



**Office of Children
and Family Services**

The One Constant in Life is Change:

**The Child Care and Development Act of 2014 and
its Impact on Child Care in New York State**

NYSAEYC

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Key Provisions of the Child Care and Development Block Grant Act



What is the Child Care and Development Block Grant?



- The CCDBG Act of 2014 reauthorized the Child Care and Development Fund (CCDF) for the first time since 1996
- Passed in Congress on Nov. 7, 2014 and was signed into law by President Obama on Nov. 19, 2014
- The CCDF is a **\$5.3 billion block grant** that provides funding to States to improve the quality of child care and provide access to low-income families
- In 2014, NYS's CCDF allocation was **\$303 million**
- CCDBG reauthorizes the CCDF through FY 2020



What are the goals of the CCDF?

- Promote parental choice and empower working parents
- Assist states in delivering high-quality, coordinated early child care and education services
- Raise standards for health and safety, licensing, training, and oversight
- Increase the number of low-income children in high-quality child care settings



How does this affect New York?

- NYS must comply with CCDBG requirements or face penalties and a possible reduction in child care funding
- Some CCDBG requirements are already in OCFS Regulation and NYS Statute
- Others will need to be implemented over the coming months and years
- There are still many unknowns



How will this impact providers?

The CCDBG Act will affect providers in many ways, including:



- Significantly expanding background checks
- Training and Professional Development
- Payment Rates and Provider Payment Practices
- Eligibility Policies



Licensing and Monitoring

- Pre-licensure inspection (already NYS practice)
- Annual, unannounced **full** inspections of all facilities (including legally-exempt)
- Ratio of licensing inspectors must be maintained at sufficient levels to support regular inspections
- Takes effect no later than November 19, 2016



Licensing and Monitoring

- State must post inspection results publicly online
- State must also make available online information regarding major substantiated complaints; number of deaths, serious injuries, and instances of substantiated child abuse
- Will include date of inspection and information on corrective action
- Takes effect no later than November 19, 2017



Criminal Background Checks

- New requirements for Federal and State checks
- Required checks will apply to to all licensed/registered and legally-exempt providers
- Must be conducted no less than every 5 years from initial submission date
- Process for implementation to be determined



Criminal Background Checks

- Checks must be completed within 45 days of submission
- State will not release details of check to provider, only providing information about eligibility
- Results of checks for ineligible applicants will be shared with individual, addressing reasons for disqualification
- Process for appeals



Criminal Background Checks

- National Crime Information Center
- FBI fingerprint check
- National Sex Offender Registry
- State criminal and sex offender registry in each state applicant has resided in over the *past 5 years* (including NYS)
- Child abuse and neglect registry in each state applicant has resided in over the *past 5 years* (including NYS)
- Takes effect September 30, 2017



	CURRENT PROCESS	NEW REQUIREMENT
NYS criminal background check	Conducted for licensed/registered providers, caregivers, and household members over 18	Expanded to include all legally-exempt providers
NYS sex offender registry check	Conducted for legally-exempt only	Expanded to include all licensed/registered providers
State criminal and sex offender checks	N/A	Now required in every state of residence for the previous 5 years (inc. legally-exempt)



	CURRENT PROCESS	NEW REQUIREMENT
NYS child abuse and neglect registry	Conducted for licensed/ registered providers, caregivers, and household members over 18	Expanded to include all legally-exempt providers
NYS child abuse and neglect registry	N/A	Now required in every state of residence for the previous 5 years (inc. legally-exempt)



	CURRENT PROCESS	NEW REQUIREMENT
Search of the National Crime Information Center	Not currently required	Required for all licensed/registered and legally-exempt providers
FBI fingerprint check	Not currently required	Required for all licensed/registered and legally-exempt providers
National Sex Offender registry check	Not currently required	Required for all licensed/registered and legally-exempt providers



Criminal Background Checks

Exceptions for staff members already currently cleared:

- Staff who have received a background check
 - Within 5 years of latest date which submission may be made
 - While employed or seeking employment by another child care provider within the state
- State provided the initial provider with qualifying check result
- Staff member is employed within the state or has been separated from employment for less than 180 consecutive days



Ineligibility for Approval

An applicant will be ineligible for approval if he or she:

- Refuses to consent for checks
- Knowingly makes false statements in connection to checks
- Is registered/required to register with a State or National sex offender registry



Disqualifying Crimes

There will now be ***mandatory disqualifying crimes***, as follows –

Conviction of a felony consisting of:

- Murder
- Child abuse/neglect
- Crimes against children, incl. child pornography
- Spousal abuse
- Rape or sexual assault
- Kidnapping
- Arson
- Physical assault/battery
- Drug offenses committed in the past 5 years*

Also includes:

- Violent misdemeanors committed by an adult against a child

**States may have discretion to provide exemptions*



Training and Professional Development

Professional development requirements should:

- Include ongoing, annual training and a progression of professional development (which may include postsecondary education)
- Include focus on social-emotional behavioral intervention models
- Include focus on effective behavior management strategies, including reducing expulsions of preschool-aged children



Training and Professional Development

- Ongoing training for providers to improve quality and meet developmental needs of children
- Trainings developed with the Early Childhood Advisory Council
- Mandatory pre-service/orientation Health and Safety training for all child care staff
- New list of federal training topics for professional development
- Effective upon enactment



Health and Safety

Requires States to establish Health and Safety training requirements regarding:

- Prevention/control of infectious diseases
- Prevention of SIDS
- Medication administration
- Prevention/response to emergencies due to allergic reactions
- Prevention of shaken baby syndrome
- First Aid and CPR
- Building and physical premises safety
- Emergency preparedness
- Handling/storage of hazardous materials & disposal of biocontaminants
- Transportation precautions



