

Dear Senators HEIDER, Nuxoll, Schmidt, and  
Representatives WOOD, Packer, Rusche:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of  
the Department of Health and Welfare:

IDAPA 16.06.12 - Rules Governing the Idaho Child Care Program (ICCP) - Temporary and Proposed  
Rule (Docket No. 16-0612-1601).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 10/21/2016. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/18/2016.

The germane joint subcommittee may request a statement of economic impact with respect to a  
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,  
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has  
been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the  
memorandum attached below.



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

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*Serving Idaho's Citizen Legislature*

### MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee

**FROM:** Senior Legislative Research Analyst - Elizabeth Bowen

**DATE:** October 03, 2016

**SUBJECT:** Department of Health and Welfare

IDAPA 16.06.12 - Rules Governing the Idaho Child Care Program (ICCP) - Temporary and Proposed Rule (Docket No. 16-0612-1601)

The Department of Health and Welfare submits notice of temporary and proposed rulemaking at IDAPA 16.06.12. The purpose of the rule is to conform existing rules to changes in federal law relating to the Child Care and Development Block Grant Act. The Department uses the block grant, along with other funding sources, to administer the Idaho Child Care Program.

The revisions to the rules include:

- Additional requirements relating to criminal history and background checks;
- Definitions for the terms "infant/toddler," "incapacitated parent," and "state median income";
- Ongoing determination of eligibility for the program based on income and other factors;
- Clarification of child care costs that are not payable under the program; and
- Required training for child care providers, including health and safety training on topics such as infectious diseases, sudden infant death syndrome, and allergic reactions.

The Governor found justification for the temporary rule in order to protect the public health, safety, and welfare, specifically of children in Idaho receiving services under the program. Negotiated rulemaking was conducted, and there is no fiscal impact on the state general fund beyond what was appropriated in House Bill 574 (2016). Other program costs are covered by the block grant and federal funds. The Department states that this rulemaking is authorized pursuant to Section 56-202, Idaho Code, which grants rulemaking authority to the Director for administration of public assistance programs.

cc: Department of Health and Welfare  
Beverly Barr and Frank Powell

Mike Nugent, Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.06.12 - RULES GOVERNING THE IDAHO CHILD CARE PROGRAM (ICCP)**  
**DOCKET NO. 16-0612-1601**  
**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is October 1, 2016.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 56-202, Idaho Code, and CFR 45 Part 98.42, for the Reauthorization of the Child Care and Development Block Grants.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

**Thursday, September 15, 2016 - 12:00 to 2:00 pm (MDT)**

**Central Idaho DHW Office  
450 W. State Street  
2nd Floor Conference Room 2-A  
Boise, ID**

**Via Teleconference Call-In**

**Toll Free: 1-877-820-7831  
Participant Code: 645464#**

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Department administers the Idaho Child Care Program through grants and other funding sources. Congress passed the Reauthorization of the Child Care and Development Block Grant Act which requires the state to comply by October 1, 2016. The changes in this chapter of rules implement a 12-month redetermination, job search availability, additional criminal history requirements, health and safety requirements for child care providers, and includes a gradual phase out for those individuals receiving ICCP services whose incomes exceed the limits of the program.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1)(a) and (b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These rules need to be in effect to meet federal law governing ICCP and to protect the public health, safety, or welfare of children in Idaho receiving these services. The US Congress passed the Reauthorization of the Child Care and Development Block Grant in 2014 with states required to comply by October 1, 2016.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

The fiscal impact for SFY 2017 was appropriated by the 2016 Legislature under Line items 9 and 13 in HB 0574. The amount of the grant and federal funds include one-time funding to migrate and modernize the Child Care

Program's automation system and to increase the subsidy for child care support and increased caseload funds.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 1, 2016, Idaho Administrative Bulletin, [Vol 16-6, pages 43-44](#).

**INCORPORATION BY REFERENCE:** No materials are being incorporated by reference into these rules.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Ericka Rupp at (208) 334-5815.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 28, 2016.

DATED this 5th Day of August, 2016.

Tamara Prisock  
DHW - Administrative Rules Unit  
450 W. State Street - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
(208) 334-5500 phone / (208) 334-6558 fax  
[dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov) e-mail

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
OF DOCKET NO. 16-0612-1601  
(Only Those Sections With Amendments Are Shown.)**

**003. ADMINISTRATIVE APPEALS.**

**01. Administrative Appeals.** All administrative appeals are governed by provisions of IDAPA 16.05.03, "Rules Governing Contested Cases Proceedings and Declaratory Rulings." (4-2-08)

**02. Complaint Procedure.** The Department will maintain a record of substantiated ~~child protection~~ complaints against child care providers. Information regarding such substantiated ~~child protection~~ complaints is available in accordance with the Section 006 of these rules. (~~4-2-08~~)(10-1-16)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**009. CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENTS.**

**01. Compliance with Department Criminal History and Background Check.** Criminal history and background checks are required for ICCP providers. Providers who are required to have a criminal history check must comply with IDAPA 16.05.06, "Criminal History and Background Checks." (4-9-09)

**02. ICCP Provider is Approved.** The ICCP provider must have completed a criminal history and background check, and received a clearance, prior to becoming an ICCP provider. (4-9-09)

**03. Availability to Work or Provide Service.** (4-9-09)

**a.** The employer or provider, at its discretion, may allow an individual to provide care or services on a provisional basis once the application for a criminal history and background check is completed and notarized, and the employer has reviewed the application for any disqualifying crimes or relevant records. The employer determines whether the individual could pose a health and safety risk to the vulnerable participants it serves. The individual is not allowed to provide care or services when the employer determines the individual has disclosed a disqualifying crime or relevant records. (4-9-09)

**b.** Those individuals licensed or certified by the Department are not available to provide services or receive licensure or certification until the criminal history and background check is completed and a clearance issued by the Department. (4-9-09)

**c.** Individuals living in the home who have direct contact with children are allowed contact after the criminal history application and self-disclosure is completed as provided in Section 56-1004A, Idaho Code, except when they have disclosed a disqualifying crime listed in IDAPA 16.05.06, "Criminal History and Background Checks." (4-9-09)

**04. Applicants, Providers, and Other Individuals Subject to Criminal History Check Requirements.** The following applicants, providers, and other individuals listed below must submit evidence to the Department that the following individuals have successfully completed and received a Department criminal history and background check clearance: (4-9-09)(10-1-16)T

**a.** ~~All child care centers~~ employees and volunteers group, family, relative, and in-home providers including owners, operators, and staff, who have direct contact with children; (4-9-09)(10-1-16)T

**b.** ~~Group child care employees and volunteers~~ All individuals thirteen (13) years of age or older who have direct contact with children; (4-9-09)(10-1-16)T

**c.** ~~Family child care provider and any~~ All individuals age thirteen (13) years of age or older living in the home who ~~have direct contact with children~~ are regularly on the premises; (4-9-09)(10-1-16)T

**d.** ~~Relative child care provider and any individual age thirteen (13) or older living in the home who have direct contact with children; and~~ (4-9-09)

**e.** ~~In-home child care provider.~~ (4-9-09)

**05. Renewal of Criminal History and Background Check Requirement.** Applicants, providers, employees, volunteers, and individuals thirteen (13) years of age or older who have direct contact with or provide care to children eligible for ICCP benefits must comply with these requirements and receive a clearance as provided in IDAPA 16.05.06, "Criminal History and Background Checks," every five (5) years. (10-1-16)T

**056. Criminal History and Background Check at Any Time.** The Department can require a criminal history and background check at any time on any individual providing child care to an ICCP eligible child. (4-9-09)

**067. Additional Criminal Convictions.** Once an individual has received a criminal history clearance, any additional criminal convictions must be reported by the child care provider to the Department when the provider learns of the conviction. (4-9-09)

**010. DEFINITIONS AND ABBREVIATIONS -- A THROUGH L.** The following definitions and abbreviations apply to this chapter: (4-2-08)

**01. AABD.** Aid to the Aged, Blind, and Disabled. (4-2-08)

**02. Abuse or Abusive.** Provider practices that are inconsistent with sound fiscal, business, or child care practices and result in an unnecessary cost to the Idaho Child Care Program, in reimbursement that is not necessary, or that fail to meet professional recognized standards for child care, or result in physical harm, pain, or

- mental anguish to children. (7-1-09)
- 03. Child.** Any person under age eighteen (18) under the care of a parent, or a person eighteen (18) years of age or older who is claimed on tax returns as a dependent. (4-2-08)
- 04. Child Care.** Care, control, supervision, or maintenance of a child provided for compensation by an individual, other than a parent, for less than twenty-four (24) hours in a day. (4-2-08)
- 05. Claim.** Any request or demand for payment, or document submitted to initiate payment, for items or services provided under the Idaho Child Care Program. (7-1-09)
- 06. Department.** The Idaho Department of Health and Welfare or its designee. (7-1-09)
- 07. Earned Income.** Income received by a person as wages, tips, or self-employment income before deductions for taxes or any other purposes. (4-2-08)
- 08. Employment.** A job paying wages or salary at federal or state minimum wage, whichever is applicable, including work paid by commission or in-kind compensation. Full or part-time participation in a VISTA or AmeriCorps program is also employment. (4-2-08)
- 09. Foster Care.** The twenty-four (24) hour substitute care of children in the legal custody of the State of Idaho provided in a state licensed foster home by persons who may or may not be related to a child. Foster care is provided in lieu of parental care and is arranged through a private or public agency. ~~(4-2-08)~~ (10-1-16)T
- 10. Foster Child.** A child in the legal custody of the State of Idaho placed for twenty-four (24) hour substitute care by a private or public agency. ~~(4-2-08)~~ (10-1-16)T
- 11. Foster Home.** The private home of an individual or family licensed ~~by~~ under the ~~State of Idaho~~ State of Idaho and providing twenty-four (24) hour substitute care to six (6) or fewer children. ~~(4-2-08)~~ (10-1-16)T
- 12. Fraud or Fraudulent.** An intentional deception or misrepresentation made by a person with knowledge that the deception could result in some unauthorized benefit to himself or some other person. (7-1-09)
- 13. Good Cause.** The conduct of a reasonably prudent person in the same or similar circumstances, unless otherwise defined in these rules. (7-1-09)
- 14. In Loco Parentis.** Acting “in loco parentis” means a person who acts in place of a parent, assuming care and custody of a child by a formal or informal agreement with the child’s parent. (4-2-08)
- 15. Intentional Program Violation (IPV).** An intentional false or misleading action, omission, or statement made in order to qualify as a provider or recipient in the Idaho Child Care program or to receive program benefits or reimbursement. (7-1-09)
- 16. Job Training and Education Program.** A program designed to provide job training or education. Programs may include high school, junior college, community college, college or university, general equivalency diploma (GED), technical school, and vocational programs. To qualify as a Job Training and Education Program, the program must prepare the trainee for employment. (4-2-08)
- 17. Infant/Toddler.** A child less than forty-eight (48) months of age. (10-1-16)T
- 18. Incapacitated Parent.** A parent who is determined by a licensed practitioner of the healing arts to be unfit, incapable, or significantly limited in his ability to provide adequate care for his child or ward. (10-1-16)T
- 179. Knowingly, Known, or With Knowledge.** With respect to information or an action about which a person has actual knowledge of the information or action; acts in deliberate ignorance of the truth or falsity of the information or the correctness or incorrectness of the action; or acts in reckless disregard of the truth or falsity of the information or the correctness or incorrectness of the action. (7-1-09)

~~18~~**20.** **Licensed Practitioner of the Healing Arts.** A licensed physician, physician assistant, nurse practitioner, or clinical nurse specialist. (4-2-08)

**011. DEFINITIONS AND ABBREVIATIONS -- M THROUGH Z.**  
The following definitions and abbreviations apply to this chapter of rules: (4-2-08)

**01. Managing Employee.** A general manager, business manager, administrator, director, or other individual who exercises operational or managerial control over, or who directly or indirectly conducts the day-to-day operation of an organization or entity. (7-1-09)

**02. Minor Parent.** A parent under the age of eighteen (18). (4-2-08)

**03. Non-Recurring Lump Sum Income.** Income received by a family in a single payment, not expected to be available to the family again. (7-1-99)

**04. Parent.** A person responsible for a child because of birth, adoption, step-parent, or guardianship; or a person acting in loco parentis. (4-2-08)

**05. Preventive Services.** Services needed to reduce or eliminate the need for protective intervention. Preventive services permit families to participate in activities designed to reduce or eliminate the need for out-of-home placement of a child by the Department. (4-2-08)

**06. Prospective Income.** Income a family expects to receive within a given time. This can be earned or unearned income. (7-1-99)

**07. Provider.** An individual, organization, agency, or other entity providing child care. (7-1-99)

**08. Relative Provider.** Grandparent, great-grandparent, aunt, uncle, or adult sibling by blood or current marriage who provides child care. (4-2-08)

**09. SSI.** Supplemental Security Income. (4-2-08)

**10. Special Needs.** Any child with physical, mental, emotional, behavioral disabilities, or developmental delays identified on an Individual Education Plan (IEP) or an Individualized Family Service Plan (IFSP). (4-2-08)

**11. State Median Income (SMI).** State Median Income Estimates in the Code of Federal Regulations are available on the U.S. Government Publishing Office website at <https://www.gpo.gov/fdsys>. (10-1-16)T

~~14~~**2.** **TAFI.** Temporary Assistance for Families in Idaho. (4-2-08)

~~12~~**3.** **Unearned Income.** Unearned income includes retirement, interest child support, and any income received from a source other than employment or self-employment. (4-2-08)

**(BREAK IN CONTINUITY OF SECTIONS)**

**070. INCOME LIMITS.**  
~~A~~ **To be eligible for child care assistance,** a family's **countable** income must ~~be less than~~ **meet the following guidelines using** the published Federal Poverty Guidelines ~~for one hundred thirty percent (130%) of poverty for a family of the same size. The Federal Poverty Guidelines~~ (FPG) ~~are~~ available on the U.S. Health and Human Services website at <http://aspe.hhs.gov/poverty>. ~~(4-4-13)~~(10-1-16)T

**01. Income at Application.** At the time of application, a family's income must not exceed one hundred thirty percent (130%) of the Federal Poverty Guidelines (FPG) for a family of the same size. (10-1-16)T

**02. Income During Eligibility Period.** During the eligibility period, when a family's countable income exceeds eighty-five percent (85%) of the State Median Income (SMI) for a family of the same size, the family becomes ineligible for child care assistance. (10-1-16)T

