

CCDF NOTICE OF PROPOSED RULEMAKING

PUBLIC COMMENT PROCEDURES

Interested persons are invited to submit comments to the Office of Child Care, 370 L'Enfant Promenade, SW., Washington, DC 20024, Attention: Cheryl Vincent, Office of Child Care, or electronically via the internet at <http://www.regulations.gov>.

If you submit a comment, please include your name and address, identify the docket number for this rulemaking (ACF-2013-00001), indicate the specific section of this document to which each comment applies, and give the reason for each comment.

You may submit your comments and material by electronic means, mail, or delivery to the address above, but please submit your comments and material by only one means. A copy of this Notice of Proposed Rulemaking may be downloaded from the Federal Register at: <https://federalregister.gov/a/2013-11673>

ACF invites comment on the entire proposed rule, but is specifically requesting comments in several areas:

- **Effective Date for Specific Provisions.** ACF expects provisions included in a Final Rule to become effective 30 days from the date of publication of the Final Rule. Compliance with provisions in the Final Rule would be determined through ACF review and approval of CCDF Plans and through the use of federal monitoring in accordance with § 98.90, including on-site monitoring visits as necessary. ACF expects that provisions included in a Final Rule would be incorporated into the review of FY 2016-2017 CCDF Plans that would become effective October 1, 2015. We recognize that some of the proposed changes may require action on the part of a State's legislature or require rulemaking in order to implement. It is our desire to work with Lead Agencies to ensure that adoption of any new requirements included in a Final Rule is done in a thoughtful and comprehensive manner. ACF welcomes public comment on specific provisions included in this proposed rule that may warrant a longer phase-in period and will take these comments into consideration when developing the Final Rule.
- **12 month eligibility re-determination periods (Section 98.20).** The proposed rule requires Lead Agencies to re-determine a child's eligibility for child care services no more frequently than 12 months following the initial eligibility determination or most recent re-determination. We are requesting comments regarding the impact of this change, particularly any benefits or burdens it may have for CCDF families and to better understand implications for Lead Agencies.
- **Consumer Education (Section 98.33).** In order to ensure a robust consumer education system, we are specifically seeking comment on the new proposals for a transparent system of quality indicators at § 98.33 and ask for feedback about areas that should be included in the system. We also ask for State, Tribal, and Territorial experiences with collecting and sharing child care provider information, including greater detail on what types of information from provider background checks are shared with parents seeking child care.
- **Compliance with Fire, Health, and Building Codes, and Criminal Background Checks (Section 98.41).** We are seeking public comment on an appropriate phase-in and timeframe for this provision about pre-inspections for compliance with fire, health and building codes, as well as the requirement for comprehensive criminal background checks.
- **Background Checks (Section 98.41).** We are specifically seeking comments on whether requirements for a comprehensive criminal background check should also be applicable to other individuals in a child

care center, such as food service and office personnel. In addition, we request comment on whether other individuals in a family child care home that provides services to children receiving CCDF subsidies should be required to undergo a background check, and at what age.

- **Pre-service or orientation training (Section 98.41).** We are specifically seeking comment on whether regulatory changes should include a minimum number of pre-service training hours and ongoing hours of training in the proposed areas for minimum health and safety training requirements. We also request comment on whether training requirements should be linked to measures of accountability, such as continuing education credits, to ensure that ongoing training requirements lead to a progression or advancement in a provider’s knowledge base.
- **Frequency of Monitoring (Section 98.41).** In recognition of resource constraints, we recommend, but are not requiring, that Lead Agencies ensure child care providers caring for children receiving a subsidy receive an initial onsite monitoring visit and at least one annual unannounced on-site monitoring visit. We recognize that on-site monitoring requires adequate licensing and monitoring staff and other resources. Therefore, we are specifically requesting public comment on this recommendation and whether it should become a requirement and welcome input as to alternative monitoring frequencies.
- **Equal Access and Rate Setting (Section 98.43).** There is an urgent need for States to explore and document new rate-setting practices, and our intent is to spur innovation in this area. Therefore, we would like to solicit public comments on innovative rate setting approaches and possible new federal requirements that would better ensure that subsidy rates provide equal access, as required by statute.
- To view comments on the proposed rule, you may search for comments or click on “Open Docket Folder” at the top of the page to view all posted comments. Your comments will not be available immediately after submission. We will work to post them as quickly as possible.

If you have any questions about using regulations.gov or submitting a comment, please consult the site’s help center at: <http://www.regulations.gov/#!help>.