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Final Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation(s)	22 VAC40-661
Regulation title(s)	Child Care Program
Action title	Repeal and replace regulation to ensure compliance with Child Care and Development Block Grant Act of 2014.
Date this document prepared	June 20, 2018

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This is a joint action to repeal and replace 22VAC40-661. The regulatory action is necessary to bring state Child Care Subsidy Program requirements into alignment with the federal Child Care and Development Block Grant Act of 2014 (CCDBG). The goals of this action are to broaden the purposes of the program by emphasizing child development, increasing the number of children receiving healthy, safe and quality care, and implementing family-friendly policies, as required by the CCDBG, the major funding source of the program.

Changes to this regulation will strengthen the Child Care Subsidy Program's dual role as both an early childhood development program and a work support program for low-income families. Key changes in the proposed regulation include but are not limited to supporting and protecting the health and safety of children in care through more consistent standards for child care providers and monitoring of those standards. The changes will also focus on improving the quality of care statewide through increased

supports for child care providers, and enabling eligible families to more easily access stable and continuous care.

Requirements from the existing regulation are carried over and new requirements are added to provide for 12 months of continuous authorization for services, a phase-out of services, a conditional eligibility period for children experiencing homelessness, a change to reporting requirements of recipients during an authorization period, a provision for the transfer of eligibility from one locality to another, a limitation on amount of assets that can be owned by a recipient, a change to how the effective date of eligibility is determined, the verification of identity of applicants, a restriction that limits employees of local departments of social services from participating as program vendors, requirements for repayment of overpayments made, a requirement for training of local department staff who administer the program, and health and safety and inspection requirements for program vendors.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the “Definition” section of the regulations.

CCDBG – means the Child Care and Development Block Grant Act of 2014, the law that reauthorized the child care program. The Child Care and Development Block Grant is the primary source of federal funding for child care subsidies for low-income families and funds to improve child care quality.

CCDF – means the Child Care and Development Fund, the regulation that implements the Child Care and Development Block Grant Act of 2014.

SMI – State Median Income.

There are no definitions or technical terms used that are not contained in the definitions of the proposed regulation.

Statement of final agency action

Please provide a statement of the final action taken by the agency including:1) the date the action was taken;2) the name of the agency taking the action; and 3) the title of the regulation.

TBD

Legal basis

Please identify the (1) the agency (includes any type of promulgating entity) and (2) the state and/or federal legal authority for the proposed regulatory action, including the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable. Your citation should include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.

The State Board of Social Services (Board) has the authority to promulgate this regulatory action. The federal statutory authority for this program is the Child Care and Development Block Grant Act of 2014

(PL 113-186), as implemented in regulation 45 CFR Part 98. State authority is derived from §§ 63.2-217, 63.2-319, 63.2-510, 63.2-611, 63.2-616 and 63.2-1725 of the Code of Virginia.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Describe the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

This regulatory action is necessary to ensure the state maintains compliance with federal CCDBG requirements to receive funding for the Child Care Subsidy Program, and to ensure improved program integrity and accountability. Without these changes, Virginia risks losing federal resources that support low-income and vulnerable children and families. The proposed changes are designed to improve the health and safety of children in child care programs receiving subsidy; to promote child development; to provide continuity of child care services for families who are working, participating in education or training leading to employment, or receiving child protective services; to improve quality and increase the supply of quality child care throughout the state; and to make the Child Care Subsidy Program more family friendly.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both.

This regulatory action will make significant changes to the program. It will include critical provisions to ensure the health and safety of children in child care settings, improve the quality of care, and make it easier for families to get and keep child care assistance. Changes include:

- A change to allow families to be considered to meet all eligibility requirements for assistance and to receive assistance for not less than 12 months before the state redetermines eligibility, unless the family income exceeds the federal threshold of 85% of SMI, there a substantiated intentional program violation, the family requests case closure, or the recipient is no longer a resident of Virginia.
- A change to allow for a graduated phase-out of care.
- A change to allow for the expedited enrollment of children experiencing homelessness, pending the compilation of required documentation.
- A change to require a declaration from families receiving assistance that their assets do not exceed \$1 million in value.
- A change to the begin date of service payment rule to begin payment for services effective with the date the applicant is determined eligible and a vendor that meets all program participation requirements is selected.
- A change to require that all subsidy providers receive onsite inspections.
- A change to create standards for onsite inspections of subsidy providers.
- A change to mandate specific department-approved health and safety training, during preservice or orientation periods and ongoing, for all subsidy providers.
- A change to require providers to report to the department instances of death and serious injury in the child care setting.

- A change to include the process for vendors to appeal decisions made by the Department.
- A change to require appropriate child-to-provider ratios and group size limits based on the age of children in child care.
- A change to add and update multiple definitions in the regulation to coincide with other changes.

Issues

Please identify the issues associated with the proposed regulatory action, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.

Changes to this regulation will strengthen the Child Care Subsidy Program's dual role as both an early childhood development program and a work support program for low-income families. Families and children will benefit from key changes in this new regulation that include but are not limited to supporting and protecting the health and safety of children in care through more consistent standards for child care providers and through monitoring of those standards. The changes also focus on improving the quality of care statewide through inspections of unlicensed child care providers, and by enabling families to more easily access stable and continuous care.

Providers of child care services will be better served by having a current regulation with detailed standards for providers participating in the Child Care Subsidy Program. Children will benefit from providers meeting the health and safety requirements.

The regulation assures families that the child care program will be administered with clear and consistent case management policies, including provisions that support continuity of care, support for families to become more self-sufficient, and support for vulnerable children and families.

In order to provide the increased services mandated by the CCDBG, this proposed regulation may result in a reduction in the number of families who receive assistance. In addition, providers who do not meet the new inspection requirements may be ineligible to receive payments through the Child Care Subsidy Program. Providers may experience an increase in operating costs to cover staff time to complete the federally mandated training. However, the ongoing costs should be reduced once all current staff have completed the initial training.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There are no new requirements that are more restrictive than federal requirements; however, there are two requirements that carry over from the existing Subsidy Program regulation (approved by the State Board of Social Services in 2014) and one new requirement, the substance of which are not addressed in federal regulation.

In accordance with §63.2-1911 of the Code of Virginia, the proposed regulation includes a requirement carried over from the existing regulation for applicants and recipients to cooperate with the Division of Child Support Enforcement as a condition of eligibility except when good cause for noncooperation has been determined to exist. This requirement allows for additional support and services for families during and after program participation.

The requirement that limits receipt of child care assistance for Fee Program participation to 72 months per family is carried over from the existing regulation. This requirement provides consistency in statewide program implementation and allows the program to serve more families. Receipt of child care assistance for up to 72 months for non-TANF and Head Start families allows families to receive assistance through the child's more costly years for care and allows more families to be served.

The regulation includes a new provision that prohibits employees of any division within the department or a local department of social services from participating as a Subsidy Program vendor. This requirement ensures program integrity and will avoid conflicts of interest.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

While all 120 local departments of social services administer the Child Care Subsidy Program, the proposed regulation does not impose any requirement that would disproportionately impact one locality or a group of localities.

This regulation will likely decrease the administrative requirements, because local departments of social services will no longer be acting on most changes that occur during a recipient's 12-month eligibility period.

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The new regulation will implement new family-friendly policies that will enable eligible families to more easily access safe, healthy, and nurturing care for their children that will support families in maintaining their employment. The new regulation includes changes that support and protect the health and safety of children in care through more consistent standards for child care providers and monitoring of those standards.

Changes made since the proposed stage

Please list all changes that made to the text since the proposed regulation was published in the Virginia Register of Regulations and the rationale for the changes; explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation. *Please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change
10	Defines "family".	The definition of "Family" was revised.	Definition was corrected to include an emancipated minor and change "or" to "and" to include children in the family unit with the adults or emancipated minor.
10	Defines "good cause".	Deleted definition.	The definition is not needed.
10	Defines "need for child care"	The definition of "Need for child care" was revised.	Typos were corrected within the definition.
10	Defines "register with the Division of Child Support Enforcement".	Deleted definition.	The term was replaced with "Cooperate with DCSE" which is defined in subsection C of 22VAC40-665-40.
10	Defines "Temporary Assistance for Needy Families".	The definition of "Temporary Assistance for Needy Families" was revised.	The term was capitalized.
30	Provides description of the programs available to income eligible applicants.	The word "immediately" was deleted from the description of Transitional child care.	Change was made to allow for implementation of 12-month continuous eligibility without a change in program category.
40	Provides requirement for applicants and recipients to register with DCSE.	Removed the requirement for applicants and recipients to "register" with DCSE and added requirement for local departments to refer cases to DCSE for the application for child support services. Removed the term "register" and replaced with "cooperate with DCSE" and defined the term.	Suggested by the Office of the Attorney General.
40	Provides requirement for parents to receive consumer education and statement regarding their selected vendor.	Removed "consumer statement" and added "how to access information" regarding their selected vendor to the provision for providing consumer education. Added types of vendor information	Change was made as a result of a change to the federal regulation that permits states to direct parents to a consumer statement online instead of providing a written

		that must be provided to parents.	statement.
40	Outlines the income to be disregarded in determining income eligibility.	TANF match payments was removed from the TANF benefits to be disregarded.	TANF match payments are no longer applicable per TANF program rules.
40	Outlines the income to be disregarded in determining income eligibility.	Added "arrears" to the lump sum child support payments to be disregarded as income.	The changes was made for clarity.
40	Provision that requires families determined eligible to receive assistance for a minimum of 12 months before their eligibility is redetermined with limited exceptions and limited changes to co-payments.	Added "recipient request" to the list of closure reasons allowed during the 12-month eligibility period.	Change made to allow for parents to voluntarily request closure of their child care case at any time.
40	Provision that requires families determined eligible to receive assistance for a minimum of 12 months before their eligibility is redetermined with limited exceptions and limited changes to co-payments.	A change was made to reflect that a recipient family approved as conditionally eligible will have their eligibility redetermined if the recipient fails to provide necessary documentation to the local department within 90 days.	The change was made for clarity.
40	Requires recipients to pay all fees owed to the vendor.	A change was made to incorporate the requirement for recipients to pay any reimbursements owed to the local department with the requirement to pay all fees owed to the vendor.	The change was made to remove the duplicative language contained within the subsection.
80	Referenced the location of the Maximum Reimbursable Rates within the Child Care Subsidy Program Guidance Manual.	A change was made to indicate Appendices F and G as the location of the Maximum Reimbursable Rates.	The change was made to indicate the correct location of the Maximum Reimbursable Rates within the Child Care Guidance Manual.
80	Provides the establishment and implementation rules for payment for child care services.	A change was made to remove the payment of "fees" providers charge the general public.	The change was made to clarify that the department does not pay all fees providers charge the general public. The fees paid for by the program are outlined in 22VAC40-665-80 C.
80	Provides requirements for payment of absent days.	A change was made to increase the number of paid absent days for Level 2 providers from 24 to 36	The change was made to assure that payment for absent days complies