Health and Safety

- Compliance with child abuse reporting requirements of the *Child Abuse Prevention and Treatment Act*
- Incorporate state's Early Learning and Development Guidelines



Increased Focus on Quality Improvement

- Phases-in an increase in minimum quality set-aside spending from 4% to 9% over a 5-year period (begins in Federal FY 2016)
- *In addition*, requires states to spend a minimum of 3% to improve the quality of care for infants and toddlers
- States must establish outcome measures and evaluate progress of quality activities



New List of Quality Activities

States must spend quality funds on at least one of the following Quality Activities:

- **Training and professional development**
- Early learning and development guidelines
- Tiered quality rating system
- **Improving quality of services for infants and toddlers**
- **Child care resource & referral services**
- **Licensing and health and safety requirements**
- Quality evaluation
- **Accreditation**
- **Program standards**
- Other measurable quality activities as determined by the State



Highlighting Family Engagement

- Added purpose of the CCDF → “to promote involvement by parents and family members in the development of their children in child care settings”
- Making parents partners through engagement
- Training for providers on engaging families in culturally and linguistically appropriate ways



Consumer Education

- Availability of child care services, financial assistance, and other assistance programs families may qualify for
- Quality Rating and Improvement System
- Licensing and monitoring process on state website
- Childhood development and family engagement
- Developmental screening resources



Eligibility Policies

States must offer:

- 12-month period before eligibility redetermination
- Eligibility redetermination process cannot unduly disrupt parents' employment
- 3-month grace period for parents who lose their job
- Graduated phase-out of assistance for families whose income has increased, but remains below the federal threshold (85% of the State Median Income)



85% State Median Income Compared To 200% Federal Poverty Level

Family Size	85% NYS Annual SMI (FFY 2015)*	200% FPL (6/1/14-5/31/15)**
1	\$37,296	\$23,340
2	\$48,772	\$31,460
3	\$60,248	\$39,580
4	\$71,724	\$47,700
5	\$83,200	\$55,820
6	\$94,676	\$63,940
7	\$96,827	\$72,060
8	\$98,979	\$80,180
Each Additional Person	3%	

*[Federal Register vol 79(139), July 21, 2014]

**14-OCFS-INF-02, 2014 Income Standards for the Child Care Services Plan



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Underserved Populations

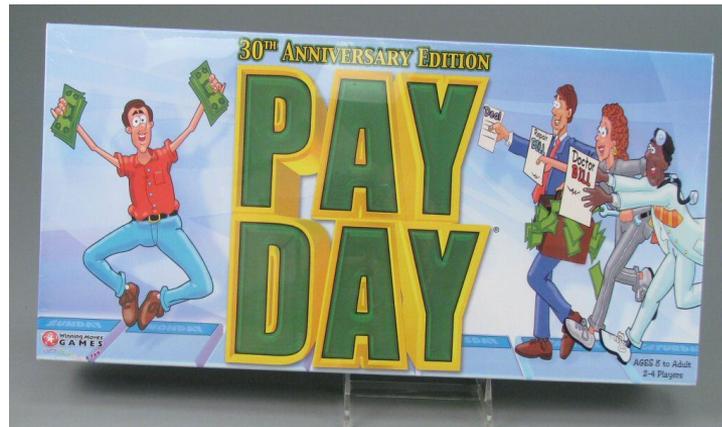
State must develop strategies for increasing supply and quality of services for:

- Infants and toddlers
- Children in underserved areas
- Children with disabilities
- Children in care for non-traditional hours
- Homeless children



Payment Practices

- State must establish policies that reflect generally accepted payment practices for providers, including timely reimbursement and paying for absence days
- Effective upon enactment



Subsidy Practices

- Requires state to conduct a **market rate survey** (or use an alternative methodology) to determine payment rates, taking into account the cost of providing higher quality services
- Payment rates must be comparable to those not eligible for subsidy
- Balance incorporating new quality standards without, to the extent practicable, reducing the number of recipients



Disaster Preparedness

Requires states to develop a **statewide child care disaster plan**, including procedures for:

- Evacuation, relocation, shelter-in-place, and lock-down
- Communication and reunification with families
- Accommodation of infants/toddlers and children with special needs
- Continuing child care services following an emergency or disaster
- Staff/volunteer emergency preparedness drills and training



New National Hotline and Website

- Toll-free hotline and website (childcare.gov) will provide consumer information about quality child care services at a range of prices
- Report suspected child abuse or neglect by a child care provider that receives subsidy payments – ***this is in addition to the OCFS Complaint Line and the NYS SCR Child Abuse and Maltreatment Hotline (required)***
- Provider-specific quality and compliance information
- Info on subsidy programs
- CCR&R referrals



Implementation Timeline

October 1, 2015:

- Start of first full Federal fiscal year after passage of the CCDBG Act of 2014
- State must be in/moving towards compliance with new licensing requirements

September 30, 2017:

- States must be in compliance with comprehensive background check component (1-year extension available if the U.S. Department of Health and Human Services determines state is making good-faith efforts to comply)

November 19, 2017:

- States must have inspection reports posted publicly online

September 30, 2020

- Authorization of CCDBG ends



Support and Resources

- CCDF Reauthorization Resource Page:
<http://www.acf.hhs.gov/programs/occ/ccdf-reauthorization>
- Office of Child Care outreach webinars and listening sessions for stakeholder input
- Frequently asked questions email address:
ccdf.reauthorization@acf.hhs.gov



Questions?

