

May 21, 2018

State Plan Public Hearing Coordinator  
Early Education and Support Division  
California Department of Education  
1430 N Street, Suite 3410  
Sacramento, CA 95814

Subject: Comments on Child Care and Development Fund Plan Preprint for States and Territories FFY 2019-2021

Dear State Plan Public Hearing Coordinator:

The California Child Care Resource & Referral Network (Network), which represents member agencies across the state, appreciates the opportunity to provide comments on the Child Care and Development Fund Plan Preprint for States and Territories for FFY 2019-2021. The draft plan reflects important changes in the field, including the new statewide database and website, implementation of license-exempt health and safety monitoring, and clarifications to TrustLine’s background checks. The Network has strong core values around the health and safety of children as well as support for in-home caregivers, whether licensed or license-exempt. It would be helpful if the State Plan addressed concrete steps that the lead agency and its partners would take in order to meet requirements for which the state previously had waivers.

### Section Comments

#### Section 1.4.1, page 13

**Comment:** The California Child Care Resource & Referral Network (Network) wishes to thank CDE for continuing to support the full network of R&Rs in California, with at least one R&R serving every county. The language used in this section shows that the department recognizes the key role that our members play in the state’s early learning infrastructure. We appreciate that the department finds value in the quarterly meetings with our Regional Vice Presidents to include them in the plan, and recognizes the value in utilizing the two-way communication between the state and the R&Rs.

#### Sections 1.6-1.7, pages 27-32

**Comment:** We would like to point out that helping parents to access the full range of child care options available will be difficult in the near future, due to the exemption of certain State Preschools from licensure. Local R&Rs receive data from Community Care Licensing. We hope that the department will address how R&Rs will receive this information once this law goes into effect, which will be within the period of this plan.

#### Section 1.8, page 32

*Lead Agencies are required to establish a Statewide Child Care Disaster Plan (658E(c)(2)(U)). They must demonstrate how they will address the needs of children—including the need for safe child care, before, during, and after a state of emergency declared by the Governor or a major disaster or emergency (as*

*defined by Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5122)—through a Statewide Disaster Plan that, for a State, is developed in collaboration with the State human services agency, the State emergency management agency, the State licensing agency, the State health department or public health department, local and State child care R&R agencies, and the State Advisory Council on Early Childhood Education and Care (designated or established pursuant to section 642B(b)(1)(A)(i) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)(i))) or similar coordinating body (98.16(aa)).*

**Comment:** The many natural disasters that plagued the state in 2017 cast into sharp relief the need for a coordinated disaster plan at the state level. One of the roles of R&Rs is to keep the most updated provider contact information and to keep the state updated. We've been in discussion with our members and Community Care Licensing about best way to handle communication with providers in an emergency situation.

Sections 2.2.2-2.2.4, pages 37-38

**Comment:** The Network has been very vocal about its opposition to the exemption of State Preschools on LEA campuses from licensure. One of the greatest protections that parents have is the ability to make anonymous complaints to licensing and have them investigated in a timely manner. Parents also have the right to review licensing reports and substantiated reports before placing their child in care. We ask that the department flesh out in the plan or in subsequent regulations how the UCP will be adapted for families with very young children. We also question whether school districts investigating complaints against facilities that they operate is a conflict of interest and in the best interest of parents.

Section 2.3.1, page 39

*Describe how the Lead Agency ensures that its website is consumer-friendly and easily accessible.*

**Comment:** The CDSS Facility Search Website for parents is limited in its search capabilities in that families are only able to search by County, City, ZIP, facility name, facility address and license number. These search filters do not allow parents to search based on their needs, such as schedules of care, language, etc. Also, families are limited in their search for small family child care home settings. A family must have the exact name of the facility or the license number. The My Child Care Plan website will address these needs since the data on the website will be supplied by child care resource and referral organizations, which have much more robust information on licensed child care providers.

Section 2.3.2, page 40

*Describe how the website ensures the widest possible access to services for families that speak languages other than English (98.33(a)).*

**Comment:** The My Child Care Plan website will also connect parents to their local child care resource and referral organization, who can also offer language translation services.

