

# Child Care Development Fund (CCFD) Public Comment Response



On November 19, 2014, President Obama signed the Child Care and Development Block Grant (CCDBG) Act of 2014 into law. This reauthorizes the child care program for the first time since 1996 and represents an historic re-envisioning of the Child Care and Development Fund (CCDF) program. The new law makes significant advancements by defining health and safety requirements for child care providers, outlining family-friendly eligibility policies, and ensuring parents and the general public have transparent information about the child care choices available to them.

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# Child Care Development Fund

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## Public Input to the State Plan

Vital to the implementation of any change, is the input from the providers and families that will be most affected. Community forums were held in six (6) cities around Montana in November and December of 2015 to inform the initial draft. A Frequently Asked Questions document (<http://dphhs.mt.gov/Portals/85/hcsd/documents/ChildCare/CCDFFAQ.pdf>) was posted in response to the questions heard at the community forums. Following the release of the draft State Plan, a public comment period was held in February 2016. This included a public hearing on February 12, 2016. This document is in response to the public comment received that pertains to the new law and is within the scope of the State Plan. The Department appreciates the discussion over the last several months and the input during the public comment period. The plan will be reviewed at a Federal level and will be adopted and effective June 1, 2016.

## How is this document organized?

A public comment period was held February 5<sup>th</sup> – 19<sup>th</sup>, 2016. This was to give the public a chance to read and comment on the proposed Child Care Development Fund State Plan that was submitted to Federal Office of Child Care on March 11, 2016. We received many comments from providers, partners and families and we have organized this document by the main themes that were commented on, and provided a response to each.

## What are the next steps and how can the public stay involved?

Following Federal approval of the final State Plan, Montana will begin implementing the new law. Some things will take immediate effect while others may take up to four years to complete. Many of the changes that will be made will involve changes to the Administrative Rules of Montana. Anytime the Department changes administrative rule, it is required to ‘notice’ the public of the changes and allow for a 28 day public comment period. Providers and interested public members will be informed of the proposed changes, where to locate the documents, and how to submit comments. A public hearing will also be scheduled and providers and interested public members are encouraged to attend that hearing as well.

## Public Comment Response

We appreciate the comments, edits, and review that we received from the public on the 2016-18 CCDF State Plan. We inserted many edits and clarifications as a result of this input and appreciate the time and commitment that has been shown in this process.

Public comments that referenced the Child Care Development Funds directly have been addressed in the Executive Summary which and can be accessed at <http://dphhs.mt.gov/hcsd/ChildCare/CCDBGActof2014>. The funding and expenditures are referenced in a pie chart.

Training and guidance for providers to understand and meet the requirements in the State Plan will be provided by the Department, as well as Child Care Resource and Referral Agencies.

## First Aid/CPR Training

Concerns regarding the cost and time needed for First Aid/CPR training were expressed. At this time, this training is a requirement of the CCDF reauthorization (Section 658E (I)) and is not at the state’s discretion for implementation. However, the Department is exploring options to help minimize the impact on providers and staff. One of which is to allow training hours for CPR and First Aid. Also, Child Care Resource and Referral Agencies will be responsible for timely and accessible training as needed for providers.

## Background Checks

We received comments concerning the costs of additional background checks, as well as requests for clarification regarding the new requirements.

Montana has required name-based background checks and Child Protective Service checks for all providers, caregivers and persons living or frequenting the home (*who are age 18 or over*) on a regular basis since early 2000.

Under the new federal law, as cited in Section 658 H (I), the following checks must be conducted every 5 years:

- Federal fingerprint checks;
- State criminal record check;
- Criminal and sex offender registry (for Montana and any other state the individual has lived in the last 5 years);
- Child protective services check (for Montana and any other state the individual has lived in the last 5 years); and
- National sex offender registry check.

While the state cannot change the requirement for conducting the above listed background checks, the following is a breakdown of the type, frequency, and costs shared with providers:

Type of Check	Frequency	Cost
Federal Fingerprint Check	Upon hire and every 5 years	\$27.25 + additional costs for running prints. This cost may vary depending on entity conducting fingerprints.
State criminal record check	Upon hire and annually thereafter	Will be conducted and paid by the Department
Montana Department of Motor Vehicles	Upon hire and annually thereafter	Will be conducted and paid by the Department
Montana Child Protective Services	Upon hire and annually thereafter	Will be conducted and paid by the Department
Montana Criminal and Sex Offender Registry	Upon hire and annually thereafter	No costs associated
National Sex Offender Registry	Upon hire and every 5 years	Will be conducted by the Department. At this time it is not anticipated that costs will be associated but if that changes, the provider would be responsible for the costs.
Criminal and Sex Offender Registry check for all states the individual has lived in over the last 5 years	Only upon hire unless the individual moves out of state	Will be conducted by the Department. At this time it is not anticipated that costs will be associated but if that changes, the provider would be responsible for the costs.
Out of state Child Protective Services Check for all states the individual has lived in over the last 5 years	Only upon hire unless the individual moves out of state	Costs may vary from state to state

The current costs for an FBI check are \$27.25. The costs for other out of state checks are unknown and may vary by state. In addition to the checks being conducted every 5 years, the Department will also conduct annual State

criminal, DMV and child protective checks. The Department will conduct these checks and cover associated costs.