**03. Income at Time of Redetermination.** At the time of redetermination, if a family's income exceeds one hundred thirty percent (130%) of the Federal Poverty Guidelines (FPG) for a family of the same size, but does not exceed eighty-five percent (85%) of the State Median Income (SMI) for a family of the same size, the family may receive a graduated phase out of child care assistance. (10-1-16)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**072. EXCLUDED INCOME.**

The following sources of income are not counted as family income. (4-2-08)

**01. Earned Income of a Dependent Child.** Income earned by a dependent child under age eighteen (18) is not counted, unless the child is a parent who is seeking or receiving child care benefits. (4-2-08)

**02. Income Received for Person Not Residing With the Family.** Income received on behalf of a person who is not living in the home. (4-2-08)

**03. Educational Funds.** All educational funds including grants, scholarships, an AmeriCorps Education Award, and federal and state work-study income. (4-2-08)

**04. Assistance.** Assistance to meet a specific need from other organizations and agencies. (4-2-08)

**05. Lump Sum Income.** Non-recurring or lump sum income is excluded as income if it is used to pay medical bills resulting from accident or injury, or used to pay funeral or burial costs. When lump sum income, minus exclusions, exceeds current income limits for a family of the same size, the family is not eligible to receive child care benefits. The period of ineligibility is computed by dividing the lump sum payment by the family's monthly income limit. In no case will the period of ineligibility exceed twelve (12) months. (4-2-08)

**06. Loans.** ~~A Loans with written, signed repayment agreements is money received that is to be repaid.~~ (4-2-08)(10-1-16)T

**07. TAFI and AABD Benefits.** (4-4-13)

**08. Foster Care Payments.** (4-4-13)

**09. AmeriCorps/VISTA Volunteers.** Living allowances, wages and stipends paid to AmeriCorps or VISTA volunteers under 42 U.C.S. 5044, P.L. 93-113, Title IV, Section 404(g) are excluded as income. (4-2-08)

**10. Income Tax Refunds and Earned Income Tax Credits.** Income tax refunds and earned income tax credits are excluded as income. (4-2-08)

**11. Travel Reimbursements.** Reimbursements from employers for work-related travel. (4-2-08)

**12. Tribal Income.** Income received from a tribe for any purpose other than direct wages. (4-2-08)

**13. Foster Parents' Income.** Income of licensed foster parents is excluded when determining eligibility for a foster child. Income is counted when determining eligibility for the foster parent's own child(ren). (4-2-08)

**14. Adoption Assistance.** Adoption assistance payments are excluded from income. (4-2-08)



~~15. **Child Support Payments.** Court-ordered child support payments made by the parent(s) who receive the child care benefits are deducted from income used to determine eligibility. Both the legal obligation to pay child support and the actual amount paid must be verified. (4-2-08)~~

**165. Temporary Census Income.** All wages paid by the Census Bureau for temporary employment related to U.S. Census activities are excluded for a time period not to exceed six (6) months during the regularly scheduled ten-year U.S. Census.

**176. Office of Refugee Resettlement Assistance.** (4-4-13)

**187. Workforce Investment Act (WIA) Benefits or Workforce Innovation and Opportunity Act (WIOA) Benefits.** (4-4-13)(10-1-16)T

**073. INCOME DEDUCTIONS.**

Court-ordered child support payments made by a parent who receives child care benefits are deducted from income when determining eligibility. The actual amount paid and the amount of the legal obligation for child support must be verified. (10-1-16)T

~~074.~~ **AVERAGING SELF-EMPLOYMENT INCOME.**

**01. Annual Self-Employment Income.** When self-employment income is considered annual support by the household, the Department averages the self-employment income over a twelve (12) month period, even if: (5-8-09)

a. The income is received over a shorter period of time than twelve (12) months; and (5-8-09)

b. The household receives income from other sources in addition to self-employment. (5-8-09)

**02. Seasonal Self-Employment Income.** A seasonally self-employed individual receives income from self-employment during part of the year. When self-employment income is considered seasonal, the Department averages self-employment income for only the part of the year the income is intended to cover. (5-8-09)

~~075.~~ **CALCULATION OF SELF-EMPLOYMENT INCOME.**

The Department calculates self-employment income by adding monthly income to capital gains and subtracting a deduction for expenses as determined in Subsection ~~074~~5.03 of this rule. (5-1-11)(10-1-16)T

**01. How Monthly Income is Determined.** If no income fluctuations are expected, the average monthly income amount is projected for the certification period. If past income does not reflect expected future income, a proportionate adjustment is made to the expected monthly income. (5-8-09)

**02. Capital Gains Income.** Capital gains include profit from the sale or transfer of capital assets used in self-employment. The Department calculates capital gains using the federal income tax method. If the household expects to receive any capital gains income from self-employment assets during the certification period, this amount is added to the monthly income as determined in Subsection ~~074~~5.01 of this rule to determine the gross monthly income. (5-1-11)(10-1-16)T

**03. Self-Employment Expense Deduction.** The Department uses the standard self-employment deduction in Subsection ~~074~~5.03.a. of this rule, unless the applicant claims that his actual allowable expenses exceed the standard deduction and provides proof of the expenses described in Subsection ~~074~~5.03.b. of this rule. (5-1-11)(10-1-16)T

a. The self-employment standard deduction is determined by subtracting fifty percent (50%) of the gross monthly self-employment income as determined in Subsections ~~074~~5.01 and ~~074~~5.02 of this rule; or (5-1-11)(10-1-16)T

b. The self-employment actual expense deduction is determined by subtracting the actual allowable expenses from the gross monthly self-employment income. The following items are not allowable expenses and may

- not be subtracted from the gross monthly self-employment income: (5-8-09)
- i. Net losses from previous tax years; (5-8-09)
  - ii. Federal, state, and local income taxes; (5-8-09)
  - iii. Money set aside for retirement; (5-8-09)
  - iv. Work-related personal expenses such as transportation to and from work; and (5-8-09)
  - v. Depreciation. (5-8-09)

**0756. PROJECTING MONTHLY INCOME.**

Income is projected for each month. Past income may be used to project future income. Changes expected during the certification period must be considered. Criteria for projecting monthly income is listed below: (5-1-11)

**01. Income Already Received.** Count income already received by the household during the month. If the actual amount of income from any pay period is known, use the actual pay period amounts to determine the total month's income. Convert the actual income to a monthly amount if a full month's income has been received or is expected to be received. If no changes are expected, use the known actual pay period amounts for the past thirty (30) days to project future income. (5-1-11)

**02. Anticipated Income.** Count income the household and the Department believe the household will get during the remainder of the certification period. If the income has not changed and no changes are anticipated, use the income received in the past thirty (30) days as one indicator of anticipated income. If changes in income have occurred or are anticipated, past income cannot be used as an indicator of anticipated income. If income changes and income received in the past thirty (30) days does not reflect anticipated income, the Department can use the household income received over a longer period to anticipate income. If income changes seasonally, the Department can use the household income from the last season, comparable to the certification period, to anticipate income. (5-1-11)

**a. Full Month's Income.** If income will be received for all regular pay dates in the month, it is considered a full month of income. (5-1-11)

**b.** If income will not be received for all regular pay dates in the month, it is not considered a full month of income and it is not converted. (5-1-11)

**c. Income Paid on Salary.** Income received on salary, rather than an hourly wage, is counted at the expected monthly salary rate. (5-1-11)

**d. Income Paid at Hourly Rate.** Compute anticipated income paid on an hourly basis by multiplying the hourly pay by the expected number of hours the client will work in the pay period. Convert the pay period amount to a monthly amount. (5-1-11)

**e. Fluctuating Income.** When income fluctuates each pay period and the rate of pay remains the same, average the income from the past thirty (30) days to determine the average pay period amount. Convert the average pay period amount to a monthly amount. (5-1-11)

**0767. CONVERTING INCOME TO A MONTHLY AMOUNT.**

If a full month's income is expected, but is received on other than a monthly basis, convert the income to a monthly amount using one of the formulas below: (5-1-11)

**01. Weekly Amount.** Multiply weekly amounts by four point three (4.3). (5-1-11)

**02. Bi-Weekly Amount.** Multiply bi-weekly amounts by two point one five (2.15). (5-1-11)

**03. Semi-Monthly Amount.** Multiply semi-monthly amounts by two (2). (5-1-11)

**04. Salary Amount.** Use the exact monthly income if it is expected for each month of the certification period. (5-1-11)

**078. ASSET CAP.**  
A family must not be in possession of assets exceeding one million dollars (\$1,000,000). (10-1-16)T

~~079.~~ -- **099. (RESERVED)**

**(BREAK IN CONTINUITY OF SECTIONS)**

**103. COOPERATION IN ESTABLISHMENT OF PATERNITY AND OBTAINING SUPPORT.**

If a minor child has a non-custodial parent, the biological or adoptive parent, or other individual who lives with the child and exercises parental control, must cooperate in establishing paternity for the child and obtaining child support. (3-26-08)

**01. Providing All Information.** “Cooperation” includes providing all information to identify and locate the non-custodial parent. At a minimum, the first and last name of the non-custodial parent and at least two (2) of the following pieces of information must be provided. (3-26-08)

- a. Birth date; (3-26-08)
- b. Social Security Number; (3-26-08)
- c. Current address; (3-26-08)
- d. Current phone number; (3-26-08)
- e. Current employer; (3-26-08)
- f. Make, model, and license number of any motor vehicle owned by the non-custodial parent; and (3-26-08)
- g. Name, phone numbers and addresses of the parents of the non-custodial parent. (3-26-08)

**02. Established Case for Custodial Parent.** After Child Support Services (CSS) has established a case for a custodial parent, all child support payments must be sent directly to CSS. If the custodial parent receives child support directly from the non-custodial parent, the custodial parent must forward the payment to CSS for receipting. (3-26-08)

**03. Failure to Cooperate.** (3-26-08)

a. Failure to cooperate includes failure to complete the non-custodial or alleged parent information or filiation affidavit as requested, failure to sign the limited power of attorney, or evidence of failure to cooperate provided by Child Support Services (CSS). ~~(3-26-08)~~(10-1-16)T

b. When a parent or individual fails to cooperate in establishing paternity and obtaining support, the family is not eligible to participate in the Idaho Child Care Program. (3-26-08)

**04. Exemptions From Cooperation Requirement.** The parent or individual will not be required to provide information about the non-custodial or alleged parent or otherwise cooperate in establishing paternity or obtaining support if good cause for not cooperating exists. Good cause for failure to cooperate must be provided. (3-26-08)

- a. Good cause for failure to cooperate in obtaining support is: (3-26-08)

- i. Proof the child was conceived as a result of incest or forcible rape; (3-26-08)
  - ii. Proof the non-custodial parent may inflict physical or emotional harm to the children, the custodial parent or individual exercising parental control. This must be supported by medical evidence, police reports, or as a last resort, an affidavit from a knowledgeable source; and (3-26-08)
  - iii. Substantial and credible proof is provided indicating the custodial parent cannot provide the minimum information regarding the non-custodial parent. (3-26-08)
- b.** A parent or individual claiming good cause for failure to cooperate must submit a notarized statement to the Department identifying the child for whom the exemption is claimed. The statement must list the reasons for the good cause claim. (3-26-08)
- c.** The cooperation requirement will be waived if good cause exists. No further action will be taken to establish paternity or obtain support. If good cause does not exist the parent will be notified that he is not eligible to receive Idaho Child Care program benefits, until child support cooperation as been obtained. (3-26-08)

**104. FAMILY COMPOSITION.**

A family is a group of individuals living in a common residence, whose combined income is considered in determining eligibility and the child care benefit amount. No individual may be considered a member of more than one (1) family in the same month. The following individuals are included in determining the family composition: (4-2-08)

- 01. Married Parents.** Married parents living together in a common residence, includes biological, adoptive, step-parent, and foster parent. (5-1-11)
- 02. Unmarried Parents.** Unmarried parents who live in the same home and who have a child in common living with them. (4-2-08)
- 03. Dependents.** Individuals who are claimed as dependents for tax purposes of a parent or caretaker. ~~(4-2-08)~~(10-1-16)T
- 04. Minor Parent.** A minor parent and child are considered a separate family when they apply for child care benefits, even if they live with other relatives. (4-2-08)
- 05. Individual Acting In Loco Parentis.** An individual acting in loco parentis who is eligible to apply for child care benefits, and the child's natural or adoptive parents are not living in the home. ~~(4-2-08)~~(10-1-16)T
- 06. Citizenship or Alien Status Requirement.** Family members who are not citizens or living lawfully in the United States will not be counted in the family size. The income of those non-counted family members will be counted when determining the household's income according to Sections 070 through 099 of these rules. (10-1-16)T

**105. ELIGIBLE CHILD.**

A family can only receive child care benefits for eligible children. A child is eligible for child care benefits under the following conditions: (4-2-08)

- 01. Immunizations Requirements.** A child must be immunized in accordance with IDAPA 16.02.11, "Immunization Requirements for Children Attending Licensed Daycare Facilities in Idaho." Child care benefits can continue during a reasonable period necessary for the child to be immunized. Parents must provide evidence that the child has been immunized unless the child is attending school. (4-2-08)
- 02. Citizenship or Alien Status Requirement.** A child must be one (1) of the following: (4-2-08)
  - a.** A citizen; (4-2-08)

- b. Living lawfully in the United States. (4-2-08)
- 03. Child's Age Requirement.** A child must be under thirteen (13) years of age, ~~with the following exceptions:~~ (4-2-08)
- ~~a. A child thirteen (13) years of age or older may~~ **to** be eligible for child care benefits, ~~if unless~~ he meets one (1) or more of the following criteria: (4-2-08)(10-1-16)T
- ~~ia.~~ **a.** A child is eligible for child care benefits until the month of his ~~eighteenth~~ **nineteenth** birthday if he is physically or mentally incapable of self-care, as verified by a licensed mental health professional or licensed practitioner of the healing arts. (4-2-08)(10-1-16)T
- ~~ib.~~ **b.** A child may be eligible for child care benefits until the month of his ~~eighteenth~~ **nineteenth** birthday if a court order, probation order, child protection, or mental health case plan requires constant supervision. (4-2-08)(10-1-16)T
- ~~b. A child who is eligible under Subsection 105.03.a. of this rule may receive child care benefits until the month of his nineteenth birthday if he is a full-time student and is expected to complete secondary school no later than the month of his nineteenth birthday.~~ (5-1-11)
- 04. Child Custody.** A child may move from one (1) parent's home to the other parent's home on a regular basis. The child may be a member of either household, but not both households. If the parents cannot agree on the child's household for the child care benefit, the child is included in the household with primary custody. Primary custody is determined by where the child is expected to spend fifty-one percent (51%) or more of the nights during a benefit period. When only one (1) parent applies for ICCP benefits, the child may be included in that parent's household even though they do not have primary physical custody of the child. (3-20-14)