Section 2.3.5.c, page 42

*Describe what information is available in the search results. Specify if the information is different for different types of providers.*

**Comment:** The My Child Care Plan website child care search results will include contact information for licensed facilities (family child care homes will only include email and phone number, not address information) as well as schedule, program, and capacity information. The license numbers are also included in the results and links to the facility record on CDSS website. Currently, the CDSS website search results do not include small family child care homes; the only way parents can find their information is by searching with the license number or address.

Section 2.5.5, page 54

*Describe how information on the Lead Agency's policies regarding the social-emotional and behavioral issues and early childhood mental health of young children, including positive behavioral intervention and support models for those from birth to school age, are shared with families, providers, and the general public. At a minimum, include what information is provided, how the information is provided, and how information is tailored to a variety of audiences and include any partners in providing this information.*

**Comment:** The Child Care Initiative Project (CCIP), administered by the CA Child Care R&R Network and implemented by local R&Rs, is a key way information is shared with child care providers. CCIP provides training, professional development, and technical assistance to those seeking family child care home licensure as well as those that are already licensed. Trainings and workshops include child development, relationships, interaction and guidance, family and community engagement, trauma-informed care, and special needs and inclusion.

Sections 4.2.2-4.2.3, pages 92-93

**Comment:** The Network believes that once the My Child Care Plan database is complete, it could serve the function of providing real-time data for the Regional Market Rate. As R&Rs are required to update all providers within their service area at least quarterly, this would be a more efficient use of state funding and would save the state time, while providing more updated and timely information.

Section 5.2.2, page 116

*States and territories must establish health and safety standards for programs (e.g., child care centers, family child care homes, etc.) serving children receiving CCDF assistance relating to the topics listed below, as appropriate to the provider setting and age of the children served (98.41(a)). This requirement is applicable to all child care providers receiving CCDF funds regardless of licensing status (i.e., licensed or license-exempt). The only exception to this requirement is for providers who are caring for their own relatives because Lead Agencies have the option of exempting relatives from some or all CCDF health and safety requirements (98.42(c)).*

**Comment:** CDE has funded the development of 14 hours of health and safety training videos that meet the needs of some of the topics listed, closing the gap in topic areas not previously offered. The Network

is well positioned to develop an in-person training curriculum that will allow R&Rs to expand this service, so it's not only accessible to providers who can access it online, with additional/ongoing funding (note: this is a proposed one-time opportunity for the Network, who developed the script for the videos, to create an in-person, hands-on training to help California be in compliance and reach both licensed and exempt providers). Fourteen hours of topical health and safety training is costly to exempt providers; they need support materials and training available in a form that is not an obstacle for them to utilize. Additionally, the state needs a mechanism that streamlines all health and safety requirements so that subsidy programs can also verify completion. This should be done in a way that is not onerous for the providers, particularly family child care providers.

#### Section 5.3.2, page 131

**Comment:** While we feel that annual inspections of child care facilities are long overdue, we would prefer that quality funds not be used for this purpose. We will continue to advocate with the Legislature to look out for its youngest citizens.

#### Section 5.3.3, page 134

We urge CDE to articulate its commitment to ensuring license-exempt monitoring be done with great care and consideration for the providers and the parents who will be utilizing license-exempt care. The process should be inclusive of both the parent and provider and not punitive in nature. The value of creating a health and safety validations process whereby the parent and provider begin to form a relationship to serve the children in care is paramount. It is also important that CDE provides resources for providers to acquire the necessary items to pass the inspection such as fire extinguishers, fire alarms, cabinet locks, and outlet covers. These items can be expensive and can be a barrier to providing safe care for children.

The State Plan should also detail the work of the CCDF health and safety workgroup that has been actively meeting for the last year and a half. As part of this workgroup, child care providers, parents and advocates developed strategies and tools to create a fair process whereby license-exempt monitoring visit will take place, including a checklist that can be used by both the parent and provider prior to the licensing visit to prepare them for evaluation. The State Plan should indicate that the tools created in this workgroup will be used in the pilot program and then broadly across California if deemed effective.