		days per fiscal year.	with federal requirements for delinking provider payments from a child's occasional absences.
105	Provides the provisions for terminating a vendor agreement and provisions for disqualification from participating in the Child Care Subsidy Program.	A change was made to add "limited liability company" to members affiliated with vendors.	The change was made for clarity.
150	Provides requirements for background checks.	A change was made to the Code reference for barrier crimes and to add the subject of a founded complaint of child abuse or neglect to the requirements.	The change was made to reflect the updated Code reference for barrier crimes and to provide clarity regarding background check requirements.
180	Requires caregiver records to include documentation that background checks were completed.	<p>A change was made to remove the required name search for criminal history and to incorporate the requirements for fingerprint national criminal background checks and results of child abuse and neglect registry from any other state in which the individual has resided within the preceding five years.</p> <p>Eliminated the provision that allowed for administrative delay in background check documentation.</p> <p>The requirement for subsequent background checks was changed to every five years.</p>	Changes made to be consistent with the CCDBG requirements and 2017 changes in the Code of Virginia.
190	Provides health requirements for caregivers.	<p>A change was made to require documentation of the tuberculosis screening at the time of employment and prior to contact with children.</p> <p>Clarification was added to indicate the timeframe for submission of the documentation and signatory requirements.</p>	The changes was made at the recommendation of the Virginia Department of Health.
200	Requires the vendor to report any serious injury to the department's representative within two	A change was made to require the vendor to report within two business days any injury to a child that requires a referral for	The change was made to be consistent with the requirements for licensed family day

	business days.	treatment from a medical professional.	homes.
220	Provides requirements for caregivers.	A change was made to remove the requirement for sight and sound supervision of caregivers under the age of 18 and to add supervision of an adult caregiver who is present in the home.	The change was made as a result of public comment on this requirement.
230	Provides requirements for CPR and first aid training certification.	A change was made to allow for certification within 90 days of employment and that during the 90-day period at least one caregiver with current CPR and first aid training certification must be present.	The change was made as a result of public comment on this requirement.
230	Requires caregivers to annually attend at least 16 hours of training, including the department's health and safety update course.	A change was made to clarify that the department's health and safety update course shall count towards the 16 hours of training required annually.	The change was made for clarity.
260	Provides requirements for bathroom areas.	Removed the prohibition of the use of bathrooms by school-age children of the opposite sex at the same time.	Changed at the suggestion of the Office of the Attorney General.
280	Provides requirements for when an additional caregiver is needed.	A change was made to require an additional caregiver when 16 points is exceeded.	The proposed language, that indicated an additional caregiver was needed when 16 points was reached, was not correct. A change was made to correctly reflect that an additional caregiver is needed when 16 points is exceeded.
330	Requires parents to be notified immediately of any confirmed or suspected allergic reactions and the ingestion or contact with prohibited food.	A change was made to remove the term "prohibited food" and replace with any food identified in the child's written care plan.	The change was made to be consistent with the requirements for licensed providers and to remove any ambiguity regarding prohibited food.
340	Includes requirements for furnishings, equipment and materials.	A change was made to remove parts 1220 and 1500 from the reference to federal regulations.	The change was made to remove reference to parts within the federal regulation that do not apply to full-size crib standards.
420	Includes provisions for family day home vendors providing snacks or meals and special feeding needs.	A change was made to remove the term "prohibited food" and replace with any food identified in the child's written care plan.	The change was made to be consistent with the requirements for licensed providers and to remove any ambiguity regarding prohibited

			food.
500	Provides requirements for background checks.	A change was made to the Code reference for barrier crimes and to add the subject of a founded complaint of child abuse or neglect to the requirements.	The change was made to reflect the updated Code reference for barrier crimes and to provide clarity regarding background check requirements.
530	Requires staff records to include documentation that background checks were completed.	A change was made to remove the required name search for criminal history and to incorporate the requirements for fingerprint national criminal background checks and results of child abuse and neglect registry from any other state in which the individual has resided within the preceding five years. Eliminated the provision that allowed for administrative delay in background check documentation. The requirement for subsequent background checks was changed to every five years.	Changes made to be consistent with the CCDBG requirements and 2017 changes in the Code of Virginia.
540	Provides health requirements for staff.	A change was made to require documentation of the tuberculosis screening at the time of employment and prior to contact with children. Clarification was added to indicate the timeframe for submission of the documentation and signatory requirements.	The changes was made at the recommendation of the Virginia Department of Health.
550	Requires the vendor to report any serious injury to the department's representative within two business days.	A change was made to require the vendor to report within two business days any injury to a child that requires a referral for treatment from a medical professional.	The change was made to be consistent with the requirements for licensed family day homes.
570	Provides requirements for staff.	A change was made to remove the requirement for sight and sound supervision of staff under the age of 18 and to add supervision of an adult caregiver who is present in the facility.	The change was made as a result of public comment on this requirement.
580	Provides requirements for CPR and first aid training certification.	A change was made to allow for certification within 90 days of employment and that during the 90-day period at least one staff with current CPR and first aid	The change was made as a result of public comment on this requirement.

		training certification must be present.	
580	Requires staff to annually attend at least 16 hours of training, including the department's health and safety update course.	A change was made to clarify that the department's health and safety update course shall count towards the 16 hours of training required annually.	The change was made for clarity.
650	Includes requirements for supervision of children as well as ratio and group size requirements.	A change was made to include evening and overnight sleep time and to delete transportation from the group size requirements.	The change was made to align with the requirements for licensed centers.
650	Includes requirements for supervision of children as well as ratio and group size requirements.	A change was made to allow for a variance granted by the Division of Licensing Programs to the group size requirements.	The change was made as a result of public comment.
650	Includes requirements for supervision of children as well as ratio and group size requirements.	A change was made to require a staff person to be present in the same space as sleeping children and to clarify that once at least half of the children are awake and off their mats or cots, the ratios required during non-sleep time are met.	The change was made to align with the requirements for non-subsidy providers.
700	Requires parents to be notified immediately of any confirmed or suspected allergic reactions and the ingestion or contact with prohibited food.	A change was made to remove the term "prohibited food" and replace with any food identified in the child's written care plan.	The change was made to be consistent with requirements for licensed providers and to remove any ambiguity regarding prohibited food.
710	Includes requirements for furnishings, equipment and materials.	A change was made to remove parts 1220 and 1500 from the reference to federal regulations.	The change was made to remove reference to parts within the federal regulation that do not apply to full-size crib standards.
790	Includes provisions for child day centers providing snacks or meals and special feeding needs.	A change was made to remove the term "prohibited food" and replace with any food identified in the child's written care plan.	The change was made to be consistent with requirements for licensed providers and to remove any ambiguity regarding prohibited food.
Forms	Included the Child Care Subsidy Program Vendor Agreements for family day homes and child care centers.	A change was made to remove these forms from the regulation.	Suggested by the Office of the Attorney General, as these documents are not considered reporting forms as defined in the Registrar's Manual.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate. Please distinguish between comments received on Town Hall versus those made in a public hearing or submitted directly to the agency or board.

Commenter	Comment	Agency response
Jane Jones, Early Challenges Child Care Center	<p>22VAC40-665-10</p> <p>Public Hearing: The document referenced in the definition of background checks is not consistent with what is written in the new regulations.</p>	The proposed regulation has been updated to reflect Code of Virginia requirements that were not in place at the time the regulation was submitted.
Jasmine Jackson Danny Vasquez Gabby Chavez Sarah Winslow Brenna Dlamantes, ACCA CDC Margarita Carera, ACCA CDC Tinhinane Meziane Wendy Calix Carol Robinson-Huntley Jasmeet Kaur Sajuna Gurung Malefia Seyoum M. Folks Zebiba	<p>22VAC40-665-20</p> <p>Town Hall: The requirement for parents to be working or going to school 30 hours or more makes it difficult for parents to qualify for child care assistance. Parents should be provided a window of time to start the paperwork and have child care provided so they can start work.</p> <p>Parents should not have to be employed to receive child care. Parents who are unemployed and looking for a job need someone to care for their children while they are looking for employment.</p> <p>Parents should be given a window of time, such as 10 to 15 days to find a job without immediately losing child care.</p>	<p>There is no requirement for parents to be working or attending school 30 or more hours per week to be eligible for child care subsidy and services.</p> <p>Parents must have an established need for child care at the time of application which means that the parents must be working or attending an education/training program that leads to employment. There is no minimum-hour requirement for employment or participation in an education/training activity.</p> <p>The regulation includes a change to allow families to be considered eligible for assistance and receive assistance for not less than 12 months before their eligibility is redetermined. This would allow parents who lose their employment during their 12-month eligibility period to seek new employment with uninterrupted child care services until their next redetermination. At the time of eligibility redetermination, the parent's continued need for child care would be evaluated.</p> <p>No hay ningún requisito para los padres que trabajan o asisten a la escuela 30 horas o más por semana para ser elegibles para subsidios y servicios de cuidado infantil.</p> <p>Los padres deben tener una necesidad para cuidado infantil establecida al momento de la aplicación, lo que significa que ellos deben estar trabajando o asistiendo a un programa de educación/capacitación para obtener un empleo. No hay un requisito mínimo de horas</p>