The Department understands that background checks required from the CCDF Reauthorization will come with associated costs to providers. The Department continues to explore ways to assist with these costs.

### **Group Size**

The Department received many comments concerning group size; specifically, the comments were focused on the proposed group size limitations, the impact on child care facilities, and the possible negative impact this requirement would have on facilities both financially and physically.

The Department is required to define group sizes for child care centers in Montana as part of the CCDF reauthorization found at Section 658E. However, as a result of the public comment received, the Department is researching additional options for group sizes in centers. The Department will be working with its partners to develop parameters that will meet the federal requirements while taking Montana providers into consideration. Currently, the staffing requirements for family and group child care facilities include group sizes. Therefore, there will be no change to the staffing requirements or capacity for family and group child care facilities.

### **Shaken Baby**

There was one comment to support regulations and training to prevent shaken baby syndrome and abusive head trauma. This training is being developed now. A work group will be established to review the training upon completion of the draft.

### **School Age**

There was one comment addressing the need for specific school age requirements. The Department agrees with this comment and will be exploring this at a later date.

### **Best Beginnings Scholarship Program**

As part of the new federal requirements, Montana will be providing a Graduated Phase Out policy of 12-month eligibility for families already participating in the Best Beginnings Child Care Scholarship Program. It provides care for families whose income exceeds 150% of the Federal Poverty Guidelines but does not exceed 200% of those same guidelines. Families will be eligible for Graduated Phase Out for one year.

Best Beginnings Scholarships are intended to keep children in high quality, stable child care. In order to help ensure this, families receiving Best Beginnings Scholarships are now eligible for a 12-month period if there are no changes in the parent's employment and other criteria are met. If employment does change, the new Federal law provides a 90-day grace period for a family to secure new employment and report this to the Best Beginnings Program without having any changes in care. Child Care Resource and Referral Agencies will help families navigate the Best Beginnings Scholarship program and have more information available. A list of Child Care Resource and Referral Agencies is available on the Early Childhood Services Bureau's web site:

[www.childcare.mt.gov](http://www.childcare.mt.gov).

Montana has no plans to require parenting classes for parents participating in the Best Beginnings Child Care Scholarship Program.

## Expulsion and Suspension

Every provider has the right to terminate a business relationship with a family, and therefore end a partnership of care for the child. While we know this is not a situation any one wants to see happen, it is important that the rights of each provider be protected should this have to occur in their facility. In order to help protect the rights of providers and parents in this difficult situation, new Federal law has been developed to encourage written policies be in place for each child care facility. The content and application of such policies is completely at the discretion of each Provider.

This portion of the new law is simply intended to encourage states to address expulsion and suspension in their State Plans, policies, and procedures. Therefore, Montana plans to require all providers to have policies in place for their facility that identify justifications used for exclusionary actions. Such justifications may include medical, physical, nutritional, program philosophy, or social/emotional needs. Explanations must also be included in a parent handbook or child care enrollment agreement so that all parties are aware of the procedures and policies in place. As a means of technical assistance and guidance, policies should include the following:

- a. Reasons for exclusion (such as not following the program's policies)
- b. How the provider will assist the child and parent with transitions
- c. The types of referrals the provider will make (such as those to a community agency that could offer additional supports to the family)

Providers should also ensure that the above-noted policies do not violate any applicable provisions found in Title II of the Americans with Disabilities Act, provisions in IDEA, Section 504 of the Rehabilitation Act, and Title VI of the Civil Rights Act of 1964.

The intent of this policy will be to support providers, families, and children through clear expectations and information.

In the coming months, the Early Childhood Services Bureau will look to ways to provide training and guidance for providers as well as sample policy templates for use to help all providers meet this portion of the law. Expulsions and/or suspensions will be reported to Early Childhood Services Bureau or their representatives.

## Provider Training Hours

Concerns regarding the cost and time needed for additional annual provider training were expressed. Montana child care providers must have health and safety training in 10 substantive areas:

1. Prevention and control of infectious diseases (including immunization)
2. Prevention of sudden infant death syndrome and use of safe sleeping practices
3. Administration of medication, consistent with standards for parental consent
4. Prevention of and response to emergencies due to food and allergic reactions
5. Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic
6. Prevention of shaken baby syndrome and abusive head trauma

7. Emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event
8. Handling and storage of hazardous materials and the appropriate disposal of bio contaminants
9. Precautions in transporting children
10. First aid and cardiopulmonary resuscitation

The new law also states that providers must complete a pre-service or orientation training as well as ongoing training in several other specific areas.

Training is currently being developed to meet the requirements. As a result of the public comment received, the Department is considering the total number of hours of training needed on an ongoing yearly basis. The Department will be working to develop parameters that will meet the federal requirements as well as meet the unique needs of Montana providers.

### **Who can I contact to ask questions?**

If your questions are concerning licensing, or meeting new health and safety standards, you can contact Becky Fleming- Siebenaler at (406) 444-7770 or [bfleming@mt.gov](mailto:bfleming@mt.gov).

If your questions are concerning professional development, Best Beginnings Scholarship (subsidy), consumer education, the STARS to Quality program, or the administration of Child Care Development Funds, you can contact Patty Butler at (406) 444-1828 or [pbutler@mt.gov](mailto:pbutler@mt.gov).