#### Section 5.3.7, page 138

*TrustLine fingerprinting includes: state criminal background checks, Federal Bureau of Investigation (FBI) criminal background checks, and the child abuse and sex offender registries.*

**Comment:** California's background checks for child care providers, including TrustLine, do not include a check of the California Sex Offender Registry. We recommend changing this text to:

*TrustLine fingerprinting includes: state criminal background check, Federal Bureau of Investigation (FBI) criminal background check and the California Child Abuse Central Index.*

#### Section 5.4.1. a. i, page 142

*Describe how these requirements and policies and procedures apply to all licensed, regulated or registered child care providers in accordance with 98.43 and 98.16 (o).*

**Comment:** It is our understanding that California only has “licensed” caregivers defined in statute. Other caregivers are “license-exempt” or not required to be licensed. California doesn’t have child care providers defined as “regulated” or “registered.” Our understanding is that other states use the terminology “regulated” or “registered”, which is why those terms are included in CCDBG’s language. Therefore, California’s response in the State Plan should not include the terms “regulated” or “registered.” It can be confusing because we use the term “registered” when an individual applies to and clears the TrustLine background check. Per statute the term “registered TrustLine provider” has a specific definition but it should not be confused with a general category of “registered” providers as one does not exist. Almost all the answers in Sections 5.4.1a – 5.4.1d, contain the language “regulated” and “registered” and those terms should be removed.

Section 5.4.1. a. iii, page 142

*Has the search of the state sex offender registry or repository been conducted for all current (existing) child care staff?*

**Comment:** The answer to this question is technically “no”. California doesn’t search its Sex Offender Registry as part of the background check. However, anyone convicted of a crime in California that would be required to register as a Sex Offender would be identified through the fingerprint check of California’s Criminal History System.

Sections 5.4.1 a – d, pages 141-145

**Comment:** We recommend changing the language in sections 5.4.1 a – d to the following (in blue):

i. Describe how these requirements, policies and procedures apply to all licensed, regulated, or registered child care providers, in accordance with 98.43 and 98.16(o).

*\*These requirements, policies, and procedures fully apply to all licensed child care providers. Regional offices monitor compliance with these requirements, policies and procedures. Failure to fully comply with these requirements, policies and procedures may result in decertification, removal from registry, or exclusion from the facility.*

ii. Describe how these requirements, policies and procedures apply to all other providers eligible to deliver CCDF services (e.g., license-exempt CCDF eligible providers), in accordance with 98.43 and 98.16(o).

*\* License-exempt child care providers (other than grandparents, aunts, and uncles) that are funded through the CCDF, TANF, or California child care subsidy funds must be registered (cleared) on TrustLine in order to be paid.*

b) Briefly summarize the requirements, policies and procedures for the search of the state sex offender registry or repository in the state where the staff member resides.

\*All staff members of licensed care facilities are required to undergo a criminal record check. This check includes the state criminal background check, FBI criminal background check, and California's Child Abuse Central Index. Technically, California doesn't search its Sex Offender Registry but anyone convicted of a crime in California that would be required to register as a Sex Offender would be identified through the fingerprint check of California's Criminal History System.

i. Describe how these requirements, policies and procedures apply to all licensed, regulated, or registered child care providers, in accordance with 98.43 and 98.16(o).

\*These requirements, policies, and procedures fully apply to all licensed, regulated, or registered child care providers. Regional offices monitor compliance with these requirements, policies, and procedures. Failure to fully comply with these requirements, policies, and procedures may result in decertification, removal from registry, or exclusion from the facility.

ii. Describe how these requirements, policies and procedures apply to all other providers eligible to deliver CCDF services (e.g., license-exempt CCDF eligible providers), in accordance with 98.43 and 98.16(o).