**(BREAK IN CONTINUITY OF SECTIONS)**

**200. QUALIFYING ACTIVITIES FOR CHILD CARE BENEFITS.**

To be eligible for child care benefits, each parent included in the household must need child care because they are engaged in one (1) of the qualifying activities listed in Subsections 200.01 through 200.05 of this rule. (5-1-11)

- 01. Employment.** The parent is currently employed. (4-2-08)
- 02. Self-Employment.** The parent is currently self-employed in a business that is a sole proprietorship. A sole proprietorship is a business owned by one (1) person. Restrictions apply for self-employment as follows: (5-8-09)
- a.** For the first ~~six (6)~~ **twelve (12)** months of self-employment benefits, actual activity hours are used. (5-1-11)(10-1-16)T
- b.** ~~After receiving six (6) months of self-employment child care benefits~~ **At the time of redetermination,** the number of activity hours will be limited. To calculate the activity hours, the ~~gross net~~ monthly self-employment income is divided by the current federal minimum wage. The qualifying activity hours are the lesser of the calculated activity hours or actual activity hours. (5-1-11)(10-1-16)T
- 03. Training or Education.** The parent is attending an accredited education or training program. The following restrictions apply to training or education activities: (4-2-08)
- a.** On-line classes cannot be counted as a qualifying activity for child care. (4-2-08)
- b.** Persons ~~with baccalaureate degrees or~~ who are attending post-baccalaureate classes ~~with no other qualifying activity.~~ do not qualify for child care benefits. (4-2-08)(10-1-16)T

c. More than forty ~~-eight~~ (408) months of post-secondary education has been used as a qualifying activity. ~~(4-2-08)~~(10-1-16)T

**04. Preventive Services.** The parent is receiving preventive services as defined in Section 011 of these rules. The Department will verify the continued need for preventive services at least every three (3) months. (4-2-08)

**05. Personal Responsibility Contract (PRC) or Other Negotiated Agreement.** The parent is completing Personal Responsibility Contract (PRC) or other self-sufficiency activities negotiated between the Department and the parent. (4-4-13)

**(BREAK IN CONTINUITY OF SECTIONS)**

**202. CESSATION OF QUALIFYING ACTIVITIES.**

An eligible family who loses or ceases its qualifying activity, may continue to receive assistance for up to three (3) months to engage in a job search and resume work, or resume attendance at a job training or educational program. (10-1-16)T

~~2023.~~ -- 399. (RESERVED)

**(BREAK IN CONTINUITY OF SECTIONS)**

**401. IN-HOME CARE HEALTH AND SAFETY REQUIREMENTS.**

Each in-home care provider is responsible to ensure that health and safety requirements are met for children being cared for in the children's own home. (3-20-14)

**01. Health and Safety Inspections.** In-home health and safety inspections, described in Section 802 of these rules, are not required for in-home care providers caring for children in the children's own home. (3-20-14)

**02. Health and Safety Training.** Because in-home care providers are exempt from health and safety inspections, each in-home care provider must annually complete health and safety training provided by the local Health District covering requirements listed in Section 802 of these rules. ~~(3-20-14)~~(10-1-16)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**500. ALLOWABLE CHILD CARE COSTS.**

Care provided to an eligible child by an eligible child care provider is payable subject to the following conditions: (4-2-08)

**01. Payment for Employment, Training, Education, or Preventive Service Hours.** Child care must be reasonably related to the hours of the parent's qualifying activities. (5-1-11)

~~**02. Family Member or Guardian Not Payable.** A parent, step-parent, or unmarried parent will not be paid for providing child care to his child. A guardian will not be paid for providing child care to his ward. Absent parents, or anyone living in the absent parent's home are not eligible to receive ICCP payment. (4-2-08)~~

~~**03. One-Time Registration Fees.** One-time fees for registering a child in a child care facility are payable above the local market rate, if the fee is charged to all who enroll in the facility. Fees may not exceed two hundred fifty dollars (\$250) and must be usual and customary rates charged to all families. Registration fees are separate from local market rates. ~~(4-2-08)~~(10-1-16)T~~

~~**04. Local Market Rates (LMR) for Child Care.** The local market rates are the maximum monthly~~

~~amounts that ICCP will pay for any given category of child care in a geographic area designated by the Department. The local market rates for child care are established based on a comprehensive survey of child care providers. Using information gathered in the survey, including the age of child, the type of child care, and the designated area where the provider does business, a local market rate is specified for each category of child care. The rate survey is conducted biannually. However, due to budgetary considerations, the Department may opt not to update the rate structure following a survey.~~ (4-2-08)

**501. NON-ALLOWABLE CHILD CARE COSTS.**

Care provided to an eligible child is not payable under the following conditions: (10-1-16)T

**01. Family Member or Guardian Providing Child Care.** A parent, step-parent, or unmarried parent will not be paid for providing child care to his child. A guardian will not be paid for providing child care to his ward. Absent parents, or anyone living in the absent parent's home are not eligible to receive ICCP payment. (10-1-16)T

**02. Provider Living at Same Address as Child.** ICCP will not pay for in-home child care if the provider lives at the same address as the child. (10-1-16)T

**03. School Tuition, Academic Credit, or Tutoring.** ICCP payments will not be made for school tuition, academic credit, or tutoring for school age children; this includes: (10-1-16)T

**a.** Any services provided to such students during the regular school day, including kindergarten; (10-1-16)T

**b.** Any services for which such students receive academic credit toward graduation; or (10-1-16)T

**c.** Any instructional services which supplant or duplicate the academic program of any public or private school. (10-1-16)T

**50~~2~~. AMOUNT OF PAYMENT.**

Child care payments will be based on Subsections 50~~2~~.01 through 50~~2~~.04 of this rule. (4-2-08)(10-1-16)T

**01. Payment Rate.** Payment will be based on the lower of the provider's usual and customary rates or the ~~L~~ocal ~~m~~arket ~~r~~ate (LMR). (7-1-09)(10-1-16)T

~~**a.** The local market rate is determined from a survey of providers' child care charges which is conducted every two years. The local market rate is set at the seventy fifth percentile and updated as the budget allows.~~ (4-2-08)

**a.** The local market rates for child care are the maximum monthly amounts that ICCP will pay for any given category of child care in a geographic area designated by the Department. The local market rates for child care are established based on a comprehensive survey of child care providers. Using information gathered in the survey, including the age of child, the type of child care, and the designated area where the provider does business, a local market rate is specified for each category of child care. The rate survey is conducted triennially. (10-1-16)T

**b.** ~~Each Region has a separate local market rate.~~ Payment rates will be determined by the location of the child care facility. (4-2-08)(10-1-16)T

**c.** If the child care facility is not in Idaho, the local market rate will be the rate where the family lives. (4-2-08)

~~**d.** The rate survey will be conducted at least every two (2) years.~~ (4-2-08)

**02. Usual and Customary Rates.** Rates charged by the child care provider must not exceed the usual and customary rates charged for child care to persons not entitled to receive benefits under ICCP. (7-1-09)

**03. In-Home Care.** Parents are responsible to pay persons providing care in the child's home the minimum wage, as required by the Fair Labor Standards Act (29 U.S.C. 206a) and other applicable state and federal

requirements. Department payments must not exceed the lower of the hourly federal minimum wage or actual cost of care. (4-2-08)

**04. Payments.** Payments will be issued directly to eligible providers. ~~A warrant may be issued to a parent only when the parent provides proof the provider was paid in full, and no longer provides child care for the family.~~ (4-2-08)(10-1-16)T

**5023. ~~SLIDING FEE SCHEDULES~~ COPAYMENTS.**

Eligible families, except TAFI families participating in non-employment TAFI activities and guardians of foster children, must pay part of their child care costs. Providers are responsible for ensuring families pay the determined child care costs and ~~may~~ must not waive ~~or defer~~ these costs. (7-1-09)(10-1-16)T

**01. Poverty Rates.** Poverty rates will be one hundred thirty percent (130%) of the Federal Poverty Guidelines (FPG) available on the U.S. Health and Human Services website at <http://aspe.hhs.gov/poverty>. The monthly rate will be calculated by dividing the yearly rate by twelve (12). (4-4-13)

**02. Calculating Family Payment.** Family income and activity for the month of the child care will determine the family share of child care costs. The payment made by the Department will be the allowable local market rate or billed costs, whichever is lower, less the co-payment. (4-4-13)

**5034. STUDENT CO-PAYMENT REQUIREMENTS.**

**01. Post-Secondary Student.** (4-11-15)

**a.** A post-secondary student who works less than ten (10) hours per week will be required to pay a co-payment. (4-11-15)

**b.** A post-secondary student who works ten (10) hours or more per week will have a co-payment based on family income. (4-11-15)

**02. High School or GED Student.** A student who is in high school, or who is taking GED courses will have a co-payment based on family income. (4-11-15)

**5045. INTERIM CHILD CARE PAYMENT.**

~~A family that uses a relative provider is not eligible for interim child care payments.~~ If child care arrangements would otherwise be lost, child care may be paid ~~under the following conditions:~~ when a child temporarily stops attending child care for no longer than (1) calendar month and plans to return. (4-2-08)(10-1-16)T

~~**01. Break in Employment or Education.** During a break in employment or education of one (1) month or less. (4-2-08)~~

~~**02. Children Temporarily Out of the Home.** While children are temporarily away from the home for a period of one (1) month or less. (4-2-08)~~

**5056. -- 599. (RESERVED)**

**CHANGE REPORTING REQUIREMENTS FOR THOSE  
RECEIVING CHILD CARE BENEFITS  
(Sections 600 - 699)**

**600. CHANGE REPORTING REQUIREMENTS.**

A family who receives child care benefits must report the following permanent changes by the tenth day of the month following the month in which the change occurred. (4-4-13)

**01. Change in Eligible Activity Hours.** (4-4-13)



02. Change in Your Permanent Address. (5-1-11)
03. Change in Household Composition. (4-4-13)
04. Change in Income. (10-1-16)T

**a.** When the household's total gross income exceeds one hundred thirty percent (130%) of the Federal Poverty Guideline (FPG) for the household size. (4-4-13)

**b.** When the household's total gross income exceeds eighty-five percent (85%) of the State Median Income (SMI) for a family of the same size. (10-1-16)T

05. Change in Child Care Provider. (5-1-11)

**(BREAK IN CONTINUITY OF SECTIONS)**

**602. REDETERMINATION OF ELIGIBILITY FOR CHILD CARE BENEFITS.**

**01. Redetermination.** The Department must redetermine eligibility for child care benefits at least every ~~six (6)~~ twelve (12) months. ~~Eligibility must be redetermined every three (3) months for each family in which child care is needed for preventive services.~~ (4-4-13)(10-1-16)T

**02. Graduated Phase Out.** At the time of redetermination, if a household's income exceeds one hundred thirty percent (130%) of the Federal Poverty Guidelines (FPG) for family of the same size, but does not exceed eighty-five percent (85%) of the State Median Income (SMI) for a family of the same size, benefits for eligible children will be paid for three (3) months in an amount equal to the payment amount of the 12th month of eligibility, if all other eligibility criteria are met. (10-1-16)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**701. RECOUPMENT OF OVERPAYMENTS.**

**01. Recoupment of Overpayments.** The Department may recoup or recover the amount paid for child care services from a provider. Interest will accrue on these overpayments at the statutory rate set under Section 28-22-104, Idaho Code, from the date of the final determination of the amount owed for services. ~~Recoupment of an overpayment based on Department error may be collected from parents or providers when the overpayment is one hundred dollars (\$100), or more.~~ Interest will not accrue on overpayments made due to Department error. An overpayment due to family or provider error, IPV or fraud must be recovered in full. (7-1-09)(10-1-16)T

**02. Parental Repayment Requirement.** A parent must repay any overpayment resulting from the parent's failure to report changes within ten (10) days as required in Section 600 of these rules. The parent may negotiate a repayment schedule with the Department. Failure to comply with the negotiated repayment agreement will result in loss of the family's eligibility to receive child care benefits. Ineligibility will continue until the parent repays the overpayment or a new repayment agreement is negotiated with the Department. (5-1-11)

**(BREAK IN CONTINUITY OF SECTIONS)**

**750. TERMINATION OF PROVIDER STATUS.**

Under Section 56-209h, Idaho Code, the Department may terminate the provider agreement of, or otherwise deny provider status for a period up to five (5) years from the date the Department's action becomes final to any individual or entity providing ICCP. (7-1-09)

- 01. Submits an Incorrect Claim.** Submits a claim with knowledge that the claim is incorrect. (7-1-09)
  - 02. Fraudulent Claim.** Submits a fraudulent claim. (7-1-09)
  - 03. Knowingly Makes a False Statement.** Knowingly makes a false statement or representation of material facts in any document required to be maintained or submitted to the Department. (7-1-09)
  - 04. Immediate Access to Documentation.** Fails to provide, upon written request by the Department, immediate access to documentation required to be maintained. (7-1-09)
  - 05. Non-Compliance With Rules and Regulations.** Fails repeatedly or substantially to comply with the rules and regulations governing Idaho child care payments. (7-1-09)
  - 06. Violation of Material Term or Condition.** Knowingly violates any material term or condition of the provider agreement. (7-1-09)
  - 07. Failure to Repay.** Has failed to repay, or was a managing employee or had an ownership or control interest in any entity that has failed to repay, any overpayments or claims previously found to have been obtained contrary to statute, rule, regulation, or provider agreement. (7-1-09)
  - 08. Fraudulent or Abusive Conduct.** Has been found, or was a managing employee in any entity which has been found, to have engaged in fraudulent conduct or abusive conduct ~~in connection with the delivery of child care services.~~ (7-1-09)(10-1-16)T
  - 09. Failure to Meet Qualifications.** Fails to meet the qualifications specifically required by rule or by any applicable licensing entity. (7-1-09)
  - 10. Committed an Offense or Act Not in Best Interest of Child Care Participants.** The provider has committed an offense or act which the Department determines is inconsistent with the best interests of ICCP participants. (10-1-16)T
- 751. REFUSAL TO ENTER INTO AN AGREEMENT.**  
The Department may refuse to enter into a provider agreement for the reasons described in Subsections 751.01 through 751.06 of this rule. (7-1-09)
- 01. Convicted of a Felony.** The provider has been convicted of a felony ~~relating to their involvement in a public assistance program or of a crime listed in Section 805 of these rules~~ or is under investigation for the commission of a felony. (7-1-09)(10-1-16)T
  - 02. Committed an Offense or Act Not in Best Interest of Child Care Participants.** The provider has committed an offense or act which the Department determines is inconsistent with the best interests of ICCP participants. (7-1-09)
  - 03. Failed to Repay.** The provider has failed to repay the Department monies which had been previously determined to have been owed to the Department. (7-1-09)
  - 04. Investigation Pending.** The provider has a pending investigation for program fraud or abuse. (7-1-09)
  - 05. Terminated Provider Agreement.** The provider was the managing employee, officer, ~~or~~ owner, or spouse, partner, or relative of an owner of an entity whose provider agreement was terminated under Section 750 of these rules. (7-1-09)(10-1-16)T
  - 06. Excluded Individuals.** The provider has a current exclusion from participation in federal programs by the Office of Inspector General List of Excluded Individuals and Entities. (7-1-09)