<p>Hajereta</p> <p>Jennifer Shaw</p> <p>Paola Mendez</p> <p>Hoa Le Pham</p> <p>Paola Calderon</p> <p>Lorena Nieto</p> <p>Maria Isabel Ballivian, ACCA Child Development Center</p> <p>Melissa Landaverde</p> <p>Felicidad</p> <p>Susana Garcia</p> <p>Milenka Crespo</p> <p>Katherine</p> <p>Marcelo Candia</p> <p>Claudia Galindo de Castro</p> <p>Carmen Vargas</p> <p>Flora Castillo</p> <p>Katie Vargas</p> <p>Nancy Hernandez</p> <p>Pilar I. Caceres Duenas</p> <p>Liana Cabrera</p> <p>Victor Morales</p> <p>Gina Mcgalem</p>		<p>para el empleo o participación en una actividad educativa/de capacitación.</p> <p>La regulación incluye un cambio para permitir que las familias sean consideradas elegibles para asistencia y la reciban durante no menos de 12 meses antes de que se vuelva a determinar su elegibilidad. Esto permitiría a los padres que pierdan su empleo durante su período de elegibilidad de 12 meses buscar un nuevo empleo con servicios de cuidado infantil ininterrumpidos hasta la próxima vez que se vuelvan a determinar los servicios. Al momento de volver a determinar la elegibilidad, se evaluará la necesidad de los padres de continuar con el cuidado infantil.</p>
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Susana Nolasco		
Salma Perveen		
Jeancarla Altamirano		
Sandra Quandique		
Roxana Ortuno		
Adrienne Postigo		
Irma Lujan		
Norka Sandoval		
Betty Gonzales		
Christina Rivera		
Norma Quel		
Sandra Rojas		
Sabas Montino		
Stacy Orrick		
Linda Grageda		
Blanca Escobar		
Leidy Becerra		
Benson Castro		
Rocio Jaldin		
Bella Cruz		
Carminia S.		
Silvia Lino		
Maria Guzman		
Ana Dominguez		

<p>Danny Vasquez</p> <p>ACCA Child Development Center</p> <p>Gabby Chavez</p> <p>Sarah Winslow</p> <p>Margarita Cabrera, ACCA CDC</p> <p>Brenna Dlamantes, ACCA CDC</p> <p>Tinhinane Meziane</p> <p>Wendy Calix</p> <p>Jasmeet Kaur</p> <p>Sajuna Gurung</p> <p>Malefia Seyoum</p> <p>Zebiba Hajereta</p> <p>Jennifer Shaw</p> <p>Paola Mendez</p> <p>Hoa Le Pham</p> <p>Lorena Nieto</p> <p>Maria Isabel Ballivian, ACCA Child Development Center</p> <p>Melissa Landaverde</p> <p>Felicidad</p>	<p>22VAC40-665-40</p> <p>Town Hall: Parents should not be required to have an open child support case in order to qualify for child care. Parents can work out their own issues, creating a healthy environment for their child, that should have nothing to do with their ability to get help financially for child care subsidy.</p> <p>Many families will be impacted by the requirement to seek child support in order to access subsidy funds. Many of these parents are victims of domestic violence and are afraid of giving information that could put their safety at risk.</p> <p>The requirement for parents to apply for child support before they can receive child care subsidy creates another barrier that will prevent qualified children from receiving quality early care.</p>	<p>The requirement for applicants and recipients to register with child support enforcement is pursuant to §63.2-1911 of the Code of Virginia and is carried over from the existing regulation. The requirement allows for additional support and services for families during and after program participation.</p> <p>An exception is made in instances when it is determined that good cause for noncooperation exists.</p> <p>El requisito para que los solicitantes y beneficiarios se registren para la aplicación de ayuda infantil se rige por la sección §63.2-1911 del Código de Virginia y se lleva a cabo a partir de la regulación existente. El requisito permite apoyo y servicios adicionales para las familias durante y después de la participación en el programa.</p> <p>Se hace una excepción en los casos en que se determine que existe una buena causa para la no cooperación</p>

Susana Garcia		
Katherine		
Marcelo Candia		
Claudia Galindo de Castro		
Carmen Vargas		
Flora Castillo		
Katie Vargas		
Nancy Hernandez		
Pilar I. Caceres Duenas		
Liana Cabrera		
Victor Morales		
Gina Mcgalem		
Susana Nolasco		
Salma Perveen		
Jeancarla Altamirano		
Sandra Guandique		
Roxana Ortuno		
Adrienne Postigo		
Irma Lujan		
Norma Sandoval		
Betty Gonzales		
Christina Rivera		

<p>Norma Quel Sandra Rojas Sabas Montino Stacy Orrick Linda Grageda Blanca Escobar Leidy Becerra Benson Castro Rocio Jaldin Bella Cruz Carminia S. Silvia Lino Maria Guzman Ana Dominguez</p>		
<p>Macarena Batista Nathalia Miranda Rahel Bereket Vinh Nguyen Carlos G.</p>	<p>22VAC40-665-40 Town Hall: Expressed concern that as a parent, whose income exceeds the income limit, they can no longer receive child care subsidy even though they still cannot afford to pay for child care after paying for other household expenses. Expressed concern that even with subsidy, the fees are too high.</p>	<p>At the time of eligibility redetermination, a family whose gross countable income exceeds the initial income limit but is below the exit eligibility limit, may continue to receive child care services under "graduated phase-out." This allows families increases in their household income without an immediate termination of child care subsidy and services. Co-payments are limited to a maximum of 10% of a family's gross monthly income. Fees in general are set by the child care provider.</p>
<p>Jane Jones, Early Challenges Child Care Center</p>	<p>22VAC40-665-40 Public Hearing: Please explain the continuation of care after loss of a job or during school semester breaks. It is not addressed in the 12-month eligibility clause.</p>	<p>A family that is determined eligible will be considered eligible to receive assistance for not less than 12 months before their eligibility is redetermined. The only exceptions to this would be if the family income exceeds the federal threshold of 85% of state median income, there is substantiated intentional program violations, the recipient requests that</p>

		<p>their case be closed, or the recipient is no longer a resident of Virginia.</p>
<p>Concerned Child Care Worker</p> <p>Lisa Peacock, Culpeper Human Services</p>	<p>22VAC40-665-40</p> <p>Town Hall: Expressed excitement about most of the changes, and indicated that the program will finally be prioritizing education and stability in a child's life, instead of focusing on the activities of parents and testing the resiliency capabilities of children. However, indicated concern over the portion of the proposed regulation that would change the beginning date of the eligibility period and felt that this change would have a disparate impact on the families served and place unnecessary additional pressure on all child care workers.</p> <p>Other programs offered through DSS and through social security have an effective date as the date that a signed application is received by the agency. Clients will now be at the mercy of their assigned worker's work schedule, workload, and possibly prejudices and work ethic, instead of a consistent and equitable policy.</p> <p>The proposed regulations include changes to the begin date of Service Payments. There could be circumstances beyond the applicant's control that could delay the Child Care workers ability to certify the case. It would become the parent's responsibility to cover the cost of care until these issues can be resolved. In addition, the participant's employment could be at risk, as they are not able to assure that they will have child care coverage from the needed start date. The Economic Impact Analysis from July 31, 2017 states, "According to DSS, payments for retroactive time periods create some administrative difficulties. With the proposed change, the payments will start when eligibility</p>	<p>The requirement that local child care staff determine an applicant's eligibility within 30 days of receipt of a signed application will still be in place. However, this change will significantly reduce the administrative burden and encourage applicants to submit required documentation as quickly as possible.</p>

	<p>is determined. This change will ensure that payments are not made prior to the provider's approval and streamline the administration of payments." This is currently not an issue. The Impact Analysis also states, "This change will likely reduce the amount of subsidy payments by up to a month for new recipients and provide some savings or help serve the individuals on the waiting list sooner". There is a reduction in waiting lists statewide and many localities are struggling to expend their current allocations. The Child Care and Development Block Grant Act of 2014 addresses 'Family-Friendly Eligibility Policies'. The implementation of the proposed regulation, to authorize services effective with the date the applicant is determined eligible, is more restrictive than federal requirements. As well, it does not support a family's path to self-sufficiency. It rather supports and benefits the administrative and finance processes of the Child Care Subsidy program administration. The proposed regulation puts finance first rather than families and children and does not strengthen the Child Care Subsidy program's role as a work support program for low-income families.</p>	
<p>Jane Jones, Early Challenges Child Care Center</p>	<p>22VAC40-665-60 22VAC40-665-70</p> <p>Public Hearing: This section does not specify the number of licensing visits nor is that spelled out anywhere else in the document. Please specify how many licensing visits to expect and whether they are announced or unannounced. Child care centers need to be able to schedule the 6-8 hour licensing visit to meet the needs of the children and the center. It is extremely difficult to meet the needs of the center and Department of Social Services on a</p>	<p>This is outside of the purview of this regulation. However, the comments received have been forwarded to the Division of Licensing Programs.</p>

	<p>visit of this length when staff members must be assigned to DSS for the duration of their visit.</p>	
<p>The Virginia Child Care Association</p> <p>Jane Jones, Early Challenges Child Care Center</p>	<p>22VAC40-665-70</p> <p>Town Hall: This regulation allows the Department of Social Services to circumvent regulation. New "requirements" are being added on a regular basis through use of the vendor agreement. The vendor agreement should not be used to circumvent regulation and all requirements must be aligned with regulation. New or additional requirements must go through the regulatory process.</p> <p>Public Hearing: Vendor agreements are referenced in the regulations but are not spelled out or included in the appendix section of the regulations. This agreement should be made part of the regulations.</p>	<p>The Child Care and Development Fund regulation required states to have monitoring of health and safety requirements in place by November 19, 2016. Inspection requirements were originally included in the Vendor Agreements in order to meet the federal deadline for the completion of inspection of all Subsidy providers. This was appropriate, because the Vendor Agreement is a legally binding contract.</p> <p>Given the length of time to complete the regulatory process in Virginia, the inspection requirements were implemented through use of the Vendor Agreements to be in compliance with the federal regulation. Once this proposed regulation becomes final, the inspection requirements will be removed from the Vendor Agreements.</p> <p>The Vendor Agreements are available on the Department's public websites at: www.dss.virginia.gov and www.childcareva.com. Vendors who participate in the Subsidy Program have continuous access to their signed Vendor Agreement through the Subsidy Vendor Agreement System.</p>
<p>Jane Jones, Early Challenges Child Care Center</p> <p>Concerned Parent</p> <p>Concerned Parent</p> <p>Concerned Parent</p> <p>Concerned Parent</p> <p>Concerned Administrator</p> <p>Barbara Leggett,</p>	<p>22VAC40-665-80</p> <p>Town Hall: Prior to 2012, the Department of Social Services followed standard payment practices by paying for their client's enrollment in care. When the ECC system was implemented, this changed and now parents must pay if their child has too many absences. This change has resulted in widespread illness in centers as children are brought to school sick. Parents are placed in impossible positions of balancing what they can pay for and arranging for their child's care. There are many legitimate reasons why a child's absences may exceed the number allowed, and most have nothing to do with just not showing up!</p>	<p>A change was made to increase the number of paid absent days from 24 to 36, which is supported by the CCDF regulation to pay for at least 85% of authorized attendance.</p> <p>Se realizó un cambio para aumentar el número de días de ausencia pagados de 24 a 36, lo cual es respaldado por la regulación del Fondo de Cuidado y Desarrollo Infantil (Child Care and Development Fund, CCDF) para pagar al menos el 85% de la asistencia autorizada.</p>