\*License-exempt child care providers (other than grandparents, aunts and uncles) that are funded through the CCDF, TANF, or California child care subsidy funds, must be registered (cleared) on TrustLine in order to be paid. The TrustLine background check includes the state criminal background check, the FBI criminal background check, and the California's Child Abuse Central Index check. Technically, California doesn't search its Sex Offender Registry as part of the background check, but anyone convicted of a crime in California that would be required to register as a Sex Offender would be identified through the fingerprint check of California's Criminal History System.

c) Briefly summarize the requirements, policies and procedures for the search of the state-based child abuse and neglect registry and database in the state where the staff member resides. \*All staff members of licensed care facilities are required to undergo a criminal record check. This check includes the state criminal background checks, FBI criminal background checks, and the child abuse and sex offender registries.

i. Describe how these requirements, policies and procedures apply to all licensed, regulated, or registered child care providers, in accordance with 98.43 and 98.16(o).

\*These requirements, policies and procedures fully apply to all licensed child care providers. Regional offices monitor compliance with these requirements, policies and procedures. Failure to fully comply with these requirements, policies and procedures may result in decertification, removal from registry, or exclusion from the facility.

ii. Describe how these requirements apply to all other providers eligible to deliver CCDF services (e.g., license-exempt CCDF eligible providers), in accordance with 98.43 and 98.16(o).

\*License-exempt child care providers other than grandparents, aunts and uncles, that are funded through the CCDF, TANF or California child care subsidy funds must be registered (cleared) on TrustLine in order to be paid. The TrustLine background check includes the state criminal background check, the FBI criminal background check, and the California's Child Abuse Central Index check.

d) Briefly summarize the requirements, policies and procedures for the FBI fingerprint check using Next Generation Identification.

i. Describe how these requirements, policies and procedures apply to all licensed, regulated, or registered child care providers, in accordance with 98.43 and 98.16(o).



\*These requirements, policies and procedures fully apply to all licensed child care providers. Regional offices monitor compliance with these requirements, policies and procedures. Failure to fully comply with these requirements, policies and procedures may result in decertification, removal from registry, or exclusion from the facility.

ii. Describe how these requirements apply to all other providers eligible to deliver CCDF services (e.g., license-exempt CCDF eligible providers), in accordance with 98.43 and 98.16(o).

\*License-exempt child care providers (other than grandparents, aunts and uncles) that are funded through the CCDF, TANF, or California child care subsidy funds must be registered (cleared) on TrustLine in order to be paid. The TrustLine background check includes the state criminal background check, the FBI criminal background check, and the California's Child Abuse Central Index check.

Section 5.4.1.e.i, page 145

*e) Describe the status of the requirements, policies and procedures for the search of the NCIC's National Sex Offender Registry.*

*i. Describe how these requirements, policies and procedures apply to all licensed, regulated, or registered child care providers, in accordance with 98.43 and 98.16(o).*

**Comment:** There are currently no requirements, and this would require a statutory change. We are also awaiting direction from ACF on the implementation of this portion of the background check.

Section 5.4.1.e.ii, page 145

*ii. Describe how these requirements, policies and procedures apply to all other providers eligible to deliver CCDF services (e.g., license-exempt CCDF eligible providers), in accordance with 98.43 and 98.16(o).*

**Comment:** There are currently no requirements, and this would require a statutory change. We are also awaiting direction from ACF on the implementation of this portion of the background check.

Section 5.4.1.f.i, page 147

*f) Describe the status of the requirements, policies and procedures for the search of the criminal registries or repositories in other states where the child care staff member resided during the preceding 5 years, with the use of fingerprints being optional in those other states.*

*i. Describe how these requirements, policies and procedures apply to all licensed, regulated, or registered child care providers, in accordance with 98.43 and 98.16(o).*

**Comment:** There are currently no requirements, and this would require a statutory change.

Section 5.4.1.f.ii, page 147

*ii. Describe how these requirements, policies and procedures apply to all other providers eligible to deliver CCDF services (e.g., license-exempt CCDF eligible providers), in accordance with 98.43 and 98.16(o).*