(BREAK IN CONTINUITY OF SECTIONS)

**801. LIMIT ON PROVIDER PAYMENT.**

~~ICCP will not pay for in-home child care if the provider lives at the same address as the child, unless the child care provider is a relative who is not acting "in loco parentis." A roommate, significant other, cousin, or any other individual that lives in the same home as the child will not be paid for providing child care.~~ (4-2-08)

**801. HEALTH AND SAFETY TRAINING.**

All child care providers must complete a series of health and safety trainings during an orientation period of not more than ninety (90) days, in addition to ongoing annual training that address each of the following topics: (10-1-16)T

01. **Infectious Diseases.** The prevention and control of infectious diseases (including immunization). (10-1-16)T
02. **Sudden Infant Death Syndrome.** The prevention of sudden infant death syndrome and use of safe sleeping practices. (10-1-16)T
03. **Medication.** The administration of medication, consistent with standards for parental consent. (10-1-16)T
04. **Allergic Reactions.** The prevention of and response to emergencies due to food and allergic reactions. (10-1-16)T
05. **Environmental Safety.** Building and physical premises safety, including identification of and protection from hazards, bodies of water, and vehicular traffic. (10-1-16)T
06. **Child Abuse Prevention.** Prevention of shaken baby syndrome and abusive head trauma. (10-1-16)T
07. **Emergency Preparedness.** Emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event. (10-1-16)T
08. **Hazardous Substances.** Proper handling, storage, and disposal of medicines, cleaning supplies, and other hazardous substances, including biocontaminants. (10-1-16)T
09. **Transportation.** Appropriate precautions in transporting children, including the use of child safety restraints and seat belts. (10-1-16)T

**802. HEALTH AND SAFETY REQUIREMENTS.**

All providers must comply with the health and safety requirements listed in Subsections 802.01 through 802.103 of this rule. All providers must agree to an annual, unannounced health and safety inspection, with the exception of in-home child care described in Section 401 of these rules. Compliance with these standards does not exempt a provider from complying with stricter health and safety standards under state law, tribal law, local ordinance, or other applicable law. ~~(3-20-14)~~(10-1-16)T

- 01. Age of Provider.** All child care providers providing services must be eighteen (18) years old or older. Persons sixteen (16) or seventeen (17) years old may provide child care if they have direct, on-site supervision from a licensed child care provider who is at least eighteen (18) years old. (4-2-08)
- 02. Sanitary Food Preparation.** Food for use in child care facilities must be prepared and served in a sanitary manner. Utensils and food preparation surfaces must be cleaned and sanitized before using to prevent contamination. (4-2-08)
- 03. Food Storage.** All food served in child care facilities must be stored to protect it from potential

contamination. (4-2-08)

**04. Hazardous Substances.** Medicines, cleaning supplies, and other hazardous substances must be handled safely and stored out of the reach of children. Biocontaminants must be disposed of appropriately. (4-2-08)(10-1-16)T

**05. Emergency Communication.** A telephone or some type of emergency communication system is required. (4-2-08)

**06. Smoke Detectors, Fire Extinguishers, and Exits.** A properly installed and operational smoke detector must be on the premises where child care occurs. Adequate fire extinguishers and fire exits must be available on the premises. (4-2-08)

**07. Hand Washing.** Each provider must wash his hands with soap and water at regular intervals, including before feeding, after diapering or assisting children with toileting, after nose wiping, and after administering first aid. (4-2-08)

**08. CPR/First Aid.** Providers must insure that at all times children are present at least one (1) adult on the premises has current certification in pediatric rescue breathing (CPR) and pediatric first aid treatment from a certified instructor. (4-2-08)(10-1-16)T

**09. Health of Provider.** Each provider must certify that he does not have a communicable disease or any physical or psychological condition that might pose a threat to the safety of a child in his care. (4-2-08)

**10. Child Abuse.** Providers must report suspected child abuse to the appropriate authority. (4-2-08)

**11. Transportation.** Providers who transport children as part of their child care operations must operate safely and legally, using child safety restraints and seat belts as required by state and local statutes.(10-1-16)T

**12. Disaster and Emergency Planning.** Providers must have documented policies and procedures planning for emergencies resulting from a natural disaster, or man-caused event that include: (10-1-16)T

**a.** Evacuation, relocation, shelter-in-place, and lock-down procedures, and procedures for communication and reunification with families, continuity of operations, and accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions. (10-1-16)T

**b.** Procedures for staff and volunteer emergency preparedness training and practice drills. (10-1-16)T

**c.** Guidelines for the continuation of child care services in the period following the emergency or disaster. (10-1-16)T

**13. Environmental Safety.** Building and physical premises must be safe, including identification of and protection from hazards that can cause bodily injury including electrical hazards, bodies of water, and vehicular traffic. (10-1-16)T

**~~803. TEMPORARY REGISTRATION OF AN ICCP PROVIDER APPLICANT.~~**

~~The Department may issue a temporary registration to an ICCP provider applicant pending completion of the necessary health and safety inspections, CPR/First Aid Certification, and Department criminal history and background check. A temporary ICCP registration may be issued under the following conditions:~~ (4-9-09)

~~**01. Length of Temporary Registration.** A temporary registration will be issued for a period of time not to exceed ninety (90) days, unless otherwise extended by the Department.~~ (4-2-08)

~~**02. Applicants Must Sign a Provider Agreement.** All ICCP provider applicants must sign the ICCP provider agreement prior to issuance of a temporary registration.~~ (4-2-08)

~~**03. Self Disclosure.** Individuals age thirteen (13) or older who have direct contact with or provide~~

~~direct care to children receiving ICCP benefits, must self-disclose all arrests and convictions pending satisfactory completion of the criminal history and background check. If a disqualifying crime as described in IDAPA 16.05.06, "Criminal History and Background Checks," is disclosed, a temporary registration will not be issued. (4-9-09)~~

**803. CHILD CARE PROVIDER TRAINING REQUIREMENTS.**

Each child care provider must receive and ensure that each staff member who provides child care receives and completes twelve (12) hours of ongoing training every twelve (12) months after the staff member's date of hire. (10-1-16)T

01. Training Contents. Training must be related to continuing education in child development, teaching and curriculum, health and safety, and business practices. The following will not count towards the required twelve (12) hours of annual training: (10-1-16)T

a. Pediatric rescue breathing (CPR) and pediatric first aid treatment training; and (10-1-16)T

b. Trainings related to participation with the Child and Adult Care Food Program (CACFP). (10-1-16)T

02. Documented Training. It is the responsibility of the child care provider to ensure that each staff member who provides child care has completed twelve (12) hours of training each year. The training must be documented in the staff member's record. (10-1-16)T

03. Staff Training Records. Each child care provider is responsible for maintaining documentation of staff's training and must produce this documentation when the provider agreement is renewed annually. (10-1-16)T

**804. CHILD CARE PROVIDER AGREEMENT.**

01. Compliance. All providers must sign and comply with a provider agreement. ~~(4-2-08)~~(10-1-16)T

02. Provide Direct Care. Except for Child Care Centers described in Subsection 101.01 of these rules, the individual who signs the provider agreement must provide the majority of direct care to the children in that child care facility. (10-1-16)T

**805. CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENT.**

Applicants, providers, employees, volunteers, and all other individuals age thirteen (13) or older who have direct contact with or provide care to children eligible for ICCP benefits must comply with the requirements and receive clearance as provided in IDAPA 16.05.06, "Criminal History and Background Checks," every five (5) years. ~~(4-9-09)~~(10-1-16)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**807. PARENT OR CARETAKER ACCESS TO CHILD CARE PREMISES.**

Providers serving families who receive a child care subsidy ~~shall~~ must allow parents or caretakers unlimited access to their children and to persons giving care, except that access to children will not be required if prohibited by court order. ~~(4-2-08)~~(10-1-16)T

**808. REPORTING REQUIREMENTS FOR PROVIDERS.**

A child care provider must report any of the following changes within ten (10) days: (4-2-08)

**01. Change in Provider Charges.** The provider changes any rate for child care services. (4-2-08)

**02. Child Stops Attending Care.** A child covered under ICCP stops attending child care, or is taken to another child care provider. (4-2-08)

**03. Change of Provider Address.** The provider changes the location where child care is provided.

(4-2-08)

**04. Change in Who Lives in Home.** An individual who provides child care in his home must report when any other person moves into the home. (4-2-08)

**05. Intent Not to Renew License.** The provider intends not to renew his license, or other required certifications. (4-2-08)

**06. Death or Serious Injury.** Providers must report when a child sustains a serious injury or dies while at the location of, or as a result of participating in child care. (10-1-16)T

**809. ~~(RESERVED)~~ CONSUMER EDUCATION INFORMATION.** The Department will make public by electronic means, in an easily accessible format: (10-1-16)T

**01. Monitoring and Inspection Reports.** The results of all child care monitoring and inspection reports. (10-1-16)T

**02. Substantiated Complaints.** Substantiated complaints about failure to comply with child care laws, rules, and policies, that include information on the date of such an inspection, and where applicable, information on corrective action taken. (10-1-16)T

**03. Death and Serious Injury.** The total number of deaths, serious injuries, and instances of substantiated child abuse that occurred in child care settings each year. (10-1-16)T

Public Law 113-186  
113th Congress

An Act

To reauthorize and improve the Child Care and Development Block Grant Act of 1990, and for other purposes.

Nov. 19, 2014

[S. 1086]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Child Care and Development Block Grant Act of 2014”.

Child Care and  
Development  
Block Grant Act  
of 2014.  
42 USC 9801  
note.  
42 USC 9858  
note.

**SEC. 2. SHORT TITLE AND PURPOSES.**

Section 658A of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 note) is amended to read as follows:

**“SEC. 658A. SHORT TITLE AND PURPOSES.**

“(a) **SHORT TITLE.**—This subchapter may be cited as the ‘Child Care and Development Block Grant Act of 1990’.

“(b) **PURPOSES.**—The purposes of this subchapter are—

“(1) to allow each State maximum flexibility in developing child care programs and policies that best suit the needs of children and parents within that State;

“(2) to promote parental choice to empower working parents to make their own decisions regarding the child care services that best suit their family’s needs;

“(3) to encourage States to provide consumer education information to help parents make informed choices about child care services and to promote involvement by parents and family members in the development of their children in child care settings;

“(4) to assist States in delivering high-quality, coordinated early childhood care and education services to maximize parents’ options and support parents trying to achieve independence from public assistance;

“(5) to assist States in improving the overall quality of child care services and programs by implementing the health, safety, licensing, training, and oversight standards established in this subchapter and in State law (including State regulations);

“(6) to improve child care and development of participating children; and

“(7) to increase the number and percentage of low-income children in high-quality child care settings.”.

**SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended by striking “subchapter”

and all that follows through the period at the end, and inserting “subchapter \$2,360,000,000 for fiscal year 2015, \$2,478,000,000 for fiscal year 2016, \$2,539,950,000 for fiscal year 2017, \$2,603,448,750 for fiscal year 2018, \$2,668,534,969 for fiscal year 2019, and \$2,748,591,018 for fiscal year 2020.”.

#### SEC. 4. LEAD AGENCY.

(a) DESIGNATION.—Section 658D(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858b(a)) is amended—

(1) by striking “chief executive officer” and inserting “Governor”, and

(2) by striking “designate” and all that follows and inserting “designate an agency (which may be an appropriate collaborative agency), or establish a joint interagency office, that complies with the requirements of subsection (b) to serve as the lead agency for the State under this subchapter.”.

(b) COLLABORATION WITH TRIBES.—Section 658D(b)(1) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858b(b)(1)) is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) in subparagraph (D), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(E) at the option of an Indian tribe or tribal organization in the State, collaborate and coordinate with such Indian tribe or tribal organization in the development of the State plan in a timely manner.”.

#### SEC. 5. APPLICATION AND PLAN.

(a) PERIOD.—Section 658E(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(b)) is amended by striking “2-year” and inserting “3-year”.

(b) POLICIES AND PROCEDURES.—Section 658E(c) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)) is amended—

(1) in paragraph (1), by inserting “or established” after “designated”;

(2) in paragraph (2)—

(A) in subparagraph (B), by inserting a comma after “care of such providers”;

(B) by striking subparagraphs (D) through (H); and

(C) by adding at the end the following:

“(D) MONITORING AND INSPECTION REPORTS.—The plan shall include a certification that the State, not later than 1 year after the State has in effect the policies and practices described in subparagraph (K)(i), will make public by electronic means, in a consumer-friendly and easily accessible format, organized by provider, the results of monitoring and inspection reports, including those due to major substantiated complaints about failure to comply with this subchapter and State child care policies, as well as the number of deaths, serious injuries, and instances of substantiated child abuse that occurred in child care settings each year, for eligible child care providers within the State. The results shall also include information on the date of such an inspection, and, where applicable, information on corrective action taken.

Certification.  
Deadline.  
Public  
information.



“(E) CONSUMER AND PROVIDER EDUCATION INFORMATION.—The plan shall include a certification that the State will collect and disseminate (which dissemination may be done, except as otherwise specified in this subparagraph, through resource and referral organizations or other means as determined by the State) to parents of eligible children, the general public, and, where applicable, providers—

Certification.