Stepping Stones CDC	<p>I am a single parent with more than one child. When one of my children is sick I have to leave work and stay home and take care of my child, which means I lose pay. When my child runs out of absences due to illness or other reasons, I don't think it is fair that we have to pay for a day they missed. Limiting absences is unrealistic, especially when children are constantly around many germs and illness that spread.</p>			
Charles Jones				
Jasmine Jackson				
Danny Vasquez				
ACCA Child Development Center				
Gabby Chavez			<p>The policy limiting the number of absences paid for is concerning. The daycare's policy about sickness and illness usually prohibits children from attending at least one day, if not more, or until cleared by a doctor. When my child is absent from daycare, I am also absent from work and miss out on money that I use to pay bills. The additional cost of paying for child care when my child was absent is frustrating.</p>	
Sarah Winslow				
Brenna Dlamantes, ACCA CDC				
Margarita Cabrera, ACCA CDC				
Wendy Calix				
Carol Robinson-Huntley	<p>Paying for absences that exceed the number allowed by DSS is a hardship and a burden for parents who rely on DSS for child care. Parents cannot afford to pay for an absence and pay for a baby sitter or miss work. If a child is enrolled, it shouldn't matter how many absences they have. DSS should pay based on enrollment.</p>			
Jasmeet Kaur				
Sajuna Gurung				
Malefia Seyoum				
M. Folks				
Zebiba Hajereta				
Jennifer Shaw				
The Virginia Child Care Association				
Jenny Chambi				
Paola Mendez				

<p>Lisa Davis</p>	<p>rates, as parents cannot afford to pay them.</p>	
<p>Hoa Le Pham</p>		
<p>Paola Calderon</p>		
<p>Stella Choe</p>		
<p>Sandra Flores</p>		
<p>Lorena Nieto</p>		
<p>Maria Isabel Ballivian, ACCA Child Development Center</p>	<p>Public Hearing: Expressed concern about limiting payments to vendors for absences that exceed 10 holidays and 24 absent days per year. Indicated that this requirement was contrary to what the CCDBG specifies.</p>	
<p>Melissa Landaverde</p>		
<p>Felicidad</p>		
<p>Susana Garcia</p>		
<p>Milenka Crespo</p>		
<p>Katherine</p>		
<p>Marcelo Candia</p>		
<p>Claudia Galindo de Castro</p>		
<p>Carmen Vargas</p>		
<p>Flora Castillo</p>		
<p>Katie Vargas</p>		
<p>Nancy Hernandez</p>		
<p>Pilar I. Caceres Duenas</p>		
<p>Liana Cabrera</p>		
<p>Victor Morales</p>		
<p>Gina Mcgalem</p>		

Susana Nolasco		
Salma Perveen		
Jeancarla Altamirano		
Sandra Guandique		
Roxana Ortuno		
Adrienne Postigo		
Irma Lujan		
Norka Sandoval		
Betty Gonzales		
Christina Rivera		
Norma Quel		
Sandra Rojas		
Sabas Montino		
Stacy Orrick		
Linda Grageda		
Blanca Escobar		
Leidy Becerra		
Benson Castro		
Rocio Jaldin		
Bella Cruz		
Carminia S.		
Silvia Lino		
Maria Guzman		
Ana Dominguez		

<p>Amy Edge, Elizabeth's Early Learning Center</p> <p>Kristen Hensel, A Child's Place Preschools</p> <p>Jane Jones, Early Challenges Child Care Center</p> <p>Barbara Leggett, Stepping Stones CDC</p> <p>The Virginia Child Care Association</p> <p>Jane Jones</p>	<p>22VAC40-665-120 22VAC40-665-470</p> <p>Town Hall: Serious injury should be clearly defined and not include typical childhood injuries such as cuts requiring fewer than X amount of stitches, foreign objects lodged in eye, nose, ear or other body orifice, or injuries where parents sought medical opinion but no treatment was necessary.</p> <p>We would like to see broken bones, cuts requiring stitches and foreign objects lodged in eye, nose, ear or other body orifice removed as a serious injury. These are childhood injuries/occurrences and should not be seen as a serious injury. These situations happen sometimes, and we have children who put foreign objects like pea gravel, macaroni, sand and mulch in their eyes, mouth, nose and ears. We support dislocation, poisoning and concussions as serious injuries.</p> <p>Public Hearing: The definition of serious injury primarily includes normal childhood injuries. The CCDBG only states, "The plan shall include certification that the State will make public by electronic means, organized by provider, the results of monitoring and inspection reports, including...the number of deaths, serious injuries and instances of substantiated child abuse that occurred in child care settings each year." Virginia has decided to take that directive to the level of requiring centers to report within two days any injury that requires a doctor's visit. When a child puts food in their nose or ear that requires a doctor to remove it, it does not meet the standard of serious injury.</p>	<p>No change will be made to the definition. This definition is consistent with the Standards for Licensed Child Day Centers (22VAC40-185) and Standards for Licensed Family Day Homes (22VAC40-111).</p>
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<p>Kim Jackson, Academy Road</p> <p>Jane Jones, Early Challenges Child Care Center</p>	<p>22VAC40-665-180 22VAC40-665-530</p> <p>Submitted by mail: Fingerprint background checks will be an added expense for child care centers. Employees cannot start work until the fingerprint determination letter is received, which could take up to 3 or 4 weeks. We cannot wait a month to get someone hired and in a classroom. We do not always know when we may lose an employee and it is not conducive to wait this long to replace that teacher.</p> <p>Public Hearing: The CCDBG specifically states that background checks should be portable and valid for 5 years. DSS states that the new fingerprint background check is only valid for the current vendor and cannot be used if an employee leaves their current center. Fingerprint checks must also be done before you can hire an employee, yet that non-employee must have your center code before they can get a background check. Employees should be able to work on a provisional basis, under supervision, while waiting on the results of their background checks.</p>	<p>The requirement for fingerprint background checks is a federal requirement. A change has been made to reflect that the background checks shall be valid for five years. Other background checks requirements are established to align with the Standards for Licensed Child Day Centers (22VAC40-185) and Standards for Licensed Family Day Homes (22VAC40-111).</p>
<p>Michelle Kim</p> <p>Angela Todd</p> <p>Gwen Nelbach</p> <p>Jennfier Schwitz</p> <p>LaTonya Carter</p> <p>Claudia Moreno</p> <p>Manuela Gamarra</p> <p>Keydis Palma</p>	<p>22VAC40-665-220</p> <p>Town Hall: Many of us have either used a teenager to babysit our children or have been a babysitter in our younger years. It is unfair to put a specific age restriction that teenagers must be 18 years of age to be left alone with children. This age demographic helps to fill in hours to relieve other employees and helps these younger teens to build on their morals of responsibility and independence.</p> <p>What sense would it make to require any staff member between</p>	<p>A change was made to delete the requirement for sight and sound supervision of a caregiver or staff person under the age of 18.</p>

Osorio	<p>16 and 18 to be monitored by another staff member? Many babysitters and even parents are 16 or 17 years old. They are high energy, enthusiastic caretakers. These young caretakers are needed to help relieve full-time staff.</p> <p>Object to the proposed regulation that teacher aides under the age of 18 are to be supervised at all times. This age demographic is crucial in staffing to relieve fulltime teachers. They bring high energy and enthusiasm to the classroom and allowing them to work in the school promotes the younger age demographic to explore future careers in child care.</p> <p>We would like to be able to continue the practice of allowing staff under 18 years of age to be able to work independently as long as there is a supervisor (Lead Teacher) in the building for the first and last hour of the day. This allows coverage for full time staff to arrive and leave at a decent time of day.</p> <p>As parents, we trust that our centers will staff our children's school with appropriate individuals (who have been fully vetted). I have observed first-hand the 16 and 17-year-old helpers do amazing things with their classes and how the children respond to them. These 16 and 17 year olds have flourished. Please have observers come and watch these amazing young people in action.</p> <p>Public Hearing: If certified qualifications were to be strictly imposed, then aides under the age of 18 will surely be needed to provide relief in the expected shortage of staff. Most 16 and 17 year olds have attained child care experience either through the care of younger siblings or by babysitting for family members and</p>
Mercedes Sanchez	
Erica Lee	
Soni Rana	
Mary Lou Nellis	
Samantha Lee An	
Monica Mendez	
Penny Edwards	
Alisha Morgan	
Dalia Zuniga	
Jessica Ventura-Sorto	
Heather Elkins	
Jenny Bach	
Tammy Berry	
Bobbe Abich	
Andrea A Londono	
Nafisa Hamdard	
Jacquelyn Terkhorn	
Paula Williams	
Carmen Weston	
Sara Kidwell	
Jennifer Cisneros-Sosa	
Tessa Sanchez	

<p>Miladys Mendoza</p>	<p>friends. Having 16 and 17 year old aides in facilities would relieve the demand for teachers to work long hours and effectively maintain a personal and professional schedule.</p>	
<p>Marsha Garrett</p>		
<p>Rosa Sanchez</p>	<p>Strongly object this targeted change. I have observed many teenage staff members over many years and feel this is both unfair and discriminatory based just on their age. We have a 60-year history of working with high-school-age providers that has been productive and enriching for the children. They fill a vital role during a twelve-hour day, particularly adding energy at the end of a long day.</p>	
<p>Angela Lanier</p>		
<p>Sylvia Fornah</p>		
<p>Marcela Herrguth</p>		
<p>Sara Torres</p>		
<p>Darlen Perez</p>		
<p>Kristen Hensel, A Child's Place Preschools</p>	<p>DSS wants to restrict the employee pool by age and education. There is no directive or reason for limiting the ability of a child care center to utilize employees under 18 years of age.</p>	
<p>Jack Merritt, Jr.</p>		
<p>Jane Jones, Early Challenges Child Care Center</p>	<p>Mail: Object to the proposed regulation that requires teacher aides under the age of 18 to be supervised at all times. The age demographic is needed to relieve fulltime teachers. They bring high energy and enthusiasm to the classroom. Allowing them to work in the classroom also promotes the exploration of future careers in child care.</p>	
<p>Marcela Mendoza</p>		
<p>Stephanie Hopkins</p>		
<p>Maela Sanchez</p>		
<p>Elizabeth DeMarino</p>		
<p>Nitsuh Tesfaye</p>		
<p>Keyonia Blakeney</p>		
<p>Khalilah Jones</p>		
<p>Rahel Endris</p>		
<p>Angel Scott</p>		
<p>Kelel Tesfaye</p>		