**Comment:** There are currently no requirements, and this would require a statutory change.

Section 5.4.1.f.iii, page 147

*iii. List the citation: Health and Safety Code Section 1596.871*

**Comment:** There are currently no requirements, and this would require a statutory change.

Section 5.4.2, page 149

*A child care provider must submit a request to the appropriate state/territory agency for a criminal background check for each child care staff member, including prospective child care staff members, prior to the date an individual becomes a child care staff member and at least once every 5 years thereafter. A prospective child care staff member may begin to work on a provisional basis for a child care provider after completing either a Federal Bureau of Investigation (FBI) fingerprint check or a search of the state/territory criminal registry or repository using fingerprints (in the state/territory where the staff member resides. However, the child care staff member must be supervised at all times pending completion of all the background check components (98.43(d)(4)). California's current Criminal Background check system requires that all licensed providers and staff receive clearance prior to issuance of a license or prior to employment.*

*\*A family may select a provisional child care provider if there is an immediate need for child care. The family may use a provisional child care provider during a single 30 calendar day period and receive reimbursement for services. The provisional provider will receive CCDF reimbursement only if TrustLine registration is received within the 30 days. A provisional provider is defined as an individual, exempt from licensure (such as a friend or neighbor) in accordance with California H&SC, Section 1596.792 (d) or (f).*

**Comment:** This response does not seem related to the question, which is about child care staff that may be supervised. The response is related to license-exempt care, for which there is no supervision provided.

Section 6.1.1, page 153

*Describe how the state/territory developed its training and professional development. Each State or Territory must describe their professional development framework for training, professional development, and post-secondary education, which is developed in consultation with the State Advisory Council on Early Childhood Education and Care. The framework should include these components: (1) professional standards and competencies, (2) career pathways, (3) advisory structures, (4) articulation, (5) workforce information, and (6) financing (98.44(a)(3)). Flexibility is provided on the strategies, breadth, and depth with which states and territories will develop and implement their framework. Describe how the state/territory's framework for training and professional development addresses the following required elements.*

**Comment:** Workforce Information – Support should be provided for all quality improvement contractors to centralize and streamline reporting through this platform; not doing so puts the integrity of our data



at risk and allows external funders to prioritize their needs and goals, as well as provides direct access to highly confidential and sensitive information.

Section 6.1.3, page 157

*Identify how the framework improves the quality, diversity, stability, and retention of caregivers, teachers, and directors (98.44(a)(7)). Check and describe all that apply.*

**Comment:** Financial incentives – We recommend that funding is given to the California Child Care Initiative Project CCIP (CCIP) to provide financial incentives or materials to new family child care providers, as a way to mitigate their start-up costs.

**Comments about federal one-time funds**

This an opportunity for the state to further invest in its R&R system, which will assist coming into compliance with federal regulations. California is large, diverse, and has differing needs; investing in coordinated local partners is the best way to address these needs and serve its communities while meeting all of these standards.

The Network recommends expending additional one-time funds to come into compliance:

- Fully support the implementation of the My Child Care Plan website and database
- Provide facility/equipment grants for child care providers who wish to serve infants and toddlers, including those who will need to come into compliance with the soon-to-be-released safe sleep regulations
- Convene a stakeholder group to discuss an integrated ECE technology system per AB 2960
- Financially support the completion of the R&R Counselor Consumer Education training and Health and Safety training
- Financially support a Training of Trainers for R&Rs on mandated reporter training, so that they may support the recruitment and retention of licensed child care programs in multiple languages
- Financially support a Training of Trainers in Strengthening Families through the Kern County contract
- Financially support the R&Rs in providing health and safety training required for CCDF via a trainer's guide that the Network develops (therefore allowing providers to complete the training online or in-person)
- Funding for language-based cohorts, which the state has said R&Rs will do
- Expanding health and safety hub sites required for licensure, to make them more accessible to providers

Supporting the R&R agencies to carry on the above work builds on the state's existing infrastructure. Additional funds to shore up these agencies are necessary to ensure their base of work is stable. This ongoing adjustment to their base funding should be considered in order to ensure these critical partner agencies are able to take on the additional compliance work.