“(i) information about the availability of the full diversity of child care services that will promote informed child care choices and that concerns—

“(I) the availability of child care services provided through programs authorized by this subchapter and, if feasible, other child care services and other programs provided in the State for which the family may be eligible, as well as the availability of financial assistance to obtain child care services in the State;

“(II) if available, information about the quality of providers, as determined by the State, that can be provided through a Quality Rating and Improvement System;

“(III) information, made available through a State Web site, describing the State process for licensing child care providers, the State processes for conducting background checks, and monitoring and inspections, of child care providers, and the offenses that prevent individuals and entities from serving as child care providers in the State;

“(IV) other programs for which families that receive child care services for which financial assistance is provided under this subchapter may be eligible, including the program of block grants to States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), Head Start and Early Head Start programs carried out under the Head Start Act (42 U.S.C. 9831 et seq.), the program carried out under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766), and the Medicaid and State children’s health insurance programs under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq., 1397aa et seq.);

“(V) programs carried out under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

“(VI) research and best practices concerning children’s development, including social and emotional development, early childhood development,

and meaningful parent and family engagement, and physical health and development (particularly healthy eating and physical activity); and

“(VII) the State policies regarding the social-emotional behavioral health of young children, which may include positive behavioral intervention and support models, and policies on expulsion of preschool-aged children, in early childhood programs receiving assistance under this subchapter; and

“(ii) information on developmental screenings, including—

“(I) information on existing (as of the date of submission of the application containing the plan) resources and services the State can deploy, including the coordinated use of the Early and Periodic Screening, Diagnosis, and Treatment program under the Medicaid program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) and developmental screening services available under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.), in conducting developmental screenings and providing referrals to services, when appropriate, for children who receive assistance under this subchapter; and

“(II) a description of how a family or eligible child care provider may utilize the resources and services described in subclause (I) to obtain developmental screenings for children who receive assistance under this subchapter who may be at risk for cognitive or other developmental delays, which may include social, emotional, physical, or linguistic delays.

“(F) COMPLIANCE WITH STATE LICENSING REQUIREMENTS.—

Certification.

“(i) IN GENERAL.—The plan shall include a certification that the State involved has in effect licensing requirements applicable to child care services provided within the State, and provide a detailed description of such requirements and of how such requirements are effectively enforced.

“(ii) LICENSE EXEMPTION.—If the State uses funds received under this subchapter to support a child care provider that is exempt from the corresponding licensing requirements described in clause (i), the plan shall include a description stating why such licensing exemption does not endanger the health, safety, or development of children who receive services from child care providers who are exempt from such requirements.

“(G) TRAINING AND PROFESSIONAL DEVELOPMENT REQUIREMENTS.—

“(i) IN GENERAL.—The plan shall describe the training and professional development requirements that are in effect within the State designed to enable child care providers to promote the social, emotional, physical, and cognitive development of children and

to improve the knowledge and skills of the child care workforce. Such requirements shall be applicable to child care providers that provide services for which assistance is provided in accordance with this subchapter.

“(ii) REQUIREMENTS.—The plan shall provide an assurance that such training and professional development—

“(I) shall be conducted on an ongoing basis, provide for a progression of professional development (which may include encouraging the pursuit of postsecondary education), reflect current research and best practices relating to the skills necessary for the child care workforce to meet the developmental needs of participating children, and improve the quality of, and stability within, the child care workforce;

“(II) shall be developed in consultation with the State Advisory Council on Early Childhood Education and Care (designated or established pursuant to section 642B(b)(1)(A)(i) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)(i))), and may engage training providers in aligning training opportunities with the State’s training framework;

Consultation.

“(III) incorporates knowledge and application of the State’s early learning and developmental guidelines (where applicable), the State’s health and safety standards, and incorporates social-emotional behavior intervention models, which may include positive behavior intervention and support models;

“(IV) shall be accessible to providers supported through Indian tribes or tribal organizations that receive assistance under this subchapter; and

“(V) to the extent practicable, are appropriate for a population of children that includes—

“(aa) different age groups;

“(bb) English learners;

“(cc) children with disabilities; and

“(dd) Native Americans, including Indians, as the term is defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) (including Alaska Natives within the meaning of that term), and Native Hawaiians (as defined in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517)).

“(iii) INFORMATION.—The plan shall include the number of hours of training required for eligible providers and caregivers to engage in annually, as determined by the State.

“(iv) CONSTRUCTION.—The Secretary shall not require an individual or entity that provides child care services for which assistance is provided in accordance with this subchapter to acquire a credential to provide such services. Nothing in this section shall be construed to prohibit a State from requiring a credential.

“(H) CHILD-TO-PROVIDER RATIO STANDARDS.—

“(i) STANDARDS.—The plan shall describe child care standards for child care services for which assistance is made available in accordance with this subchapter, appropriate to the type of child care setting involved, to provide for the safety and developmental needs of the children served, that address—

“(I) group size limits for specific age populations, as determined by the State;

“(II) the appropriate ratio between the number of children and the number of providers, in terms of the age of the children in child care, as determined by the State; and

“(III) required qualifications for such providers, as determined by the State.

“(ii) CONSTRUCTION.—The Secretary may offer guidance to States on child-to-provider ratios described in clause (i) according to setting and age group, but shall not require that the State maintain specific group size limits for specific age populations or child-to-provider ratios for providers who receive assistance in accordance with subchapter.

Certification.

“(I) HEALTH AND SAFETY REQUIREMENTS.—The plan shall include a certification that there are in effect within the State, under State or local law, requirements designed to protect the health and safety of children that are applicable to child care providers that provide services for which assistance is made available in accordance with this subchapter. Such requirements—

“(i) shall relate to matters including health and safety topics consisting of—

“(I) the prevention and control of infectious diseases (including immunization) and the establishment of a grace period that allows homeless children and children in foster care to receive services under this subchapter while their families (including foster families) are taking any necessary action to comply with immunization and other health and safety requirements;

“(II) prevention of sudden infant death syndrome and use of safe sleeping practices;

“(III) the administration of medication, consistent with standards for parental consent;

“(IV) the prevention of and response to emergencies due to food and allergic reactions;

“(V) 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;

“(VI) prevention of shaken baby syndrome and abusive head trauma;

“(VII) emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event (such as violence at a child care facility), within the meaning of those terms under section 602(a)(1) of the Robert

T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a(a)(1));

“(VIII) the handling and storage of hazardous materials and the appropriate disposal of biocontaminants;

“(IX) for providers that offer transportation, if applicable, appropriate precautions in transporting children;

“(X) first aid and cardiopulmonary resuscitation; and

“(XI) minimum health and safety training, to be completed pre-service or during an orientation period in addition to ongoing training, appropriate to the provider setting involved that addresses each of the requirements relating to matters described in subclauses (I) through (X); and

“(ii) may include requirements relating to nutrition, access to physical activity, or any other subject area determined by the State to be necessary to promote child development or to protect children’s health and safety.

“(J) COMPLIANCE WITH STATE AND LOCAL HEALTH AND SAFETY REQUIREMENTS.—The plan shall include a certification that procedures are in effect to ensure that child care providers within the State, that provide services for which assistance is made available in accordance with this subchapter, comply with all applicable State and local health and safety requirements as described in subparagraph (I).

“(K) ENFORCEMENT OF LICENSING AND OTHER REGULATORY REQUIREMENTS.—

“(i) CERTIFICATION.—The plan shall include a certification that the State, not later than 2 years after the date of enactment of the Child Care and Development Block Grant Act of 2014, shall have in effect policies and practices, applicable to licensing or regulating child care providers that provide services for which assistance is made available in accordance with this subchapter and the facilities of those providers, that—

Deadline.

“(I) ensure that individuals who are hired as licensing inspectors in the State are qualified to inspect those child care providers and facilities and have received training in related health and safety requirements, and are trained in all aspects of the State’s licensure requirements;

“(II) require licensing inspectors (or qualified inspectors designated by the lead agency) of those child care providers and facilities to perform inspections, with—

“(aa) not less than 1 prelicensure inspection, for compliance with health, safety, and fire standards, of each such child care provider and facility in the State; and

“(bb) not less than annually, an inspection (which shall be unannounced) of each such child care provider and facility in the State

for compliance with all child care licensing standards, which shall include an inspection for compliance with health, safety, and fire standards (inspectors may inspect for compliance with all 3 standards at the same time);

“(III) require the ratio of licensing inspectors to such child care providers and facilities in the State to be maintained at a level sufficient to enable the State to conduct inspections of such child care providers and facilities on a timely basis in accordance with Federal, State, and local law; and

“(IV) require licensing inspectors (or qualified inspectors designated by the lead agency) of child care providers and facilities to perform an annual inspection of each license-exempt provider in the State receiving funds under this subchapter (unless the provider is an eligible child care provider as described in section 658P(6)(B)) for compliance with health, safety, and fire standards, at a time to be determined by the State.

“(ii) CONSTRUCTION.—The Secretary may offer guidance to a State, if requested by the State, on a research-based minimum standard regarding ratios described in clause (i)(III) and provide technical assistance to the State on meeting the minimum standard within a reasonable time period, but shall not prescribe a particular ratio.

Certification.

“(L) COMPLIANCE WITH CHILD ABUSE REPORTING REQUIREMENTS.—The plan shall include a certification that child care providers within the State will comply with the child abuse reporting requirements of section 106(b)(2)(B)(i) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(2)(B)(i)).

“(M) MEETING THE NEEDS OF CERTAIN POPULATIONS.—The plan shall describe how the State will develop and implement strategies (which may include alternative reimbursement rates to child care providers, the provision of direct contracts or grants to community-based organizations, offering child care certificates to parents, or other means determined by the State) to increase the supply and improve the quality of child care services for—

“(i) children in underserved areas;

“(ii) infants and toddlers;

“(iii) children with disabilities, as defined by the State; and

“(iv) children who receive care during nontraditional hours.

“(N) PROTECTION FOR WORKING PARENTS.—

“(i) MINIMUM PERIOD.—

“(I) 12-MONTH PERIOD.—The plan shall demonstrate that each child who receives assistance under this subchapter in the State will be considered to meet all eligibility requirements for such assistance and will receive such assistance, for not less than 12 months before the State or designated local entity redetermines the eligibility of

the child under this subchapter, regardless of a temporary change in the ongoing status of the child's parent as working or attending a job training or educational program or a change in family income for the child's family, if that family income does not exceed 85 percent of the State median income for a family of the same size.

“(II) FLUCTUATIONS IN EARNINGS.—The plan shall demonstrate how the State's or designated local entity's processes for initial determination and redetermination of such eligibility take into account irregular fluctuations in earnings.

“(ii) REDETERMINATION PROCESS.—The plan shall describe the procedures and policies that are in place to ensure that working parents (especially parents in families receiving assistance under the program of block grants to States for temporary assistance for needy families under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)) are not required to unduly disrupt their employment in order to comply with the State's or designated local entity's requirements for redetermination of eligibility for assistance provided in accordance with this subchapter.

Procedures.

“(iii) PERIOD BEFORE TERMINATION.—At the option of the State, the plan shall demonstrate that the State will not terminate assistance provided to carry out this subchapter based on a factor consisting of a parent's loss of work or cessation of attendance at a job training or educational program for which the family was receiving the assistance, without continuing the assistance for a reasonable period of time, of not less than 3 months, after such loss or cessation in order for the parent to engage in a job search and resume work, or resume attendance at a job training or educational program, as soon as possible.

“(iv) GRADUATED PHASEOUT OF CARE.—The plan shall describe the policies and procedures that are in place to allow for provision of continued assistance to carry out this subchapter, at the beginning of a new eligibility period under clause (i)(I), for children of parents who are working or attending a job training or educational program and whose family income exceeds the State's income limit to initially qualify for such assistance, if the family income for the family involved does not exceed 85 percent of the State median income for a family of the same size.

Procedures.

“(O) COORDINATION WITH OTHER PROGRAMS.—

“(i) IN GENERAL.—The plan shall describe how the State, in order to expand accessibility and continuity of care, and assist children enrolled in early childhood programs to receive full-day services, will efficiently, and to the extent practicable, coordinate the services supported to carry out this subchapter with programs operating at the Federal, State, and local levels for children in preschool programs, tribal early childhood programs, and other early childhood programs, including those serving infants and toddlers with

disabilities, homeless children, and children in foster care.

“(ii) OPTIONAL USE OF COMBINED FUNDS.—If the State elects to combine funding for the services supported to carry out this subchapter with funding for any program described in clause (i), the plan shall describe how the State will combine the multiple sets of funding and use the combined funding.

“(iii) RULE OF CONSTRUCTION.—Nothing in clause (i) shall be construed to affect the priority of children described in clause (i) to receive full-day prekindergarten or Head Start program services.

“(P) PUBLIC-PRIVATE PARTNERSHIPS.—The plan shall demonstrate how the State encourages partnerships among State agencies, other public agencies, Indian tribes and tribal organizations, and private entities, including faith-based and community-based organizations, to leverage existing service delivery systems (as of the date of the submission of the application containing the plan) for child care and development services and to increase the supply and quality of child care services for children who are less than 13 years of age, such as by implementing voluntary shared services alliance models.

“(Q) PRIORITY FOR LOW-INCOME POPULATIONS.—The plan shall describe the process the State proposes to use, with respect to investments made to increase access to programs providing high-quality child care and development services, to give priority for those investments to children of families in areas that have significant concentrations of poverty and unemployment and that do not have such programs.

Certification.

“(R) CONSULTATION.—The plan shall include a certification that the State has developed the plan in consultation with the State Advisory Council on Early Childhood Education and Care designated or established pursuant to section 642B(b)(1)(A)(i) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)(i)).

Certification.

“(S) PAYMENT PRACTICES.—The plan shall include—

“(i) a certification that the payment practices of child care providers in the State that serve children who receive assistance under this subchapter reflect generally accepted payment practices of child care providers in the State that serve children who do not receive assistance under this subchapter, so as to provide stability of funding and encourage more child care providers to serve children who receive assistance under this subchapter; and

“(ii) an assurance that the State will, to the extent practicable, implement enrollment and eligibility policies that support the fixed costs of providing child care services by delinking provider reimbursement rates from an eligible child’s occasional absences due to holidays or unforeseen circumstances such as illness.

“(T) EARLY LEARNING AND DEVELOPMENTAL GUIDELINES.—

“(i) IN GENERAL.—The plan shall include an assurance that the State will maintain or implement early



learning and developmental guidelines (or develop such guidelines if the State does not have such guidelines as of the date of enactment of the Child Care and Development Block Grant Act of 2014) that are appropriate for children from birth to kindergarten entry, describing what such children should know and be able to do, and covering the essential domains of early childhood development for use statewide by child care providers. Such guidelines shall—

“(I) be research-based, developmentally appropriate, and aligned with entry to kindergarten;

“(II) be implemented in consultation with the state educational agency and the State Advisory Council on Early Childhood Education and Care (designated or established pursuant to section 642B(b)(1)(A)(i) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)(i)); and

“(III) be updated as determined by the State.