Kevin McGunnigle		
Bart Taylor		
Natasha Cofresi		
Kwesi Abban		
Michael Ellison		
Dana Hines		
Ruhuma Bukuru		
Jennifer Rainey		
Angela Bellido		
Margarita Flores		
Marvin Davis, Jr.		
Ashley Dascoli		
Ruhama Getachew		
Jessica Mastropietro		
Robyn Shaver		
Adriana Gomez		
Camila Manjarres		
Jacob Beard		
Kate Millender		
Jennifer Ellison		
Neil Saltman		
The Virginia Child Care Association		
Jane Jones		

<p>Tahanee Karim Monica Jones Emma Lee Wilson Katie Beard Jennifer Fadden Elizabeth Edwards Linda Waldhuber Lachelle Metcalf Kristen Saltman Stephanie Usurin Brett Dailey Billy Edwards Sue Edwards</p>		
<p>Michelle Kim Angela Todd Gwen Nelbach Jennifer Schwitz LaTonya Carter Claudia Moreno Manuela Gamarra Keydis Palma Osorio Mercedes</p>	<p>22VAC40-665-230 22VAC40-665-580</p> <p>Town Hall: A 90-day grace period to obtain certification in CPR and first aid training is a better solution for new hire employees. New employees may be relying on this job for a first source of income and therefore would need to have the money to even go and have CPR training. There are other factors such as transportation and scheduling that could impact the time needed to take the 8-hour training course.</p> <p>It is unreasonable to expect a new employee, who financially may not be able to pay for the training, to comply within 30 days. A 90-day</p>	<p>A change has been made to allow for a 90-day grace period for new employees to obtain certification in CPR and first aid.</p> <p>No change will be made to the requirement that all direct care staff be certified in CPR and first aid. The Department feels this requirement is necessary to ensure the safety of children.</p>

Sanchez	grace period is a better option.	
Erica Lee	<p>Object to 100% of staff obtaining CPR and first aid certification within 30 days of employment. A more reasonable and equally safe alternative would be 50% of staff certified and 100% trained within 90 days of employment.</p> <p>It is not always possible to schedule a CPR/first aid certification training within 30 days of hire. We are dependent on schedules of local CPR/first aid trainers. Trainers are not willing to provide training for one person at a time and, therefore, wait until there is a full class before providing a training. Certification within 90 days of hire would be much more realistic and manageable.</p> <p>A thirty-day requirement on any documentation or training that requires involvement with an outside agency is impracticable and unmanageable. Ninety days is more sufficient.</p> <p>We would like to have this changed to 90 days, which is consistent with other CCDBG allowable timeframes.</p> <p>We would like for 100% staff to be trained and 50% to be certified. It makes sense to have one teacher caring for the child in need and the other teacher to care for the rest of the children.</p> <p>Public Hearing: Aides are currently expected to successfully complete CPR course along with their child care training, which is an important requirement in the quality of care provided to working families. As an important requirement, it is best to allow an extension of 90 days for CPR certification as most staff navigate a full personal schedule and would benefit from the time dedication focused on successfully completing</p>	
Soni Rana		
Mary Lou Nellis		
Samantha Lee An		
Monica Mendez		
Penny Edwards		
Alisha Morgan		
Dalia Zuniga		
Jessica Ventura-Sorto		
Heather Elkins		
Jenny Bach		
Tammy Berry		
Bobbe Abich		
Andrea A Londono		
Nafisa Hamdard		
Jacquelyn Terkhorn		
Paula Williams		
Carmen Weston		
Sara Kidwell		
Jennifer Cisneros-Sosa		
Tessa Sanchez		
Miladys Mendoza		

Marsha Garrett	training requirements.	
Rosa Sanchez	Expressed support for 100% of staff to be trained and for 50% to be certified. As someone that has dedicated his life to public safety as a rescue provider, I feel this proposed change is not necessary. In addition, the centers need a 90-day, not a 30-day, grace period for new staff requiring certification. Even with these requested changes, this is a significant improvement over the current requirement of one staff to be CPR/first aid certified.	
Angela Lanier		
Sylvia Fornah		
Marcela Herrguth		
Sara Torres		
Darlen Perez		
Jane Gerdy, Elizabeth's Early Learning Center	We support all staff to be trained in CPR/first aid and for 50% to be certified. The requirement for 100% of staff to be certified presents many obstacles to providers, particularly for those smaller providers that employ fewer staff and for those providers in outlying and rural areas. We also request a 90-day grace period for new staff requiring certification.	
Amy Edge, Elizabeth's Early Learning Center		
Kristen Hensel, A Child's Place Preschools		
Jack Merritt, Jr.	The CCDBG only requires training in 10 topics in an orientation period in addition to ongoing training in specific topics. DSS has translated that directive into excessive training within an unrealistic time frame that will continue to increase the costs of child care and pose a real burden on child care centers and their employees.	
Patti Varner, Childcare Network		
Gary Fleming, Childcare Network		
Jane Jones, Early Challenges Child Care Center	CPR and first aid training are typically tied to certification, but it is not a requirement of the CCDBG. The requirement for 100% of all child care staff to be CPR/first aid certified within 30 days of hire is excessive, unrealistic, and impossible for child care centers to comply with. There is no allowance for full time or part time employees, or for teachers who are hired for only the summer months.	
Marcela Mendoza		
Stephanie Hopkins		
Maela Sanchez	We are wasting thousands of dollars on employees who no longer work for us.	
Elizabeth		

<p>DeMarino</p> <p>Nitsuh Tesfaye</p> <p>Keyonia Blakeney</p> <p>Khalilah Jones</p> <p>Rahel Endris</p> <p>Angel Scott</p> <p>Kelel Tesfaye</p> <p>Kevin McGunnigle</p> <p>Bart Taylor</p> <p>Natasha Cofresi</p> <p>Kwesi Abban</p> <p>Michael Ellison</p> <p>Dana Hines</p> <p>Ruhuma Bukuru</p> <p>Jennifer Rainey</p> <p>Angela Bellido</p> <p>Margarita Flores</p> <p>Marvin Davis, Jr.</p> <p>Ashley Dascoli</p> <p>Ruhama Getachew</p> <p>Jessica Mastropietro</p> <p>Robin Shaver</p> <p>Adriana Gomez</p> <p>Camila</p>	<p>Mail: Object to 100% of staff obtaining CPR and first aid certification within 30 days of employment. A more reasonable and equally safe alternative would be 50% of staff certified and 100% trained within 90 days of employment.</p>	
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Manjarres		
Jacob Beard		
Kate Millender		
Jennifer Ellison		
Neil Saltman		
Barbara Leggett, Stepping Stones CDC		
The Virginia Child Care Association		
Jane Jones		
Tahanee Karim		
Monica Jones		
Emma Lee Wilson		
Katie Beard		
Jennifer Fadden		
Lachelle Metcalf		
Elizabeth Edwards		
Linda Waldhuber		
Kristen Saltman		
Stephanie Usurin		
Brett Dailey		
Billy Edwards		
Sue Edwards		

Michelle Kim	22VAC40-665-330 22VAC40-665-700	A change was made to require the vendor inform the Department within two business days any injury to a child requiring a referral for treatment from a medical professional.
Angela Todd	Town Hall:	
Gwen Nelbach	Children, especially at a younger age, are constantly active and will have little mishaps here and there.	No change was made to the requirement for the vendor to notify the parent immediately if a child is lost, requires emergency medical treatment, or sustains a serious injury or dies.
Jennifer Schwitz	To require immediate notification for every single accident would be overwhelming not only for the parents but also to the administration.	
LaTonya Carter		
Claudia Moreno		
Manuela Gamarra	Reporting every injury that requires medical attention is unnecessary. Redefine serious injury or don't require real time reporting. A more reasonable approach would be an evaluation of serious injury at time of inspection.	
Keydis Palma Osorio		
Mercedes Sanchez	Object to real time reporting of serious injury by definition of any injury requiring medical attention. A reasonable alternative would be to require centers to maintain written documentation of serious injury that would be readily available at time of licensing inspection, or the definition of serious injury should be reevaluated.	
Erica Lee		
Soni Rana		
Mary Lou Nellis		
Samantha Lee An		
Monica Mendez	All injuries requiring a child to see a doctor are not serious injuries. Some are minor and, after parents consult with a physician, no treatment or minimal treatment is required. These should not have to be reported to the state.	
Penny Edwards	Documentation of these kinds of injuries are maintained at each center.	
Alisha Morgan		
Dalia Zuniga	Real time reporting of serious injuries is not a CCDBG requirement and we strongly oppose it. Instead, we should provide serious injury reporting, upon a semi-annual DSS visit, as currently practiced.	
Jessica Ventura-Sorto		
Heather Elkins		
Jenny Bach		
Tammy Berry		
Bobbe Abich		
Andrea A Londono	Public Hearing: Strongly oppose real time reporting of serious injuries and instead	

Nafisa Hamdard	support providing serious injury information at the semi-annual DSS visit, as currently practiced.	
Jacquelyn Terkhorn	<p>Object to real time reporting of serious injuries as it would increase the number of visits by licensing and/or CPS which creates stress on the teachers, children and families, and can take attention away from teaching and supervising children.</p> <p>Mail: Object to real time reporting of serious injury by definition of any injury requiring medical attention. Suggested a reasonable alternative would be to require centers to maintain written documentation of serious injury to be readily available at time of licensing inspection, or the definition of serious injury should be reevaluated.</p>	
Paula Williams		
Carmen Weston		
Sara Kidwell		
Jennifer Cisneros-Sosa		
Tessa Sanchez		
Miladys Mendoza		
Marsha Garrett		
Rosa Sanchez		
Angela Lanier		
Sylvia Fornah		
Marcela Herrguth		
Sara Torres		
Darlen Perez		
Jane Gerdy, Elizabeth's Early Learning Center		
Kristen Hensel, A Child's Place Preschools		
Jack Merritt, Jr.		
Patti Varner, Childcare Network		
Gary Fleming, Childcare Network		

