



COMMONWEALTH of VIRGINIA  
DEPARTMENT OF SOCIAL SERVICES  
*Office of the Commissioner*

S. Duke Storen  
COMMISSIONER

April 2, 2018

**MEMORANDUM**

**TO:** The Honorable Ralph S. Northam  
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:** S. Duke Storen

A handwritten signature in black ink that reads 'S. Duke Storen'.

**SUBJECT:** Quarterly Report on Implementation of Chapter 758 of the 2015 Acts of Assembly

I am pleased to submit the Department of Social Services' quarterly report on implementation of Chapter 758 of the 2015 Acts of Assembly, pursuant to Item 349 (E) of the 2017 Appropriation Act. Chapter 758 was an omnibus bill addressing child care health and safety. If you have questions or need additional information, please contact me.

SDS:kc  
Attachment

## **Virginia Department of Social Services**

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

**January 1, 2018 – March 31, 2018**

#### **Report Mandate**

The 2017 Appropriation Act, Item 349 (E), requires the Department of Social Services (DSS) to report quarterly on the implementation of Chapter 758 of the 2015 Acts of Assembly to the Chairmen of the House Appropriations and Senate Finance Committees and the Director of the Department of Planning and Budget. Chapter 758 amended provisions related to licensure, inspection and monitoring of child care settings, in response to the federal Child Care and Development Block Grant Act of 2014.

#### **Activities for the Quarter**

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. The Division of Licensing - Children's Programs continues to recruit for new licensing inspector positions due to these changes. This quarter, seven new positions were filled. Six inspector positions were filled throughout the state and one consultant position was filled at the state office.

Section 63.2-1701.1 of the Code requires local governments to report to DSS semiannually the contact information for child care business licenses for child day centers or family day homes. As of March 22, 2018, a total of 75 localities had submitted business license reports to DSS for the reporting period July 1, 2017 through December 31, 2017. A total of 106 localities reported in SFY 2018. A total of 128 localities have reported since July 1, 2015.

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. Two additional positions in the Office of Background Investigations (OBI) were filled this quarter. These positions will be utilized to screen the national fingerprint background checks. The DSS went live with fingerprint check implementation on January 19, 2018. The Division of Licensing - Children's Programs sent informational memos to providers on January 11, 2018, January 17, 2018, January 19, 2018, and March 19, 2018, which explained the fingerprint-based background check requirements and the process to be followed. After the memos were emailed to providers, they were posted to the DSS website. As of March 23, 2018, over 15,415 child care providers had submitted to a fingerprint check.

Amendments 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:

- Preservice health and safety training required by the Child Care and Development Block Grant Act and subsequent federal regulation was developed and implemented August 1, 2016 in Virginia. The 10-hour online course, “Virginia Preservice Training for Child Care Staff” is offered through Penn State’s Better Kid Care program, free of charge, at least until June 2018. As of February 28, 2018, 32,930 child care practitioners had completed the on-line training, with another 4,100 individuals in progress. This training is currently required for all child care program staff who work in a program that receives state child care subsidy funds.
- The Child Care and Development Block Grant Act requires states to collect and disseminate user-friendly consumer and provider education information to parents, providers and the general public concerning the diverse availability of child care services. Utilization of the child care website, [www.childcareva.com](http://www.childcareva.com), continues to grow. Since March 2016, the site has had 527,701 page views by 367,272 users.

The Division of Licensing - Children’s Programs began conducting health and safety inspections for licensed and unlicensed subsidy providers in the spring of 2017. Inspection processes are being improved as inspectors ascertain where providers have issues. Subsidy vendor orientation training has been developed and was piloted in the Eastern Licensing Office on February 3, 2018 and March 24, 2018.

Another requirement of the federal law is to post aggregate data regarding deaths and serious injuries of children in child care. Currently, all providers that are approved subsidy vendors are required to report all occurrences of serious injury or death of a child while under the provider’s supervision to DSS. The DSS is requesting that all child care providers report any serious injuries or death of a child while under the center or provider’s supervision to the department, even if the program does not fall under a subsidy requirement. Providers began reporting serious injuries on November 14, 2017. An on-line reporting form is available on the DSS website for providers to make reports. Aggregate data will be posted on [childcareva.com](http://childcareva.com) before the end of 2018.

### **Conclusion**

The DSS has implemented the new requirements for Chapter 758 of the 2015 Acts of Assembly. The agency will continue to monitor the various aspects of these requirements, refine practices as needed, and report on ongoing operations.