“(ii) PROHIBITION ON USE OF FUNDS.—The plan shall include an assurance that funds received by the State to carry out this subchapter will not be used to develop or implement an assessment for children that—

“(I) will be the sole basis for a child care provider being determined to be ineligible to participate in the program carried out under this subchapter;

“(II) will be used as the primary or sole basis to provide a reward or sanction for an individual provider;

“(III) will be used as the primary or sole method for assessing program effectiveness; or

“(IV) will be used to deny children eligibility to participate in the program carried out under this subchapter.

“(iii) EXCEPTIONS.—Nothing in this subchapter shall preclude the State from using a single assessment as determined by the State for children for—

“(I) supporting learning or improving a classroom environment;

“(II) targeting professional development to a provider;

“(III) determining the need for health, mental health, disability, developmental delay, or family support services;

“(IV) obtaining information for the quality improvement process at the State level; or

“(V) conducting a program evaluation for the purposes of providing program improvement and parent information.

“(iv) NO FEDERAL CONTROL.—Nothing in this section shall be construed to authorize an officer or employee of the Federal Government to—

“(I) mandate, direct, control, or place conditions (outside of what is required by this subchapter) around adopting a State’s early learning

and developmental guidelines developed in accordance with this section;

“(II) establish any criterion that specifies, defines, prescribes, or places conditions (outside of what is required by this subchapter) on a State adopting standards or measures that a State uses to establish, implement, or improve such guidelines, related accountability systems, or alignment of such guidelines with education standards; or

“(III) require a State to submit such guidelines for review.

“(U) DISASTER PREPAREDNESS.—

“(i) IN GENERAL.—The plan shall demonstrate the manner in which the State will address the needs of children in child care services provided through programs authorized under this subchapter, including the need for safe child care, for the period before, during, and after a state of emergency declared by the Governor or a major disaster or emergency (as such terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

“(ii) STATEWIDE CHILD CARE DISASTER PLAN.—Such plan shall include a statewide child care disaster plan for coordination of activities and collaboration, in the event of an emergency or disaster described in clause (i), among the State agency with jurisdiction over human services, the agency with jurisdiction over State emergency planning, the State lead agency, the State agency with jurisdiction over licensing of child care providers, the local resource and referral organizations, the State resource and referral system, and the State Advisory Council on Early Childhood Education and Care as provided for under section 642B(b) of the Head Start Act (42 U.S.C. 9837b(b)).

“(iii) DISASTER PLAN COMPONENTS.—The components of the disaster plan, for such an emergency or disaster, shall include—

“(I) evacuation, relocation, shelter-in-place, and lock-down procedures, and procedures for communication and reunification with families, continuity of operations, and accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions;

“(II) guidelines for the continuation of child care services in the period following the emergency or disaster, which may include the provision of emergency and temporary child care services, and temporary operating standards for child care providers during that period; and

“(III) procedures for staff and volunteer emergency preparedness training and practice drills.

“(V) BUSINESS TECHNICAL ASSISTANCE.—The plan shall describe how the State will develop and implement strategies to strengthen the business practices of child care providers to expand the supply, and improve the quality of, child care services.”;

(3) in paragraph (3)—

(A) in subparagraph (A), by striking “as required under” and inserting “in accordance with”;

(B) in subparagraph (B)—

(i) by striking “The State” and inserting the following:

“(i) IN GENERAL.—The State”;

(ii) by striking “and any other activity that the State deems appropriate to realize any of the goals specified in paragraphs (2) through (5) of section 658A(b)” and inserting “activities that improve access to child care services, including the use of procedures to permit enrollment (after an initial eligibility determination) of homeless children while required documentation is obtained, training and technical assistance on identifying and serving homeless children and their families, and specific outreach to homeless families, and any other activity that the State determines to be appropriate to meet the purposes of this subchapter (which may include an activity described in clause (ii))”; and

(iii) by adding at the end the following:

“(ii) REPORT BY THE ASSISTANT SECRETARY FOR CHILDREN AND FAMILIES.—

“(I) IN GENERAL.—Not later than September 30 of the first full fiscal year after the date of enactment of the Child Care and Development Block Grant Act of 2014, and September 30 of each fiscal year thereafter, the Secretary (acting through the Assistant Secretary for Children and Families of the Department of Health and Human Services) shall prepare a report that contains a determination about whether each State uses amounts provided to such State for the fiscal year involved under this subchapter in accordance with the priority for services described in clause (i).

Determination.

“(II) PENALTY FOR NONCOMPLIANCE.—For any fiscal year that the report of the Secretary described in subclause (I) indicates that a State has failed to give priority for services in accordance with clause (i), the Secretary shall—

“(aa) inform the State that the State has until the date that is 6 months after the Secretary has issued such report to fully comply with clause (i);

Notification.

“(bb) provide the State an opportunity to modify the State plan of such State, to make the plan consistent with the requirements of clause (i), and resubmit such State plan to the Secretary not later than the date described in item (aa); and

“(cc) if the State does not fully comply with clause (i) and item (bb), by the date described in item (aa), withhold 5 percent of the funds that would otherwise be allocated

to that State in accordance with this subchapter for the first full fiscal year after that date.

Determination.

“(III) WAIVER FOR EXTRAORDINARY CIRCUMSTANCES.—Notwithstanding subclause (II) the Secretary may grant a waiver to a State for one year to the penalty applied in subclause (II) if the Secretary determines there are extraordinary circumstances, such as a natural disaster, that prevent the State from complying with clause (i). If the Secretary does grant a waiver to a State under this section, the Secretary shall, within 30 days of granting such waiver, submit a report to the appropriate congressional committees on the circumstances of the waiver including the stated reason from the State on the need for a waiver, the expected impact of the waiver on children served under this program, and any such other relevant information the Secretary deems necessary.

“(iii) CHILD CARE RESOURCE AND REFERRAL SYSTEM.—

“(I) IN GENERAL.—A State may use amounts described in clause (i) to establish or support a system of local or regional child care resource and referral organizations that is coordinated, to the extent determined appropriate by the State, by a statewide public or private nonprofit, community-based or regionally based, lead child care resource and referral organization.

“(II) LOCAL OR REGIONAL ORGANIZATIONS.—The local or regional child care resource and referral organizations supported as described in subclause (I) shall—

“(aa) provide parents in the State with consumer education information referred to in paragraph (2)(E) (except as otherwise provided in that paragraph), concerning the full range of child care options (including faith-based and community-based child care providers), analyzed by provider, including child care provided during nontraditional hours and through emergency child care centers, in their political subdivisions or regions;

“(bb) to the extent practicable, work directly with families who receive assistance under this subchapter to offer the families support and assistance, using information described in item (aa), to make an informed decision about which child care providers they will use, in an effort to ensure that the families are enrolling their children in the most appropriate child care setting to suit their needs and one that is of high quality (as determined by the State);

“(cc) collect data and provide information on the coordination of services and supports,

including services under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431, et seq.), for children with disabilities (as defined in section 602 of such Act (20 U.S.C. 1401));

“(dd) collect data and provide information on the supply of and demand for child care services in political subdivisions or regions within the State and submit such information to the State;

“(ee) work to establish partnerships with public agencies and private entities, including faith-based and community-based child care providers, to increase the supply and quality of child care services in the State; and

“(ff) as appropriate, coordinate their activities with the activities of the State lead agency and local agencies that administer funds made available in accordance with this subchapter.”;

(C) in subparagraph (D)—

(i) by striking “1997 through 2002)” and inserting “2015 through 2020”; and

(ii) by striking “other than families described in paragraph (2)(H)” and inserting “including or in addition to families with children described in clause (i), (ii), (iii), or (iv) of paragraph (2)(M)”;

(D) by adding at the end the following:

“(E) DIRECT SERVICES.—From amounts provided to a State for a fiscal year to carry out this subchapter, the State shall—

“(i) reserve the minimum amount required to be reserved under section 658G, and the funds for costs described in subparagraph (C); and

“(ii) from the remainder, use not less than 70 percent to fund direct services (provided by the State) in accordance with paragraph (2)(A).”;

(4) by striking paragraph (4) and inserting the following:

“(4) PAYMENT RATES.—

“(A) IN GENERAL.—The State plan shall certify that payment rates for the provision of child care services for which assistance is provided in accordance with this subchapter are sufficient to ensure equal access for eligible children to child care services that are comparable to child care services in the State or substate area involved that are provided to children whose parents are not eligible to receive assistance under this subchapter or to receive child care assistance under any other Federal or State program, and shall provide a summary of the facts relied on by the State to determine that such rates are sufficient to ensure such access.

Certification.

“(B) SURVEY.—The State plan shall—

“(i) demonstrate that the State has, after consulting with the State Advisory Council on Early Childhood Education and Care designated or established in section 642B(b)(1)(A)(i) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)(i)), local child care program

administrators, local child care resource and referral agencies, and other appropriate entities, developed and conducted (not earlier than 2 years before the date of the submission of the application containing the State plan) a statistically valid and reliable survey of the market rates for child care services in the State (that reflects variations in the cost of child care services by geographic area, type of provider, and age of child) or an alternative methodology, such as a cost estimation model, that has been developed by the State lead agency;

Reports.  
Deadline.  
Web posting.

“(ii) demonstrate that the State prepared a detailed report containing the results of the State market rates survey or alternative methodology conducted pursuant to clause (i), and made the results of the survey or alternative methodology widely available (not later than 30 days after the completion of such survey or alternative methodology) through periodic means, including posting the results on the Internet;

“(iii) describe how the State will set payment rates for child care services, for which assistance is provided in accordance with this subchapter—

“(I) in accordance with the results of the market rates survey or alternative methodology conducted pursuant to clause (i);

“(II) taking into consideration the cost of providing higher quality child care services than were provided under this subchapter before the date of enactment of the Child Care and Development Block Grant Act of 2014; and

“(III) without, to the extent practicable, reducing the number of families in the State receiving such assistance to carry out this subchapter, relative to the number of such families on the date of enactment of that Act; and

“(iv) describe how the State will provide for timely payment for child care services provided under this subchapter.

“(C) CONSTRUCTION.—

“(i) NO PRIVATE RIGHT OF ACTION.—Nothing in this paragraph shall be construed to create a private right of action if the State acted in accordance with this paragraph.

“(ii) NO PROHIBITION OF CERTAIN DIFFERENT RATES.—Nothing in this subchapter shall be construed to prevent a State from differentiating the payment rates described in subparagraph (B)(iii) on the basis of such factors as—

“(I) geographic location of child care providers (such as location in an urban or rural area);

“(II) the age or particular needs of children (such as the needs of children with disabilities and children served by child protective services);

“(III) whether the providers provide child care services during weekend and other nontraditional hours; or

“(IV) the State’s determination that such differentiated payment rates may enable a parent to choose high-quality child care that best fits the parent’s needs.”; and

(5) in paragraph (5), by inserting “(that is not a barrier to families receiving assistance under this subchapter)” after “cost sharing”.

(c) TECHNICAL AMENDMENT.—Section 658F(b)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858d(b)(2)) is amended by striking “section 658E(c)(2)(F)” and inserting “section 658E(c)(2)(I)”.

**SEC. 6. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.**

Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended to read as follows:

**“SEC. 658G. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.**

**“(a) RESERVATION.—**

**“(1) RESERVATION FOR ACTIVITIES RELATING TO THE QUALITY OF CHILD CARE SERVICES.—**A State that receives funds to carry out this subchapter for a fiscal year referred to in paragraph (2) shall reserve and use a portion of such funds, in accordance with paragraph (2), for activities provided directly, or through grants or contracts with local child care resource and referral organizations or other appropriate entities, that are designed to improve the quality of child care services and increase parental options for, and access to, high-quality child care, and is in alignment with a Statewide assessment of the State’s needs to carry out such services and care, provided in accordance with this subchapter.

**“(2) AMOUNT OF RESERVATIONS.—**Such State shall reserve and use—

**“(A) to carry out the activities described in paragraph (1), not less than—**

**“(i) 7 percent of the funds described in paragraph (1), for the first and second full fiscal years after the date of enactment of the Child Care and Development Block Grant Act of 2014;**

**“(ii) 8 percent of such funds for the third and fourth full fiscal years after the date of enactment; and**

**“(iii) 9 percent of such funds for the fifth and each succeeding full fiscal year after the date of enactment; and**

**“(B) in addition to the funds reserved under subparagraph (A), 3 percent of the funds described in paragraph (1) received not later than the second full fiscal year after the date of enactment and received for each succeeding full fiscal year, to carry out the activities described in paragraph (1) and subsection (b)(4), as such activities relate to the quality of care for infants and toddlers.**

**“(3) STATE RESERVATION AMOUNT.—**Nothing in this subsection shall preclude the State from reserving a larger percentage of funds to carry out the activities described in paragraph (1) and subsection (b).

**“(b) ACTIVITIES.—**Funds reserved under subsection (a) shall be used to carry out no fewer than one of the following activities

Deadline.  
Time period.

that will improve the quality of child care services provided in the State:

“(1) Supporting the training and professional development of the child care workforce through activities such as those included under section 658E(c)(2)(G), in addition to—

“(A) offering training and professional development opportunities for child care providers that relate to the use of scientifically-based, developmentally-appropriate and age-appropriate strategies to promote the social, emotional, physical, and cognitive development of children, including those related to nutrition and physical activity, and offering specialized training for child care providers caring for those populations prioritized in section 658E(c)(2)(Q), and children with disabilities;

“(B) incorporating the effective use of data to guide program improvement;

“(C) including effective behavior management strategies and training, including positive behavior interventions and support models, that promote positive social and emotional development and reduce challenging behaviors, including reducing expulsions of preschool-aged children for such behaviors;

“(E) providing training and outreach on engaging parents and families in culturally and linguistically appropriate ways to expand their knowledge, skills, and capacity to become meaningful partners in supporting their children’s positive development;

“(F) providing training corresponding to the nutritional and physical activity needs of children to promote healthy development;

“(G) providing training or professional development for child care providers regarding the early neurological development of children; and

“(H) connecting child care staff members of child care providers with available Federal and State financial aid, or other resources, that would assist child care staff members in pursuing relevant postsecondary training.

“(2) Improving upon the development or implementation of the early learning and developmental guidelines described in section 658E(c)(2)(T) by providing technical assistance to eligible child care providers that enhances the cognitive, physical, social and emotional development, including early childhood development, of participating preschool and school-aged children and supports their overall well-being.