Marcela Mendoza		
Stephanie Hopkins		
Maela Sanchez		
Elizabeth DeMarino		
Nitsuh Tesfaye		
Keyonia Blakeney		
Khalilah Jones		
Rahel Endris		
Angel Scott		
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Kevin McGunnigle		
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Natasha Cofresi		
Kwesi Abban		
Michael Ellison		
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Ashley Dascoli		
Ruhama		

Getachew		
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Jennifer Fadden		
Elizabeth Edwards		
Linda Waldhuber		
Lachelle Metcalf		
Kristen Saltman		

<p>Stephanie Usurin</p> <p>Brett Dailey</p> <p>Billy Edwards</p> <p>Sue Edwards</p>		
<p>Jane Jones, Early Challenges Child Care Center</p>	<p>22VAC40-665-540</p> <p>Public Hearing: Please explain how a child care center is supposed to (legally) access and or ask for a mental health evaluation of an employee.</p>	<p>If there is evidence that the safety of children may be jeopardized by contact with a staff member, the employer (licensee) would need to ask the employee to provide documentation from a physician or clinical psychologist that confirms that any risk has been eliminated or can be reduced to an acceptable level by reasonable accommodations.</p>
<p>Jack Merritt, Jr.</p> <p>Patti Varner, Childcare Network</p> <p>Gary Fleming, Childcare Network</p>	<p>22VAC40-665-620</p> <p>Public Hearing: Expressed objection to the proposed change to keep cleaning products in a locked place.</p> <p>Cleaning products should be kept out of reach of children but not locked. Cleaning and disinfecting are a large part of what we do to keep children safe and healthy. Having to lock cleaning chemicals is a barrier to easy sanitation.</p>	<p>This requirement is necessary for the protection of children. An exception is provided to allow for cleaning supplies needed to clean and sanitize the diapering area or toilet chairs to remain unlocked, but inaccessible to children, during the diapering or toilet training time.</p>
<p>Michelle Kim</p> <p>Angela Todd</p> <p>Gwen Nelbach</p> <p>Jennifer Schwitz</p> <p>LaTonya Carter</p> <p>Claudia Moreno</p> <p>Manuela Gamarra</p> <p>Keydis Palma Osorio</p>	<p>22VAC40-665-650</p> <p>Town Hall: Group size requirements not only limit the amount of space for the children to learn and grow physically and educationally, it causes confusion for those who may not understand why they are limited in space and involvement with their fellow peers. It also disturbs the fluidity of teamwork that the teacher and aides may have built if they are separated into groups rather than a whole class.</p> <p>Group sizing is going to cause financial strain on businesses. Centers will have to choose</p>	<p>Federal regulations governing the Child Care Subsidy Program require states to implement group size limits. The ratios and group size requirements are consistent with the Standards for Licensed Child Day Centers (22VAC40-185) and Standards for Licensed Family Day Homes (22VAC40-111). A change was made to allow for a variance to the group size requirements if approved by the Division of Licensing Programs.</p> <p>The Division of Licensing Programs will provide technical assistance and guidance on the implementation of written plans for consistent care.</p>

Mercedes Sanchez	between corralling the children in a restricted space and reconstructing classrooms, or just cutting spaces out of classrooms completely. This will most definitely force families to seek care from unlicensed, unregulated sources.
Erica Lee Soni Rana	
Mary Lou Nellis	A reasonable variance to group sizing requirements should be granted to centers that are currently operating. It is unreasonable to expect a center to physically reconstruct or decrease availability when they are currently operating at capacity.
Samantha Lee An	
Monica Mendez	
Penny Edwards	
Alisha Morgan	There is a shortage of child care, especially for infants and toddlers, in our community. Restricting group size, regardless of the amount of space that is available, may cause centers to reduce the number of children they serve. A possible solution would be to divide the open space into different areas including one large area for sleeping infants and other spaces for different infant/toddler activities.
Dalia Zuniga	
Jessica Ventura-Sorto	
Heather Elkins	
Jenny Bach	
Tammy Berry	Children attend a school that performed the group size requirements during a trial basis. Expressed that the process was awkward and painful for the school and parents. The children did not understand why they were not able to interact with their friends. Expressed concern that this proposal was made without doing full research into the impacts or without talking to the schools that tried this requirement out on a trial basis.
Bobby Abich	
Andrea A Londono	
Nafisa Hamdard	
Jacquelyn Terkhorn	
Paula Williams	
Carmen Weston	There needs to be consistency in each classroom everyday; however, to require a written policy to make things set in stone is not only unrealistic but would cause problems and confusion to the parents who wouldn't have known any different. The children in each class will always have someone to make sure their care is always
Sara Kidwell	
Jennifer Cisneros-Sosa	
Tessa Sanchez	
Miladys	

Mendoza	constant and safe.	
Marsha Garrett	<p>Object to requiring centers to establish and maintain written policy to ensure consistent care in every class. It is always a goal that we strive to maintain consistent staff in a classroom, but staffing is difficult and to make promises that cannot be kept would be irresponsible. The main priority is to ensure the children are receiving quality care from a trained staff member.</p> <p>The concept of consistent care is not clearly defined in this standard. It is a goal that we try to maintain consistent staff in a classroom but circumstances beyond our control, such as staff turnover and illness, prevent us from ensuring this.</p> <p>While it is our goal to provide consistent staff in every classroom, the reality is that there are times that this may not be possible. We do not agree with providing the Department with a written policy that with "ensure" consistent care in every class. While certainly the goal, it is burdensome to ensure this and comply with this standard all the time.</p> <p>Centers should be ensuring the parents that their children will receive care by consistent staff. What will this requirement to implement written policy and procedure to the Department accomplish? Can the Department ensure that they will read every single entry for every school in the state? There are better things to do with everyone's time (including the Department's) then to implement this requirement.</p> <p>Public Hearing: Object to the proposed addition of group sizing in classrooms. I have been working with 18-24 month old children for 8 years. When we first learned this might be a</p>	
Rosa Sanchez		
Angela Lanier		
Sylvia Fornah		
Marcela Herrguth		
Sara Torres		
Darlen Perez		
Jane Gerdy, Elizabeth's Early Learning Center		
Kristen Hensel, A Child's Place Preschools		
Jack Merritt, Jr.		
Patti Varner, Childcare Network		
Gary Fleming, Childcare Network		
Mike Ellison		
Marcela Mendoza		
Stephanie Hopkins		
Maela Sanchez		
Elizabeth DeMarino		
Nitsuh Tesfaye		
Keyonia Blakeney		
Khalilah Jones		

Rahel Endris	<p>requirement for centers we tried it with lots of negative backlash and outcomes. This is not something that is conducive to the learning environment for children. Parents were very concerned with how the children were split up. It inhibits the social development of the children. It discourages teamwork, promotes exclusion, and limits space in the classroom.</p>	
Angel Scott		
Kelel Tesfaye		
Kevin McGunnigle		
Bart Taylor		
Natasha Cofresi	<p>Focus should be on the quality of care provided by child care facilities instead of focusing on limiting the current class size of infant and toddler care. A down-size in classroom may cause a restriction in already limited child care resources. Child care facilities will be forced to expand the size of infrastructure and raise tuition to support these added changes, which could later greatly impact the ability of families to afford child care.</p>	
Kwesi Abban		
Dana Hines		
Ruhuma Bukuru		
Jennifer Rainey		
Angela Bellido	<p>Group size requirements will negatively impact our operation, classroom management and capability. This change will result in a reduction in our capacity particularly in our infant/toddler care. Paying for additional lead teachers will also increase costs. There is already a shortage in Northern Virginia for infant and toddler care. If this ratio is still considered, a variance should be granted for centers physically unable to meet this requirement, to continue care, for the current number of infants and toddlers in care.</p>	
Margarita Flores		
Marvin Davis, Jr.		
Ashley Dascoli		
Ruhama Getachew		
Jessica Mastropietro	<p>While it is our goal to provide consistent staff in every classroom, the reality is that there are times that this may not be possible. I do not agree with providing the Department with a written policy that with "ensure" consistent care in every class. While certainly the goal, it is burdensome to ensure this and be in compliance with this</p>	
Robin Shaver		
Adriana Gomez		
Camila Manjarres		
Jacob Beard		
Kate Millender		
Jennifer Ellison		
Kristen Saltman		

<p>Barbara Leggett, Stepping Stones CDC</p>	<p>standard all the time. It is also subjective and will be fraught with discretionary issues.</p>	
<p>Tahane Karim</p>	<p>With the growth and demand for child care and early childhood education, particularly for infants and toddlers, we object to limiting group sizes if it reduces the capacity of the school for any age group. New construction can adhere to this guideline, but many current providers will be negatively impacted and unable to meet the needs of a growing community. We support "grand fathering" in current providers that would be negatively impacted by this requirement.</p>	
<p>Monica Jones</p>		
<p>Emma Lee Wilson</p>		
<p>Katie Beard</p>		
<p>Jennifer Fadden</p>		
<p>Elizabeth Edwards</p>		
<p>Linda Waldhuber</p>	<p>As a parent and former educator, I do not see a "one-size-fits-all" solution for all schools and programs. Simply requiring schools to comply with new regulations in order to make it easier to align with a federal block grant program is onerous at best and damaging to the educational process for children. I am most interested in registering my opposition to the proposal to subdivide larger open classrooms into two smaller subgroupings to increase instructional contact with students. My wife and I chose Springfield Academy for my son due to his being able to roam and move around in a larger more spacious environment. Active children are happier children and it is a mistake to think we can corral our children in smaller areas and inspect instructional contact from teachers to increase and not an increase in behavioral issues because we are asking our small children to act more like high school students and less like toddlers.</p>	
<p>Lachelle Metcalf</p>		
<p>Stephanie Usurin</p>		
<p>Brett Dailey</p>		
<p>Billy Edwards</p>		
<p>Sue Edwards</p>		
	<p>Mail: Object to the group sizing requirement. I believe a variance should be granted to centers that</p>	

