



COMMONWEALTH of VIRGINIA
DEPARTMENT OF SOCIAL SERVICES
Office of the Commissioner

Margaret Ross Schultze
COMMISSIONER

October 30, 2016

MEMORANDUM

TO: The Honorable Terence R. McAuliffe
Governor of Virginia

The Honorable Walter A. Stosch
Co-Chairman, Senate Finance Committee

The Honorable Charles J. Colgan
Co-Chairman, Senate Finance Committee

The Honorable Chris S. Jones
Chairman, House Appropriations Committee

Daniel Timberlake, Director
Department of Planning and Budget

FROM: Margaret Ross Schultze

A handwritten signature in black ink, appearing to read "Margaret Ross Schultze", written over the printed name.

SUBJECT: Quarterly Report on Implementation of House Bill 1570/Senate Bill 1168 (2015)

I am pleased to submit the Department of Social Services' quarterly report on implementation of House Bill 1570 and Senate Bill 1168 (2015), pursuant to Item 349 (E) of the 2016 Appropriation Act. If you have questions or need additional information, please contact me.

MRS:kc

Attachment

Quarterly Report on the Implementation of Chapter 758 of the 2015 Acts of Assembly

July 1, 2016- September 30, 2016

Report Mandate

Item 349 (E) of the 2016 Appropriation Act directs the Department of Social Services (DSS) to provide a quarterly report on the implementation of Chapter 758 of the 2015 Acts of Assembly (House Bill 1570/Senate Bill 1168) to the Chairmen of the House Appropriations and Senate Finance committees and Director of the Department of Planning and Budget.

Background

Chapter 758 of the 2015 Acts of Assembly was a combination omnibus bill addressing multiple issues regarding child care health and safety. There are multiple requirements with varying implementation dates. Following is a description of the DSS' implementation efforts this quarter.

Section 63.2-100 of the Code of Virginia (Code) changes the licensing threshold for family day homes, requiring licensure when there are five children in care, effective July 1, 2016. A corresponding change was made in § 63.2-1704, allowing a family day home provider to be voluntarily registered when caring for four or fewer children, effective July 1, 2016. The DSS Division of Licensing- Children's Programs continues to recruit for new licensing inspector positions to meet these changes. In the Fairfax licensing office, one new position was filled this quarter and three additional vacancies for licensing inspectors were posted. Forty- three initial licensing applications for family day homes were submitted to the Fairfax licensing office this quarter. Regulatory actions to update regulations for family day homes, voluntary registration of family day homes, and family day systems were approved by the State Board of Social Services and become effective October 19, 2016.

Section 63.2-1701.1 of the Code requires local governments to report to DSS semiannually contact information for child care business licenses for child day centers or family day homes. A total of 50 localities submitted business license reports to DSS from June 16, 2016 through September 9, 2016. Since July 1, 2015, 106 localities have reported with 25 localities reporting no business licenses issued to child day centers or family day homes.

Sections 63.2-1720.1 and 63.2-1721.1 of the Code require national fingerprint background checks for licensed child day centers and licensed family day homes, effective July 1, 2017. The DSS Office of Background Investigations is working with the DSS Division of Information Systems to implement needed changes to the Background Information System. The Request for Proposal (RFP) for a fingerprint vendor has been drafted with input from the Department of Behavioral Health and Developmental Services and the Department of Health. The RFP is awaiting approval from the Virginia Information Technology Agency.

Revisions made to § 63.2-1725 of the Code added a requirement that child day centers and family day homes which enter into a contract with DSS to provide child care services (subsidy child care providers) shall comply with federal law and regulations. Numerous activities are underway to develop and implement strategies in response to the federal law, including:

- Health and safety standards have been drafted and a workgroup continues to draft inspection procedures for unlicensed subsidy providers. DSS worked with the Pennsylvania State University *Better Kid Care Program* to develop an on-line, pre-service health and safety training program for child care providers in Virginia. The program launched August 1, 2016. As of September 15, 2016, approximately 450 child care providers had completed the on-line training, with another 1,200 providers registered to take the training.
- Modifications to information systems are in development for the Subsidy Program and the Division of Licensing Programs. These systems modifications are needed in order to conduct health and safety inspections of subsidy programs and to report the results of those inspections, which are requirements of the federal law.
- The Child Care and Development Block Grant Act requires states to collect and disseminate consumer and provider education information that is “user-friendly” to parents, providers and the general public concerning the diverse availability of child care services. The microsite, www.childcareva.com, has had close to 60,000 page views with almost 11,000 users since February 1, 2016. Data show an increased usage in August and September, most likely due to the need for after school care. Of those that visited the microsite, 48% are returning users and 52% are new users. This quarter, two new radio Public Service Announcements (PSA) have been developed and are currently on air. The first PSA script titled, “Kid Talks: Quality Care” encourages the listener to visit the microsite, www.childcareva.com, to explore the various tools available in choosing quality care. The second PSA script titled, “Importance of Quality Care” is from a child’s perspective to encourage their parent to choose wisely when selecting quality child care. Also in this quarter, two new television commercials have been filmed and are currently on air. The television commercials are themed: “Kid Tours” and involve a young child in a local child care center explaining to parents the importance of choosing wisely by selecting health and safety and growth and development opportunities.
- Chapter 580 of the 2016 Acts of Assembly (House Bill 920) prohibits individuals from working, volunteering, operating, or residing in a child welfare agency if the individual has a conviction that requires registration on the Virginia Sex Offender and Crimes Against Minors Registry. This new law is one of the background check requirements for child care providers in the federal law, Child Care and Development Block Grant Reauthorization of 2014. DSS notified providers, staff, and other community partners of these changes and posted on the website the most current lists of barrier crimes and convictions that require registration on the Virginia Sex Offender and Crimes Against Minors Registry.

The fourth enactment clause in HB 1570/Senate Bill 1168 requires DSS to develop and make available training and technical assistance for child care providers on new requirements. Information sessions related to Child Care Subsidy Program requirements and procedures that are changing are underway for child care providers, workers in local departments of social services, and other organizations that partner with DSS to carry out the program. The Child Care Subsidy Program has scheduled 36 information sessions across the state to inform subsidy

providers of the upcoming changes mandated by federal law. Information sessions for providers began in July 2016 and will be offered through October 2016.

The seventh enactment clause requires DSS to work with local governments authorized under § 15.2-914 to regulate and license family day homes to identify and address any differences between local ordinances and state licensing regulations for family day homes. DSS has met with the three localities that regulate family day homes and a review of their requirements and procedures has been submitted to the Secretary of Health and Human Resources.

Conclusion

DSS continues to work on implementation for Chapter 758 of the 2015 Acts of Assembly.