“(3) Developing, implementing, or enhancing a tiered quality rating system for child care providers and services, which may—

“(A) support and assess the quality of child care providers in the State;

“(B) build on State licensing standards and other State regulatory standards for such providers;

“(C) be designed to improve the quality of different types of child care providers and services;

“(D) describe the safety of child care facilities;

“(E) build the capacity of State early childhood programs and communities to promote parents’ and families’



understanding of the State's early childhood system and the ratings of the programs in which the child is enrolled;

“(F) provide, to the maximum extent practicable, financial incentives and other supports designed to expand the full diversity of child care options and help child care providers improve the quality of services; and

“(G) accommodate a variety of distinctive approaches to early childhood education and care, including but not limited to, those practiced in faith-based settings, community-based settings, child-centered settings, or similar settings that offer a distinctive approach to early childhood development.

“(4) Improving the supply and quality of child care programs and services for infants and toddlers through activities, which may include—

“(A) establishing or expanding high-quality community or neighborhood-based family and child development centers, which may serve as resources to child care providers in order to improve the quality of early childhood services provided to infants and toddlers from low-income families and to help eligible child care providers improve their capacity to offer high-quality, age-appropriate care to infants and toddlers from low-income families;

“(B) establishing or expanding the operation of community or neighborhood-based family child care networks;

“(C) promoting and expanding child care providers' ability to provide developmentally appropriate services for infants and toddlers through training and professional development; coaching and technical assistance on this age group's unique needs from statewide networks of qualified infant-toddler specialists; and improved coordination with early intervention specialists who provide services for infants and toddlers with disabilities under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.);

“(D) if applicable, developing infant and toddler components within the State's quality rating system described in paragraph (3) for child care providers for infants and toddlers, or the development of infant and toddler components in a State's child care licensing regulations or early learning and development guidelines;

“(E) improving the ability of parents to access transparent and easy to understand consumer information about high-quality infant and toddler care; and

“(F) carrying out other activities determined by the State to improve the quality of infant and toddler care provided in the State, and for which there is evidence that the activities will lead to improved infant and toddler health and safety, infant and toddler cognitive and physical development, or infant and toddler well-being, including providing health and safety training (including training in safe sleep practices, first aid, and cardiopulmonary resuscitation) for providers and caregivers.

“(5) Establishing or expanding a statewide system of child care resource and referral services.

“(6) Facilitating compliance with State requirements for inspection, monitoring, training, and health and safety, and with State licensing standards.

“(7) Evaluating and assessing the quality and effectiveness of child care programs and services offered in the State, including evaluating how such programs positively impact children.

“(8) Supporting child care providers in the voluntary pursuit of accreditation by a national accrediting body with demonstrated, valid, and reliable program standards of high quality.

“(9) Supporting State or local efforts to develop or adopt high-quality program standards relating to health, mental health, nutrition, physical activity, and physical development.

“(10) Carrying out other activities determined by the State to improve the quality of child care services provided in the State, and for which measurement of outcomes relating to improved provider preparedness, child safety, child well-being, or entry to kindergarten is possible.

Effective date.  
Deadline.

“(c) CERTIFICATION.—Beginning with fiscal year 2016, at the beginning of each fiscal year, the State shall annually submit to the Secretary a certification containing an assurance that the State was in compliance with subsection (a) during the preceding fiscal year and a description of how the State used funds received under this subchapter to comply with subsection (a) during that preceding fiscal year.

“(d) REPORTING REQUIREMENTS.—Each State receiving funds under this subchapter shall prepare and submit an annual report to the Secretary, which shall include information about—

“(1) the amount of funds that are reserved under subsection (a);

“(2) the activities carried out under this section; and

“(3) the measures that the State will use to evaluate the State’s progress in improving the quality of child care programs and services in the State.

“(e) TECHNICAL ASSISTANCE.—The Secretary shall offer technical assistance, in accordance with section 658I(a)(3), which may include technical assistance through the use of grants or cooperative agreements, to States for the activities described in subsection (b) at the request of the State.

“(f) CONSTRUCTION.—Nothing in this section shall be construed as providing the Secretary the authority to regulate, direct, dictate, or place conditions (outside of what is required by this subchapter) on a State adopting specific State child care quality activities or progress in implementing those activities.”

#### SEC. 7. CRIMINAL BACKGROUND CHECKS.

The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended by inserting after section 658G the following:

42 USC 9858f.

#### “SEC. 658H. CRIMINAL BACKGROUND CHECKS.

“(a) IN GENERAL.—A State that receives funds to carry out this subchapter shall have in effect—

Procedures.

“(1) requirements, policies, and procedures to require and conduct criminal background checks for child care staff members (including prospective child care staff members) of child care providers described in subsection (c)(1); and

“(2) licensing, regulation, and registration requirements, as applicable, that prohibit the employment of child care staff members as described in subsection (c).

“(b) REQUIREMENTS.—A criminal background check for a child care staff member under subsection (a) shall include—

“(1) a search of the State criminal and sex offender registry or repository in the State where the child care staff member resides, and each State where such staff member resided during the preceding 5 years;

“(2) a search of State-based child abuse and neglect registries and databases in the State where the child care staff member resides, and each State where such staff member resided during the preceding 5 years;

“(3) a search of the National Crime Information Center;

“(4) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

“(5) a search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.).

“(c) PROHIBITIONS.—

“(1) CHILD CARE STAFF MEMBERS.—A child care staff member shall be ineligible for employment by a child care provider that is receiving assistance under this subchapter if such individual—

“(A) refuses to consent to the criminal background check described in subsection (b);

“(B) knowingly makes a materially false statement in connection with such criminal background check;

“(C) is registered, or is required to be registered, on a State sex offender registry or repository or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

“(D) has been convicted of a felony consisting of—

“(i) murder, as described in section 1111 of title 18, United States Code;

“(ii) child abuse or neglect;

“(iii) a crime against children, including child pornography;

“(iv) spousal abuse;

“(v) a crime involving rape or sexual assault;

“(vi) kidnapping;

“(vii) arson;

“(viii) physical assault or battery; or

“(ix) subject to subsection (e)(4), a drug-related offense committed during the preceding 5 years; or

“(E) has been convicted of a violent misdemeanor committed as an adult against a child, including the following crimes: child abuse, child endangerment, sexual assault, or of a misdemeanor involving child pornography.

“(2) CHILD CARE PROVIDERS.—A child care provider described in subsection (i)(1) shall be ineligible for assistance provided in accordance with this subchapter if the provider employs a staff member who is ineligible for employment under paragraph (1).

“(d) SUBMISSION OF REQUESTS FOR BACKGROUND CHECKS.—

“(1) IN GENERAL.—A child care provider covered by subsection (c) shall submit a request, to the appropriate State agency designated by a State, for a criminal background check described in subsection (b), for each child care staff member (including prospective child care staff members) of the provider.

“(2) STAFF MEMBERS.—Subject to paragraph (4), in the case of an individual who became a child care staff member before the date of enactment of the Child Care and Development Block Grant Act of 2014, the provider shall submit such a request—

“(A) prior to the last day described in subsection (j)(1); and

Time period.

“(B) not less often than once during each 5-year period following the first submission date under this paragraph for that staff member.

“(3) PROSPECTIVE STAFF MEMBERS.—Subject to paragraph (4), in the case of an individual who is a prospective child care staff member on or after that date of enactment, the provider shall submit such a request—

“(A) prior to the date the individual becomes a child care staff member of the provider; and

Time period.

“(B) not less than once during each 5-year period following the first submission date under this paragraph for that staff member.

“(4) BACKGROUND CHECK FOR ANOTHER CHILD CARE PROVIDER.—A child care provider shall not be required to submit a request under paragraph (2) or (3) for a child care staff member if—

“(A) the staff member received a background check described in subsection (b)—

Time period.

“(i) within 5 years before the latest date on which such a submission may be made; and

“(ii) while employed by or seeking employment by another child care provider within the State;

“(B) the State provided to the first provider a qualifying background check result, consistent with this subchapter, for the staff member; and

Time period.

“(C) the staff member is employed by a child care provider within the State, or has been separated from employment from a child care provider within the State for a period of not more than 180 consecutive days.

“(e) BACKGROUND CHECK RESULTS AND APPEALS.—

Time period.

“(1) BACKGROUND CHECK RESULTS.—The State shall carry out the request of a child care provider for a criminal background check as expeditiously as possible, but not to exceed 45 days after the date on which such request was submitted, and shall provide the results of the criminal background check to such provider and to the current or prospective staff member.

“(2) PRIVACY.—

“(A) IN GENERAL.—The State shall provide the results of the criminal background check to the provider in a statement that indicates whether a child care staff member (including a prospective child care staff member) is eligible or ineligible for employment described in subsection (c), without revealing any disqualifying crime or other related information regarding the individual.

“(B) INELIGIBLE STAFF MEMBER.—If the child care staff member is ineligible for such employment due to the background check, the State will, when providing the results of the background check, include information related to each disqualifying crime, in a report to the staff member or prospective staff member.

“(C) PUBLIC RELEASE OF RESULTS.—No State shall publicly release or share the results of individual background checks, except States may release aggregated data by crime as listed under subsection (c)(1)(D) from background check results, as long as such data is not personally identifiable information.

“(3) APPEALS.—

“(A) IN GENERAL.—The State shall provide for a process by which a child care staff member (including a prospective child care staff member) may appeal the results of a criminal background check conducted under this section to challenge the accuracy or completeness of the information contained in such member’s criminal background report.

“(B) APPEALS PROCESS.—The State shall ensure that—

“(i) each child care staff member shall be given notice of the opportunity to appeal;

“(ii) a child care staff member will receive instructions about how to complete the appeals process if the child care staff member wishes to challenge the accuracy or completeness of the information contained in such member’s criminal background report; and

“(iii) the appeals process is completed in a timely manner for each child care staff member.

“(4) REVIEW.—The State may allow for a review process through which the State may determine that a child care staff member (including a prospective child care staff member) disqualified for a crime specified in subsection (c)(1)(D)(ix) is eligible for employment described in subsection (c)(1), notwithstanding subsection (c). The review process shall be consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).

“(5) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to create a private right of action if a provider has acted in accordance with this section.

“(f) FEES FOR BACKGROUND CHECKS.—Fees that a State may charge for the costs of processing applications and administering a criminal background check as required by this section shall not exceed the actual costs to the State for the processing and administration.

“(g) TRANSPARENCY.—The State must ensure that the policies and procedures under section 658H are published on the Web site (or otherwise publicly available venue in the absence of a Web site) of the State and the Web sites of local lead agencies.

“(h) CONSTRUCTION.—

“(1) DISQUALIFICATION FOR OTHER CRIMES.—Nothing in this section shall be construed to prevent a State from disqualifying individuals as child care staff members based on their conviction for crimes not specifically listed in this section that bear upon the fitness of an individual to provide care for and have responsibility for the safety and well-being of children.

Web posting.  
Public  
information.

“(2) RIGHTS AND REMEDIES.—Nothing in this section shall be construed to alter or otherwise affect the rights and remedies provided for child care staff members residing in a State that disqualifies individuals as child care staff members for crimes not specifically provided for under this section.

“(i) DEFINITIONS.—In this section—

“(1) the term ‘child care provider’ means a center-based child care provider, a family child care provider, or another provider of child care services for compensation and on a regular basis that—

“(A) is not an individual who is related to all children for whom child care services are provided; and

“(B) is licensed, regulated, or registered under State law or receives assistance provided under this subchapter; and

“(2) the term ‘child care staff member’ means an individual (other than an individual who is related to all children for whom child care services are provided)—

“(A) who is employed by a child care provider for compensation; or

“(B) whose activities involve the care or supervision of children for a child care provider or unsupervised access to children who are cared for or supervised by a child care provider.

“(j) EFFECTIVE DATE.—

“(1) IN GENERAL.—A State that receives funds under this subchapter shall meet the requirements of this section for the provision of criminal background checks for child care staff members described in subsection (d)(1) not later than the last day of the second full fiscal year after the date of enactment of the Child Care and Development Block Grant Act of 2014.

“(2) EXTENSION.—The Secretary may grant a State an extension of time, of not more than 1 fiscal year, to meet the requirements of this section if the State demonstrates a good faith effort to comply with the requirements of this section.

“(3) PENALTY FOR NONCOMPLIANCE.—Except as provided in paragraphs (1) and (2), for any fiscal year that a State fails to comply substantially with the requirements of this section, the Secretary shall withhold 5 percent of the funds that would otherwise be allocated to that State in accordance with this subchapter for the following fiscal year.”.

#### SEC. 8. REPORTS AND INFORMATION.

(a) ADMINISTRATION.—Section 658I(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858g(a)) is amended—

(1) in paragraph (2)—

(A) by inserting a comma after “publish”; and

(B) by striking “and” at the end;

(2) by striking paragraph (3) and inserting the following:

“(3) provide technical assistance, such as business technical assistance, as described in section 658E(c)(2)(V), to States (which may include providing assistance on a reimbursable basis) which shall be provided by qualified experts on practices grounded in scientifically valid research, where appropriate, to carry out this subchapter;” and

(3) by adding at the end the following:

Deadline.  
Time period.

“(4) disseminate, for voluntary informational purposes, information on practices that scientifically valid research indicates are most successful in improving the quality of programs that receive assistance with this subchapter; and

“(5) after consultation with the heads of any other Federal agencies involved, issue guidance and disseminate information on best practices regarding the use of funding combined by States as described in section 658E(c)(2)(O)(ii), consistent with laws other than this subchapter.”.

(b) REQUEST FOR RELIEF.—Section 658I of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858g), as amended by subsection (a), is further amended by adding at the end of the following:

“(c) REQUEST FOR RELIEF.—

“(1) IN GENERAL.—The Secretary may waive for a period of not more than three years any provision under this subchapter or sanctions imposed upon a State in accordance with subsection (b)(2) upon the State’s request for such a waiver if the Secretary finds that—

Waiver authority.  
Time period.

“(A) the request describes one or more conflicting or duplicative requirements preventing the effective delivery of child care services to justify a waiver, extraordinary circumstances, such as natural disaster or financial crisis, or an extended period of time for a State legislature to enact legislation to implement the provisions of this subchapter;

“(B) such circumstances included in the request prevent the State from complying with any statutory or regulatory requirements of this subchapter;

“(C) the waiver will, by itself, contribute to or enhance the State’s ability to carry out the purposes of this subchapter; and,

“(D) the waiver will not contribute to inconsistency with the objectives of this law.

“(2) CONTENTS.—Such request shall be provided to the Secretary in writing and will—

“(A) detail each sanction or provision within this subchapter that the State seeks relief from;

“(B) describe how a waiver from that sanction or provision of this subchapter will, by itself, improve delivery of child care services for children in the State; and

“(C) certify that the health, safety, and well-being of children served through assistance received under this subchapter will not be compromised as a result of the waiver.