	<p>are currently operating. It is unreasonable to expect a center to physically reconstruct their center or decrease availability when they are currently operating at capacity.</p> <p>Object to requiring centers to establish and maintain written policy to ensure consistent care in every class. It is always a goal to maintain consistent staff in a classroom, but staffing is difficult and to establish a written plan that wouldn't be able to be followed would be irresponsible. I believe that as long as the center is continuously providing safe and consistent care to the children they should not have to comply with a written plan.</p> <p>Object to the group sizing requirement. Believe that a higher ratio should be applied so as not to limit accessibility to care, particularly in the younger groups.</p>	
<p>Beth Kariel</p>	<p>Public Hearing: Licensing inspectors visit daycare centers twice a year and when there are complaints. There is evidence that these visits are not frequent enough or thorough enough to adequately inspect centers. The state needs to increase the number of inspectors and provide for more frequent, unannounced visits as well as longer visits, particularly for new centers or centers where there are indications of problems. If licensing is not enforced better in Virginia, then the licensing standards do not accomplish what they are meant to accomplish, a safer day care environment.</p>	<p>This is outside of the purview of this regulation. However, the comment received has been forwarded to the Division of Licensing Programs.</p>
<p>Jack Merritt, Jr. Patti Varner, Childcare Network Gary Fleming, Childcare</p>	<p>Public Hearing: Professionalizing ECE teachers and providers builds confidence and credibility. To keep up with the trend of professionalizing this workforce, the terms "Lead Teacher" and "Assistant Teacher" should be considered instead of</p>	<p>This is outside of the purview of this regulation. However, the comments received have been forwarded to the Division of Licensing Programs.</p>

Network	Program Leader and Aide.	
<p>Michelle Kim</p> <p>Angela Todd</p> <p>Sylvia Fornah</p> <p>Jack Merritt, Jr.</p> <p>Patti Varner, Childcare Network</p> <p>Gary Fleming, Childcare Network</p> <p>Jane Jones, Early Challenges Child Care Center</p> <p>Mike Ellison</p> <p>Neil Saltman</p> <p>Barbara Leggett, Stepping Stones CDC</p>	<p>Town Hall:</p> <p>A blanket requirement for director qualifications is a wrong approach. Expressed concern that a director's previous experience was being disregarded and that successful directors should be grandfathered in.</p> <p>Public Hearing:</p> <p>Program Directors should not be disqualified based solely on their child related educational experience. Their real life experiences may be extremely significant in the educational field. It is unfair and discouraging to disregard someone's efforts and accomplishments achieved through their years of child care experience, just because they may not have an educational degree.</p> <p>Current directors, who have been successfully running child care centers for years, should be grandfathered in. To force resignation or further education on people who have been doing their jobs they were previously qualified for is not fair or realistic.</p> <p>Changes would require the assistance of a full staff body, which currently seems problematic as facilities are to anticipate the rejection of applicants lacking a degree in child care. Most child care facilities go out of their way to ensure that staff who are not certified in the field complete not only online training but also work through a training period to show their capability and to insure the safety of children in their care. Further limiting an already limited pool of applicants would cause a severe shortage in staff.</p> <p>Similar to what the Department of Social Services and the Department of Education has</p>	<p>This is outside of the purview of this regulation. However, the comments received have been forwarded to the Division of Licensing Programs.</p>

	<p>experienced lately, child care centers are finding it increasingly difficult to find qualified staff. I object to limiting an already limited pool of applicants by changing the current standard.</p> <p>We object to limiting Director credentials to such specific areas of education. It is difficult enough to recruit qualified candidates under the current regulations. We would like to expand this area to those with CDA certifications as well as applicants outside the field of early childhood education that are willing and able to enter into this challenging field. We would like to see an associates degree or BA/BS degree in any field. Early childhood education courses preferred but not required.</p> <p>There is no reason to eliminate job applicants whose degree is in a non-child related field. There is 30% turnover if the industry as whole and quality employees are extremely hard to find. There is no reasoning or data in support of eliminating the current standards for director qualifications.</p> <p>I believe it is a huge mistake to ignore a professional educator's work experience and work history when looking at educational requirements and whether someone is qualified to serve as a school administrator. Work experience can be a greater asset when running and operating a school – in absence of formal degrees in education. To inform current administrators they would be no longer qualified or certified to serve as school directors, without grandfathering those who have performed successfully in their current roles for 20, 25 or 30 years is unfair to both individuals and schools who have performed admirably and served their communities well. There should be at least some transition period for</p>	
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	those individuals with decades of experience who may be lacking the formal education.	
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All changes made in this regulatory action

Please list all changes that are being proposed and the consequences of the proposed changes. Describe new provisions and/or all changes to existing sections. Explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
22VAC40-661-10	22VAC40-665-10	Incorporates definitions within the current regulation.	<p>Most existing definitions were carried over to the proposed regulation. However, some terms are added, some deleted and some updated in the regulation to coincide with changes due to new federal requirements.</p> <p>The term “Assets” is added and defined. The term “Child care services” is removed and replaced with the term “Child care subsidy and services” or “Child Care Subsidy Program”. The term “Child experiencing homelessness” is added and defined. The term “Child support services” is removed as it is no longer needed. The term “Child with special needs or disability” is updated to comport to the definition in 45 CFR Part 98. The term “Cooperate with the Division of Child Support Enforcement” is removed as it is no longer needed. The term “Conditional eligibility” is added and defined. The term “Copayment” is updated to provide clarity and to document where the copayment scale may be found. The term “Exit eligibility limit” is added and defined. The term “Fiscal year” is added and defined. The term “Fraud” is removed as it is no longer needed with the existing term “Intentional program violation”. The term “Graduated phase-out” is added and defined. The term “Initial eligibility limit” is added</p>

			<p>and defined.</p> <p>The term “Level one provider” is updated to include providers not approved under local ordinance or federally approved.</p> <p>The term “Level two provider” is updated to remove the reference to Department of Education approved providers.</p> <p>The term “Need for child care” is added and defined.</p> <p>The term “Noncooperation with DCSE” is removed as it is no longer needed.</p> <p>The term “Register with the Division of Child Support Enforcement” is added and defined.</p> <p>The term “Vendor” is added and defined.</p> <p>The term “Vendor agreement” is added and defined.</p> <p>The term “Virginia Initiative for Employment not Welfare” or “VIEW” is added and defined.</p>
22VAC40-661-20	22VAC40-665-20	<p>The section provides the eligibility requirements for families and children to receive child care subsidy.</p> <p>The section includes specific eligibility criteria for families and children to receive child care subsidy. Requirements include: residence in the locality in which application or redetermination for assistance is made, age requirements of children served, citizenship or legal residency of the children served, and immunization requirements for children served.</p> <p>The regulation specifies that a family day home provider may not receive assistance for his or her own child who will be cared for in the home.</p>	<p>The existing requirements in 22VAC40-661-20 were carried over to the proposed regulation.</p> <p>A new provision is added that families receiving assistance must certify that they do not have assets which exceed \$1 million to comport to the requirements of the CCDBG.</p> <p>A provision is added that allows families of a child experiencing homelessness that cannot provide required documentation needed to determine eligibility to receive conditional approval for a period not to exceed 90 days.</p> <p>A provision is added that allows the local department the option to serve a child born to a family 10 months or more after the initial date of approval for the Fee Program, or place the child on the waiting list.</p>
22VAC40-661-30	22VAC40-665-30	<p>The section outlines the various categories of care within the program.</p> <p>The section provides details on the child care subsidy and services available to recipients of</p>	<p>The existing requirements in 22VAC40-661-30 were carried over to the proposed regulation.</p> <p>An amendment was made to the Fee Program requirements to include families who are not receiving SNAPET.</p>

		<p>TANF.</p> <p>The section provides a description of the programs available to income eligible applicants to the extent of available funding.</p>	
<p>22VAC40-661-40 and 22VAC40-661-70</p>	<p>22VAC40-665-40</p>	<p>Current catchline: State Income Eligible Scale and Copayments.</p> <p>The section outlines that the department is responsible for: establishing the income eligibility scale and the variables to be considered as well as the method for determining a co-payment and who will or will not be required to pay a copayment.</p> <p>The section outlines the case management process including the application process, the age of applicants, a requirement for registration with Child Support Enforcement, service planning, due process, redetermination, beginning date of payment, parental responsibilities, termination of services, and waiting list procedures.</p> <p>The section includes the requirement that limits receipt of child care assistance for Fee Program participation to 72 months per family.</p>	<p>The existing requirements in 22VAC40-661-40 were carried over to the proposed regulation. The family copayment chart was removed from the proposed regulation because it is changed annually as the Federal Poverty Guidelines change. It is included in the Child Care and Development Fund (CCDF) Plan, which is a document incorporated by reference in the proposed regulation.</p> <p>The existing requirements in 22VAC40-661-70 were moved to 22VAC40-665-40 with the exception of the requirement for reassessment. The requirement for local departments to make regular contacts with a member of the case household or the provider was removed. This requirement was removed to eliminate rules that could create a hardship for families receiving subsidy and unduly disrupt a parent's work schedule, and to reduce administrative requirements.</p> <p>The section catchline was changed to "Case management" to more accurately reflect all the provisions included within this section.</p> <p>The section includes new provisions that comport to new federal requirements. Families determined eligible will be considered to meet all eligibility requirements, and receive assistance, for not less than 12 months before their eligibility is redetermined with limited exceptions and limited changes to co-payments. The eligibility redetermination must also not unduly disrupt a parent's work schedule. A provision is added that provides for a graduated phase-out of care for families whose income exceeds the initial eligibility limit for their family size and locality, but does not meet or exceed the exit threshold. The section allows for the expedited enrollment of children experiencing homelessness. A new</p>

