurate data related to child injuries, deaths and child abuse incidents is collected and posted on the consumer education website.	45 CFR 98.33 p. 80494, column 3
Whether provider-specific information on occurrences of child abuse and neglect should be included and suggestions for ensuring the information does not violate privacy rules.	45 CFR 98.33 p. 80494, column 3



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# Enhancing the Quality of Child Care and the Early Childhood Workforce



# Focus on Quality Improvement

- The statute gradually increases, over a 5 year period, the mandatory quality set-aside from the previous level of 4 percent annually to 9 percent by FY 2020.
- Adds a new 3 percent Infant-toddler set-aside starting FY 2017.
- Applies to aggregate amount of CCDF expended- Discretionary, Mandatory, and Federal and State Matching.

Federal Fiscal Year	% Quality Set-aside	% Infant and Toddler	Total Quality Set-aside
FFY 2016	7%	--	7%
FFY 2017	7%	3%	10%
FFY 2018	8%	3%	11%
FFY 2019	8%	3%	11%
FFY 2020 (and ongoing)	9%	3%	12%

[45 CFR 98.50(b)]

# Allowable Quality Activities

Lead Agencies must spend quality funds on at least 1 of 10 specified quality activities to increase the number of low-income children in high-quality child care:

- Training and professional development;
- Early learning and development guidelines;
- Tiered quality rating system;
- Infant and toddlers;
- Child care resource & referral services;
- Licensing and health and safety requirements;
- Quality evaluation;
- Accreditation;
- Program standards; or,
- Other measurable quality activities as determined by the State.

[45 CFR 98.53(a)]

# Reporting on Quality Investments

- The CCDBG Act requires States to report annually on quality expenditures, quality activities, and the measures used to evaluate those activities.
- The NPRM would require an expenditure report and a quality progress report about these quality investments.

Report	Expenditure Report	Quality Progress Report
What is included?	<ul style="list-style-type: none"> <li>• Total expenditures on quality activities</li> <li>• Total expenditures on infant and toddler activities</li> <li>• Assurance State met quality and infant and toddler minimum spending requirements</li> </ul>	<ul style="list-style-type: none"> <li>• Description of quality activities funded with CCDF</li> <li>• Measures used to evaluate progress in improving quality, and data on extent State has met measures</li> <li>• Report describing changes to State regulations based on an annual review of serious injuries and deaths in child care</li> </ul>

[45 CFR 98.53(f)]

# Building Supply of High-Quality Care

The law requires States to take several steps to increase the supply of high-quality child care, including:

- Describing strategies to increase the supply and improve the quality of child care services for:
  - Children in underserved areas;
  - Infants and toddlers;
  - Children with disabilities; and,
  - Children who receive care during nontraditional hours.
- Prioritizing increasing access to high quality child care and development services for families in areas with significant concentrations of poverty and unemployment.
- Encouraging public-private partnerships to leverage existing systems to increase the supply and quality of child care.

The NPRM would build on these by requiring States include a description of how they develop and implement strategies to strengthen child care provider business practices to expand the supply and improve the quality of child care (45 CFR 98.16(z)).

# Grants and Contracts for Direct Services

- The NPRM would require the use of some grants or contracts to fund direct services to address shortages in the supply of high quality care (45 CFR 98.50(a)(3)).
- In the plan, States will:
  - Identify shortages in the supply of high quality providers, including for specific localities and populations;
  - List the data sources used to identify shortages; and
  - Explain how grants and contracts will be used to address shortages (45 CFR 98.16(i)(1)).
- Faith-based or religious organizations may be funded through grants or contracts, but may not use funding for religious purposes.
- NPRM does not change requirement that parents must be offered a voucher.

# Training and Professional Development Infrastructure

## The Law Requires:

- The training and professional development section of the CCDF Plan be developed with the State Advisory Council (SAC).
- State may engage training providers in aligning with the State training framework.
- State shall create a progression of professional development which may include pursuit of postsecondary education.
- Assurances training and professional development will improve the quality and stability of the workforce.