Certification.

“(3) APPROVAL.—Within 90 days after the receipt of a State’s request under this subsection, the Secretary shall inform the State of approval or disapproval of the request. If the plan is disapproved, the Secretary shall, at this time, inform the State, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate of the reasons for the disapproval and give the State the opportunity to amend the request. In the case of approval, the Secretary shall, within 30 days of granting such waiver, notify and submit a report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate on the circumstances of

Deadlines.  
Notifications.

Reports.

the waiver including each specific sanction or provision waived, the reason as given by the State of the need for a waiver, and the expected impact of the waiver on children served under this program.

“(4) EXTERNAL CONDITIONS.—The Secretary shall not require or impose any new or additional requirements in exchange for receipt of a waiver if such requirements are not specified in this subchapter.

“(5) DURATION.—The Secretary may approve a request under this subsection for a period not to exceed three years, unless a renewal is granted under paragraph (7).

Determination.

“(6) TERMINATION.—The Secretary shall terminate approval of a request for a waiver authorized under this subsection if the Secretary determines, after notice and opportunity for a hearing, that the performance of a State granted relief under this subsection has been inadequate, or if such relief is no longer necessary to achieve its original purposes.

Time period.

“(7) RENEWAL.—The Secretary may approve or disapprove a request from a State for renewal of an existing waiver under this subchapter for a period no longer than one year. A State seeking to renew their waiver approval must inform the Secretary of this intent no later than 30 days prior to the expiration date of the waiver. The State shall re-certify in its extension request the provisions in paragraph (2) of this subchapter, and shall also explain the need for additional time of relief from such sanction(s) or provisions approved under this law as provided in this subchapter.

Notification.

Deadline.

Certification.

“(8) RESTRICTIONS.—Nothing in this subchapter shall be construed as providing the Secretary the authority to permit States to alter the eligibility requirements for eligible children, including work requirements, job training, or educational program participation, that apply to the parents of eligible children under this subchapter. Nothing in this subsection shall be construed to allow the Secretary to waive anything related to his or her authority under this subchapter.”

(c) REPORTS.—Section 658K(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i(a)) is amended—

(1) in paragraph (1)(B)—

(A) in clause (ix), by striking “and” at the end;

(B) in clause (x), by striking the semicolon at the end and inserting “; and”; and

(C) by adding at the end the following:

“(xi) whether the children receiving assistance under this subchapter are homeless children;”;

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “December 31, 1997” and all that follows through “thereafter”, and inserting “1 year after the date of the enactment of the Child Care and Development Block Grant Act of 2014, and annually thereafter;”;

(B) in subparagraph (A), by striking “section 658P(5)” and inserting “section 658P(6)”;

(C) in subparagraph (E) by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(F) the number of child fatalities occurring among children while in the care and facility of child care providers



receiving assistance under this subchapter, listed by type of child care provider and indicating whether the providers (excluding child care providers described in section 658P(6)(B)) are licensed or license-exempt.”

(d) **REPORT BY SECRETARY.**—Section 658L of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858j) is amended—

(1) by striking the section heading and inserting the following:

“**SEC. 658L. REPORTS, HOTLINE, AND WEB SITE.**”;

(2) by striking “Not later” and inserting the following:

“(a) **REPORT BY SECRETARY.**—Not later”;

(3) by striking “1998” and inserting “2016”;

(4) by striking “to the Committee” and all that follows through “of the Senate” and inserting “to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate”;

(5) by inserting after “States.” the following:

“Such report shall contain a determination around whether each State that uses amounts provided under this subchapter has complied with the priority for services described in sections 658E(c)(2)(Q) and 658E(c)(3)(B).”; and

(6) by adding at the end the following:

“(b) **NATIONAL TOLL-FREE HOTLINE AND WEB SITE.**—

“(1) **IN GENERAL.**—The Secretary shall operate, directly or through the use of grants or contracts, a national toll-free hotline and Web site, to—

“(A) develop and disseminate publicly available child care consumer education information for parents and help parents access safe and quality child care services in their community, with a range of price options, that best suits their family’s needs; and

“(B) to allow persons to report (anonymously if desired) suspected child abuse or neglect, or violations of health and safety requirements, by an eligible child care provider that receives assistance under this subchapter or a member of the provider’s staff.

“(2) **REQUIREMENTS.**—The Secretary shall ensure that the hotline and Web site meet the following requirements:

“(A) **REFERRAL TO LOCAL CHILD CARE PROVIDERS.**—The Web site shall be hosted by ‘childcare.gov’. The Web site shall enable a child care consumer to enter a zip code and obtain a referral to local child care providers described in subparagraph (B) within a specified search radius.

“(B) **INFORMATION.**—The Web site shall provide to consumers, directly or through linkages to State databases, at a minimum—

“(i) a localized list of all eligible child care providers, differentiating between licensed and license-exempt providers;

“(ii) any provider-specific information from a Quality Rating and Improvement System or information about other quality indicators, to the extent the information is publicly available and to the extent practicable;

Public  
information.

“(iii) any other provider-specific information about compliance with licensing, and health and safety requirements to the extent the information is publicly available and to the extent practicable;

“(iv) referrals to local resource and referral organizations from which consumers can find more information about child care providers; and

“(v) State information about child care subsidy programs and other financial supports available to families.

“(C) NATIONWIDE CAPACITY.—The Web site and hotline shall have the capacity to help families in every State and community in the Nation.

“(D) INFORMATION AT ALL HOURS.—The Web site shall provide, to parents and families, access to information about child care services 24 hours a day.

“(E) SERVICES IN DIFFERENT LANGUAGES.—The Web site and hotline shall ensure the widest possible access to services for families who speak languages other than English.

“(F) HIGH-QUALITY CONSUMER EDUCATION AND REFERRAL.—The Web site and hotline shall ensure that families have access to easy-to-understand child care consumer education and referral services.

Time period.

“(3) PROHIBITION.—Nothing in this subsection shall be construed to allow the Secretary to compel States to provide additional data and information that is currently (as of the date of enactment of the Child Care and Development Block Grant Act of 2014) not publicly available, or is not required by this subchapter, unless such additional data are related to the purposes and scope of this subchapter, and are subject to a notice and comment period of no less than 90 days.”.

(e) PROTECTION OF INFORMATION.—Section 658K(a)(1) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i(a)(1)) is amended by adding at the end the following:

“(E) PROHIBITION.—Reports submitted to the Secretary under subparagraph (C) shall not contain personally identifiable information.”.

**SEC. 9. RESERVATION FOR TOLL-FREE HOTLINE AND WEB SITE; PAYMENTS TO BENEFIT INDIAN CHILDREN; TECHNICAL ASSISTANCE AND EVALUATION.**

Section 658O of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by striking “The Secretary” and inserting the following:

“(A) IN GENERAL.—The Secretary”;

(ii) by striking “1 percent, and not more than 2 percent,” and inserting “2 percent”; and

(iii) by adding at the end the following:

“(B) LIMITATIONS.—Notwithstanding subparagraph (A), the Secretary shall only reserve an amount that is greater than 2 percent of the amount appropriated under section 658B, for payments described in subparagraph (A), for a fiscal year (referred to in this subparagraph as the ‘reservation year’) if —

“(i) the amount appropriated under section 658B for the reservation year is greater than the amount appropriated under section 658B for fiscal year 2014; and

“(ii) the Secretary ensures that the amount allotted to States under subsection (b) for the reservation year is not less than the amount allotted to States under subsection (b) for fiscal year 2014.”; and

(B) by adding at the end the following:

“(3) NATIONAL TOLL-FREE HOTLINE AND WEB SITE.—The Secretary shall reserve up to \$1,500,000 of the amount appropriated under this subchapter for each fiscal year for the operation of a national toll-free hotline and Web site, under section 658L(b).

“(4) TECHNICAL ASSISTANCE.—The Secretary shall reserve up to ½ of 1 percent of the amount appropriated under this subchapter for each fiscal year to support technical assistance and dissemination activities under paragraphs (3) and (4) of section 658I(a).

“(5) RESEARCH, DEMONSTRATION, AND EVALUATION.—The Secretary may reserve ½ of 1 percent of the amount appropriated under this subchapter for each fiscal year to conduct research and demonstration activities, as well as periodic external, independent evaluations of the impact of the program described by this subchapter on increasing access to child care services and improving the safety and quality of child care services, using scientifically valid research methodologies, and to disseminate the key findings of those evaluations widely and on a timely basis.”; and

(2) in subsection (c)—

(A) in paragraph (2), by adding at the end the following:

“(D) LICENSING AND STANDARDS.—In lieu of any licensing and regulatory requirements applicable under State or local law, the Secretary, in consultation with Indian tribes and tribal organizations, shall develop minimum child care standards that shall be applicable to Indian tribes and tribal organizations receiving assistance under this subchapter. Such standards shall appropriately reflect Indian tribe and tribal organization needs and available resources, and shall include standards requiring a publicly available application, health and safety standards, and standards requiring a reservation of funds for activities to improve the quality of child care services provided to Indian children.”; and

(B) in paragraph (6), by striking subparagraph (C) and inserting the following:

“(C) LIMITATION.—

“(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may not permit an Indian tribe or tribal organization to use amounts provided under this subsection for construction or renovation if the use will result in a decrease in the level of child care services provided by the Indian tribe or tribal organization as compared to the level of child care services provided by the Indian tribe or tribal organization in the fiscal year preceding the year for which the determination under subparagraph (B) is being made.

Consultation.

- “(ii) **WAIVER.**—The Secretary shall waive the limitation described in clause (i) if—
- Determination.      “(I) the Secretary determines that the decrease in the level of child care services provided by the Indian tribe or tribal organization is temporary; and
- Plan.                   “(II) the Indian tribe or tribal organization submits to the Secretary a plan that demonstrates that after the date on which the construction or renovation is completed—
- “(aa) the level of child care services will increase; or
- “(bb) the quality of child care services will improve.”.

**SEC. 10. DEFINITIONS.**

Section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n) is amended—

- (1) by striking paragraph (4) and inserting the following:
- “(3) **CHILD WITH A DISABILITY.**—The term ‘child with a disability’ means—
- “(A) a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401);
- “(B) a child who is eligible for early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.);
- “(C) a child who is less than 13 years of age and who is eligible for services under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and
- “(D) a child with a disability, as defined by the State involved.
- “(4) **ELIGIBLE CHILD.**—The term ‘eligible child’ means an individual—
- “(A) who is less than 13 years of age;
- “(B) whose family income does not exceed 85 percent of the State median income for a family of the same size, and whose family assets do not exceed \$1,000,000 (as certified by a member of such family); and
- “(C) who—
- “(i) resides with a parent or parents who are working or attending a job training or educational program; or
- “(ii) is receiving, or needs to receive, protective services and resides with a parent or parents not described in clause (i).”;
- (2) by redesignating paragraphs (5) through (9) as paragraphs (6) through (10), respectively;
- (3) by inserting after paragraph (4), the following:
- “(5) **ENGLISH LEARNER.**—The term ‘English learner’ means an individual who is limited English proficient, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) or section 637 of the Head Start Act (42 U.S.C. 9832).”;
- (4) in paragraph (6)(A), as redesignated by paragraph (2)—
- “(A) in clause (i), by striking “section 658E(c)(2)(E)” and inserting “section 658E(c)(2)(F)”; and

- (B) in clause (ii), by striking “section 658E(c)(2)(F)” and inserting “section 658E(c)(2)(I)”;
- (5) in paragraph (9), as redesignated by paragraph (2), by striking “designated” and all that follows and inserting “designated or established under section 658D(a).”;
- (6) in paragraph (10), as redesignated by paragraph (2), by inserting “, foster parent,” after “guardian”;
- (7) by redesignating paragraphs (11) through (14) as paragraphs (12) through (15), respectively; and
- (8) by inserting after paragraph (10), as redesignated by paragraph (2), the following:

“(11) **SCIENTIFICALLY VALID RESEARCH.**—The term ‘scientifically valid research’ includes applied research, basic research, and field-initiated research, for which the rationale, design, and interpretation are soundly developed in accordance with principles of scientific research.”.

**SEC. 11. PARENTAL RIGHTS AND RESPONSIBILITIES.**

Section 658Q of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858o) is amended—

- (1) by inserting before “Nothing” the following:

“(a) **IN GENERAL.**—”; and

- (2) by adding at the end the following:

“(b) **PARENTAL RIGHTS TO USE CHILD CARE CERTIFICATES.**—

Nothing in this subchapter shall be construed in a manner—

“(1) to favor or promote the use of grants and contracts for the receipt of child care services under this subchapter over the use of child care certificates; or

“(2) to disfavor or discourage the use of such certificates for the purchase of child care services, including those services provided by private or nonprofit entities, such as faith-based providers.”.

**SEC. 12. STUDIES ON WAITING LISTS.**

42 USC 9858r.

(a) **STUDY.**—The Comptroller General of the United States shall conduct studies to determine, for each State, the number of families that—

(1) are eligible to receive assistance under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

(2) have applied for the assistance, identified by the type of assistance requested; and

(3) have been placed on a waiting list for the assistance.

(b) **REPORT.**—The Comptroller General shall prepare a report containing the results of each study and shall submit the report to the Committee on Health, Education, Labor and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives—

(1) not later than 2 years after the date of enactment of this Act; and

(2) every 2 years thereafter.

(c) **DEFINITION.**—In this section, the term “State” has the meaning given the term in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

**SEC. 13. REVIEW OF FEDERAL EARLY LEARNING AND CARE PROGRAMS.**

(a) **IN GENERAL.**—The Secretary of Health and Human Services, in conjunction with the Secretary of Education, shall conduct an interdepartmental review of all early learning and care programs for children less than 6 years of age in order to—

Plan.

(1) develop a plan for the elimination of overlapping programs, as identified by the Government Accountability Office's 2012 annual report (GAO-12-342SP); and

Recommendations.

(2) make recommendations to Congress for streamlining all such programs.

Consultation.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Secretary of Education and the heads of all Federal agencies that administer Federal early learning and care programs, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, a detailed report that outlines the efficiencies that can be achieved by, as well as specific recommendations for, eliminating overlap and fragmentation among all Federal early learning and care programs.

Approved November 19, 2014.

**LEGISLATIVE HISTORY—S. 1086:**

SENATE REPORTS: No. 113-188 (Comm. on Health, Education, Labor, and Pensions).

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DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2014):

Nov. 19, Presidential remarks.