



COMMONWEALTH of VIRGINIA
DEPARTMENT OF SOCIAL SERVICES
Office of the Commissioner

Margaret Ross Schultze
COMMISSIONER

January 31, 2017

MEMORANDUM

TO: The Honorable Terence R. McAuliffe
Governor of Virginia

The Honorable Thomas K. Norment, Jr.
Co-Chairman, Senate Finance Committee

The Honorable Emmett W. Hanger, Jr.
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".

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

October 1, 2016- December 31, 2016

Report Mandate

The Department of Social Services shall provide a quarterly report on the implementation of Chapter 758 of the 2015 Acts of Assembly (House Bill 1570 / Senate Bill 1168) to the Director, Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees.

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. Below is a description of the Department of Social Services' (DSS) implementation efforts this quarter.

Section 63.2-100 of the Code of Virginia (Code) changed 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 of the Code, allowing a family day home provider to be voluntarily registered when caring for four or fewer children, effective July 1, 2016. DSS Division of Licensing- Children's Programs continues to recruit for new licensing inspector positions due to these changes. In the Fairfax licensing office, three new positions were filled this quarter and four additional vacancies for licensing inspectors were posted. One new licensing administrator position is in the process of being filled. Thirty 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 became effective October 19, 2016.

Section 63.2-1701.1 of the Code requires local government to report to DSS semi-annually contact information for child care business licenses for child day centers or family day homes. A total of five localities submitted business license reports to DSS from September 10, 2016 through December 12, 2016 with a total of 27 localities reporting in SFY 2017. A total of 107 localities have reported since July 1, 2015, of which 26 reported not issuing business licenses 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 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 DSS, the Department of Behavioral Health and Developmental Services, and the Department of Health. The RFP is awaiting approval from the Virginia Information Technology Agency. Three new positions have been approved and are in the process of being filled to process background checks in the Department's Office of Background Investigations.

Revisions made to § 63.2-1725 of the Code added a requirement that child day centers and family day homes that 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 were incorporated into draft proposed regulations for licensed programs and for the Subsidy Program. Vendor agreements for subsidy vendors were updated, reflecting these new requirements, and were sent to all subsidy vendors in November. The DSS on-line pre-service, health and safety training program for child care providers in Virginia is offered by Penn State's Better Kid Care program. As of December 1, 2016, approximately 8,500 child care providers had completed the on-line training, with another 3,500 providers currently enrolled in 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 153,000 page views with almost 21,000 users as of December 1, 2016. The page views and users have doubled since the last reporting. Over 16,738 radio Public Service Announcements aired in 30-second spots throughout Virginia. Four of the five key areas (VA Beach, Roanoke/Lynchburg, Chesterfield/Richmond Metro including Petersburg) are well saturated. There are placements in the Western region as well, but the outlets are limited. One of two new television commercials, titled "Kid Talks" began running in November. The "Kids Talks" commercial was also formatted for radio and is currently on air.
- House Bill 920 was passed by the 2016 Session of the General Assembly. This bill 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. The Background Checks for Child Welfare Agencies regulation was amended reflecting these changes, and became effective October 19, 2016. Providers, staff, and community partners were notified of the changes.

Enactment Clause 4 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. Between July and December 2016, the Child Care Subsidy Program has held 52 information sessions across the state and seven webinars to inform

Subsidy providers and other interested parties of the upcoming changes mandated by federal law. Two additional sessions are planned for January 2017 at the request of providers, to assure that all providers who participate in the Child Care Subsidy Program are informed of new federal requirements.

Enactment Clause 7 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 staff has met with the three local departments that regulate family day homes and a review of their requirements and procedures has been submitted to the Secretary of Health and Human Resources. DSS has concluded its assessment and the recommendation has been conveyed to the impacted Northern Virginia localities.

Conclusion

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