## The NPRM Clarifies:

- State framework developed with the SAC and includes, to the extent practicable:
  - Professional standards;
  - Career pathways;
  - Advisory structure;
  - Articulation;
  - Workforce information; and
  - Financing.
- Ongoing, accessible professional development is aligned to a progression of professional development.
- Training and professional development requirements must also improve the diversity and retention of the workforce.

[45 CFR 98.44(a)]

# Training Requirements for CCDF Caregivers, Teachers, and Directors

The NPRM would:

- Clarify that the law’s pre-service/orientation and ongoing training requirements for CCDF providers includes caregivers, teachers, and directors.
  - Add two new definitions – “teacher” and “director” - to recognize differentiated professional roles.
- Require that this training be aligned with the State framework to the extent practicable.

[45 CFR 98.44(b) and 98.2]

# Preservice/Orientation

## The NPRM:

- Clarifies the orientation/pre-service training must:
  - Include major domains of child development; and
  - Be completed within three months.
- Encourages States to consider credentials that can be used as a proxy for meeting any or all of the areas for preservice/orientation to avoid unnecessary repetition.

[45 CFR 98.44(b)]

# Annual Ongoing Professional Development

NPRM adds that ongoing training and professional development requirements must address how individuals will be expected to “maintain and update” health and safety knowledge listed in the preservice/orientation requirement.

- Links to NPRM language that to the extent practicable, ongoing professional development and training should link to CEUs or college credit.

[45 CFR 98.4(b)]

# Progression of Professional Development

NPRM reflects a progression in three places:

- Career pathways and articulation are two of the components of a State framework;
- State ongoing professional development requirements must also include the expectation that individuals will be expected to “maintain and update” health and safety knowledge; and,
- To the extent practicable, ongoing professional development and training should link to CEUs or college credit.

[45 CFR 98.4(b)]



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# What Proposed Provisions Would Apply to Tribes?

# A Tiered Approach to Tribal Requirements

The NPRM establishes three tiers of tribal grantees based on the size of their allocation, with reduced requirements for medium and especially smaller allocations.

- Tribes with Large Allocations: over \$1 million (18 Tribes)
- Tribes with Medium Allocations: \$250,000 to \$1 million (79 Tribes)
- Tribes with Small Allocations: under \$250,000 (162 Tribes)

[45 CFR 98.80(a)]

# Applicability to Tribes

- Tribes receiving large and medium allocations are subject to the majority of the consumer education requirements.
  - Tribes receiving small allocations are exempt (45 CFR 98.83(f)).
- All Tribes are required to spend a percentage of their total CCDF expenditures on quality improvement activities, including the new 3 percent infant-toddler set-aside (45 CFR 98.83(f)(2)).

## All Tribes are exempt from:

- Consumer education website (45 CFR 98.83(d)(1)(ii))
- Use of grants or contracts (45 CFR 98.83(d)(1)(v))
- Early learning and developmental guidelines (45 CFR 98.81(b)(6)(v))
- Training and professional development framework (45 CFR 98.83(d)(1)(vi))
- Quality Progress Report (45 CFR 98.83(d)(1)(viii))



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# Public Comment Process

# Comment Process

You may submit comments, identified by docket number ACF-2015-0011 and/or RIN number 0970-AC67, by either of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Mail: Submit comments to the Office of Child Care, Administration for Children and Families, 330 C Street SW, Washington, DC 20201, Attention: Office of Child Care Policy Division.

# Comment Process

- All submissions received must include the agency name and docket number or RIN number for this rulemaking.
- 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).).

# Comment Process

- All comments received are a part of the public record and will be posted for public viewing on [www.regulations.gov](http://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.

Thank you for all you do for  
children and families.

For additional information and resources on  
the NPRM, please visit our CCDF

Reauthorization webpage at:

[http://www.acf.hhs.gov/programs/occ/ccdf-  
reauthorization](http://www.acf.hhs.gov/programs/occ/ccdf-reauthorization)