			<p>requirement is added that provides for families to maintain eligibility if they move from the locality in which they originally applied to another locality within the state (case transfers). A new requirement is added that specifies consumer information that must be provided to families. These changes will enable families to more easily access stable and continuous care and support their continued employment. These changes also support child care providers by ensuring more stable and continuous payment of authorizations for children in their care.</p> <p>A new requirement is added that prohibits increases in family copayments during the 12-month eligibility period, except when the family income exceeds the initial eligibility limit but is below the exit eligibility limit during the graduated phase-out of care.</p> <p>The beginning date of service payment is amended and establishes the date the applicant is determined eligible and a vendor approved by the department is selected, as the beginning date of service payment. The beginning date of service payment for VIEW or SNAPET participants is established as the date of referral from the respective program. Eligibility must be determined within 30 days of receipt of a signed application or referral from VIEW or SNAPET. This provision will ensure that applications are processed timely once all required verifications and supporting documentation needed to determine eligibility is received by the local department. This will also ensure that payments are not made prior to the provider's approval by the department as a vendor.</p> <p>The requirement for parents to report changes that could affect their eligibility within 10 calendar days was amended to include only the following reported changes: countable income that exceeds 85% of SMI or when the recipient is no longer a resident of Virginia or the county from which they are receiving services.</p> <p>A new requirement for applicants to verify</p>
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			their identity is added to support program integrity.
22VAC40-661-50	22VAC40-665-50	The section contains language on parental choice and providers used.	<p>The existing requirements in 22VAC40-661-50 were carried over to the proposed regulation.</p> <p>This section ensures that parents have full parental choice of all legally operating providers who are approved by the department to participate in the Child Care Subsidy Program</p>
22VAC40-661-53	22VAC40-665-60	The section contains requirement that vendors must provide unlimited access to children in their care.	<p>The existing requirements in 22VAC40-661-53 were carried over to the proposed regulation.</p> <p>This section ensures that vendors afford parents unlimited access to their children in care as well as state and local department staff.</p>
22VAC40-661-57	22VAC40-665-70	<p>The section outlines requirements for child care providers who want to be eligible to receive payments through the program.</p> <p>The section provides the appeal procedures for disputes between a vendor and the department.</p>	<p>Provisions in the existing regulation at 22VAC40-661-57 were incorporated into the new proposed requirements. Provisions in this section ensure the health and safety of children in child care settings and improve the quality of care by requiring all providers participating in the Child Care Subsidy Program meet the requirements of the CCDBG.</p> <p>The section includes the requirement, carried over from the existing regulation, for vendors who participate in the Child Care Subsidy Program to sign a department-approved vendor agreement.</p> <p>A new requirement was added for providers to comply with the regulations for their type of child care, including background checks and to permit and cooperate with inspections by staff from the department of social services.</p> <p>A restriction is added to clarify that vendors who participate in the subsidy program may not do so while serving as an employee within the department or a local department of social services. This provision is included to prevent a conflict of interest.</p> <p>A provision is added that requires vendors to provide notice to individuals required to undergo background checks of the opportunity to challenge the results of the background checks and the procedures</p>

			<p>for doing so.</p> <p>The section provides the appeal procedures for disputes between the vendor and the department regarding the payment for services, enforcement or termination of the vendor agreement, or disqualification from the Child Care Subsidy Program.</p>
22VAC40-661-60	22VAC40-665-80	<p>The section outlines the establishment and implementation rules for payment for child care services, including maximum reimbursable rates, payment for children with special needs, in-home care, registration fees, and holidays.</p>	<p>The existing requirements in 22VAC40-661-60 were carried over to the proposed regulation.</p> <p>The section contains language on payment rates used and the established maximum reimbursable rates. This ensures consistent payment practices throughout the state.</p> <p>A provision is added that allows for payment of up to 36 absent days per fiscal year to level two providers. This will ensure that recipients do not risk losing their child care during periods of extended absences such as a child's illness.</p> <p>Requirements for out of state providers were removed with the elimination of approval for out of state providers to participate in the program. With implementation of the new federal requirements for background checks and inspections of providers participating in the Child Care Subsidy Program, the agency will no longer be able to approve out of state providers for participation in the program.</p>
22VAC40-661-90	22VAC40-665-90	<p>The section covers how to handle complaints in the child care setting.</p>	<p>The existing requirements in 22VAC40-661-90 were carried over to the proposed regulation.</p> <p>This section ensures that complaints regarding possible child abuse or neglect occurring in a child care setting are handled appropriately. The intent is to ensure that parents have a mechanism to report complaints involving the child care services received by their children.</p>
22VAC40-661-80	22VAC40-665-100	<p>Current catchline: Fraud.</p> <p>The section outlines procedures and action to be taken in the event of fraud and non-fraud overpayments.</p> <p>The section outlines</p>	<p>The existing requirements in 22VAC40-661-80 were carried over to the proposed regulation.</p> <p>The section catchline is changed to "Recipient intentional program violation and disqualification" to more accurately reflect all the provisions included within this section of the regulation.</p>

		<p>procedures and action to be taken in the event of fraud or intentional program violation, including provisions to ensure improved program integrity and accountability.</p>	<p>The process for administrative disqualification from the program is included for child care recipients if there is clear and convincing evidence that fraud was committed, but the situation does not meet the Commonwealth Attorney’s criteria for prosecution. Disqualification for an intentional program violation is included as a reason for disqualification from the program. The administrative disqualification process and resulting disqualification from program participation will enable the program to take action when an intentional program violation in committed, but may not meet the dollar level established by some Commonwealth Attorneys for prosecution.</p>
22VAC40-661-80	22VAC40-665-105	<p>Current catchline: Fraud</p> <p>The section outlines procedures and action to be taken in the event of fraud and non-fraud overpayments.</p> <p>The section outlines procedures and action to be taken in the event of fraud or intentional program violation, including provisions to ensure improved program integrity and accountability.</p>	<p>The vendor disqualification procedures were removed from the current section and given a new section separate from the recipient disqualification procedures. The existing provisions in 22VAC40-661-80 related to vendor program violations were carried over to the proposed regulation.</p> <p>The new section catchline, “Vendor agreement termination and vendor disqualification” is added. This section outlines the provisions for terminating a vendor agreement and provisions for disqualification from participating in the Child Care Subsidy Program.</p>
22VAC40-661-100	22VAC40-665-110	<p>Current catchline: Administration</p> <p>The section includes the requirement for repayment of any overpayment made. The section prohibits the recoupment from the parent or provider of an overpayment made because of an error by the local department.</p>	<p>The existing requirements in 22VAC40-661-100 were carried over to the proposed regulation. The section catchline is changed to “Repayment”.</p> <p>These requirements assure that improper payments are returned to the state and that parents and providers are not held responsible for improper payments over which they had no control.</p>
	22VAC40-665-115	None	<p>A section is added and establishes requirements for training of local department staff with responsibilities for administering the Child Care Subsidy Program.</p>
	22VAC40-665-120	None	<p>Sections 120 through 460 add inspection requirements for family day home vendors as required by the CCDBG. These</p>

			<p>requirements provide for the health and safety of children for whom assistance is provided under this regulation while they are separated from their parents.</p> <p>The section provides definitions for inspection requirements for family day home vendors participating in the Child Care Subsidy Program.</p>
	22VAC40-665-130	None	The section has been reserved for later use.
	22VAC40-665-140	None	This section is added and outlines the purpose of the standards that apply to family day homes applying to receive, or that receive, funds from the Child Care Subsidy Program. The proposed requirements create standards for on-site monitoring of unlicensed providers and ensure that all subsidy providers receive onsite inspections.
	22VAC40-665-150 through 22VAC40-665-210	None	These sections are added and provide the administrative requirements for family day home vendors participating in the Child Care Subsidy Program, including provisions for general recordkeeping and reports as well as health requirements for caregivers and children in care.
	22VAC40-665-220 through 22VAC40-665-230	None	These sections are added and provide caregiver qualifications and training requirements for family day home vendors participating in the Child Care Subsidy Program. Included are an age requirement for caregivers and requirements for pre-service and on-going training. The proposed requirements ensure that all subsidy providers receive mandated specific department-approved health and safety training during pre-service or orientation periods and ongoing as required by the CCDBG.
	22VAC40-665-240 through 22VAC40-665-350	None	<p>These sections are added and provide the requirements for family day home vendors to maintain areas and equipment of the family day home in a clean, safe and operable condition.</p> <p>Included are requirements that hazardous substances be inaccessible to children, requirements for bathroom and play areas, and requirements regarding furnishings in the family day home.</p> <p>Provisions for the supervision of children as well as ratio requirements and supervision of children near water are</p>

			<p>included in these sections.</p> <p>Requirements for the provision for daily activities and behavioral guidance are included.</p> <p>Requirements are established for caregivers to notify parents of health issues, injuries, behavioral problems, and any reason for termination from care.</p>
	22VAC40-665-360 through 22VAC40-665-410	None	<p>These sections are added and include provisions for preventing the spread of disease, requirements for administering medication, and procedures for emergencies and emergency response drills.</p>
	22VAC40-665-420 through 22VAC40-665-460	None	<p>These sections are added and include provisions for family day home vendors providing snacks or meals and special feeding needs.</p> <p>Included are requirements for family day home vendors that provide transportation and evening and overnight care.</p> <p>Provisions are included for family day home vendors with animals or pets.</p>
	22VAC40-665-470	None	<p>Sections 470 through 830 add inspection requirements for child day center vendors as required by the CCDBG. These requirements provide for the health and safety of children for whom assistance is provided under this regulation while they are separated from their parents.</p> <p>This section provides definitions for inspection requirements for child day center vendors participating in the Child Care Subsidy Program.</p>
	22VAC40-665-480	None	<p>The section has been reserved for later use.</p>
	22VAC40-665-490	None	<p>This section is added and outlines the purpose of the standards that apply to child day centers applying to receive, or that receive, funds from the Child Care Subsidy Program.</p>
	22VAC40-665-500 through 22VAC40-665-560	None	<p>These sections are added and provide the administrative requirements for child day center vendors participating in the Child Care Subsidy Program. Included are provisions for general recordkeeping and reports as well as health requirements for staff and children in care.</p>
	22VAC40-665-570	None	<p>These sections are added and provide the general qualifications and training</p>

	through 22VAC40- 665-580		<p>requirements for staff of child day centers participating in the Child Care Subsidy Program, including age requirement for the vendor and staff, as well as pre-service and on-going training requirements.</p> <p>The proposed requirements ensure that all subsidy providers receive specific department-approved health and safety training, during preservice or orientation periods and ongoing as required by CCDBG.</p>
	22VAC40- 665-590 through 22VAC40- 665-720	None	<p>These sections are added and provide the requirements for child day center vendors to maintain areas and equipment of the center in a clean, safe and operable condition.</p> <p>Included are approval requirements needed from other agencies prior to or subsequent to initial approval.</p> <p>Included is a requirement that hazardous substances be inaccessible to children.</p> <p>These sections provide requirements for restroom and play areas as well as furnishings in the center.</p> <p>These sections also include requirements for the supervision of children as well as ratio and group size requirements and provisions for supervising children near water.</p> <p>Provision for daily activities and behavioral guidance are included in these sections.</p> <p>Requirements for caregivers to notify parents of health issues, injuries, behavioral problems, and any reason for termination from care are established.</p>
	22VAC40- 665-730 through 22VAC40- 665-780	None	<p>These sections are added and include provisions for preventing the spread of disease and hand washing, requirements for administering medication, first aid and emergency supplies, and the required procedures for emergencies.</p>
	22VAC40- 665-790 through 22VAC40- 665-830	None	<p>These sections are added and include provisions for child day centers offering snacks or meals and special feeding needs.</p> <p>Included are requirements for child day</p>

			<p>center vendors that provide transportation and evening and overnight care.</p> <p>Provisions for child day centers with animals or pets are included.</p>
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