

Approximated Timeline for Implementation of Federal Child Care Changes

12/2014



Recently, President Barack Obama signed S.1086, the Child Care and Development Block Grant Act of 2014 into law. The legislation most recently passed the United States Senate by a vote of 88-1 on Monday, November 17, 2014 following a multi-year process taking the bill through both the Senate and the House of Representatives. In June 2013, Senators Barbara Mikulski (D-MD), Richard Burr (R-NC), Lamar Alexander (R-TN), and Tom Harkin (D-IA) introduced S.1086, then titled the Child Care and Development Block Grant Act of 2013, a bill that would reauthorize the Child Care and Development Block Grant program for the first time in almost two decades, while including some baseline safety and quality measures.

S.1086 includes measures to:

- Promote quality child care by increasing state-level investments in activities to improve the quality of care, enhancing states' ability to train providers and develop safer and more effective child care services.
- Strengthen health and safety requirements in child care programs and providers.
- Improve access to child care by expanding eligibility for participating families and helping families connect with quality programs that meet their needs.

Later in 2013, in September, S.1086 passed out of the Senate Health, Education, Labor, and Pensions committee by an unanimous consent voice vote, sending the bill to the full Senate for consideration. In March of 2014, after days of debate and considering amendments (18 in total adopted), the Senate passed S.1086 by a vote of 96-2, sending the bill forward to the House of Representatives for consideration. After months of investigation, discussion, and negotiation, leaders on the House Education and the Workforce Committee and the Senate HELP Committee announced an agreement on an amended version of S.1086, which would pass the House of Representatives the following Monday, sending the bill back to the Senate for final consideration.

To assist in the understanding of the complex timeline for implementation of federal child care changes, the timeline provided below will provide some general information around required dates of implementation and compliance as defined in the amended version of S.1086.

November 19, 2014 is the date of enactment of this law.

Implementation and Compliance Timeline:

June 3, 2013:	S.1086 introduced
September 18, 2013:	The Senate Health, Education, Labor, and Pensions Committee passes S.1086 out of committee by unanimous consent via voice vote.
March 13, 2014:	After adopting multiple amendments, Senate passes S.1086 by a vote of 96-2.
September 15, 2014:	House of Representatives pass amended version of S.1086 by a voice vote
November 13, 2014:	Amended S.1086 cloture vote passes in Senate
November 17, 2014:	S.1086 passes Senate by vote of 88-1
November 19, 2014:	President Obama signs bill into law (<i>Date of enactment</i>)

Following months:

November 19, 2014 – variable The Department of Health and Human Services (HHS) becomes responsible for implementing the law. The agency then can issue administrative regulations

explaining how it intends to put the law into effect and/or what a citizen must do to comply with the law.

The new or modified regulatory changes will provide greater guidance into the areas that states will need to modify in order to comply with the new federal law.

Fiscal Year 2014 (Starting October 1, 2013)

- September 15, 2014: Passage of S.1086 by the House of Representatives
- Funding Appropriated: \$2.36b for Fiscal Year 2014
- 2 years prior to submission of next state plan – States can begin designating or establishing market rate survey or approved alternative methodology

Fiscal Year 2015 (Starting October 1, 2014)

- November 13, 2014: Scheduled cloture vote on S.1086 in Senate
- December 1, 2014: Assumed date of enactment of S.1086 into law
- Funding Authorized: \$2.36b for Fiscal Year 2015

Fiscal Year 2016 (Starting October 1, 2015) Start of First Full Fiscal Year

- Funding Authorized: \$2.478b for Fiscal Year 2016
- State plans due for Fiscal Years 2016-2018
 - State plans now set to cover 3 years, as opposed to 2 previously
 - Must include certification of compliance (or movement towards compliance) with licensing requirements, and how they are enforced. Including, but not limited to:
 - Training requirements
 - Consumer education requirements
 - Technical assistance
 - Child to Staff Ratios
 - Basic Health and Safety requirements
- Not earlier than 2 years before submission of State plan states must designate or establish market rate survey or alternative methodology.
- September 30, 2016: September 30th of 1st full fiscal year after enactment:
 - Administration for Children and Families at HHS will release report on states use of priority of services
 - States will have 6 months from report release to comply with any areas where compliance is found to be lacking
- States must ensure that 7% of expenditures for child care are reserved for quality improvement activities (Quality Set-Aside)
- Beginning in FY16, and each Fiscal Year following states must provide assurance that state complied with Quality Set-Aside reservations and provide a description of how funds were used in state for preceding fiscal year in an annual report containing:
 - Amount of funds reserved
 - Activities carried out
 - Measures of evaluation for state's progress in improving quality
- Not later than July 31, 2016 (and every 2 years after) HHS must provide summary and analysis of aggregated data on families and the subsidy program

1 Year From Enactment (November 19, 2015)

- States must start/continue to provide an annual report on data collected on families and subsidies, including demographic and eligibility information of families receiving subsidies, similar to the annual reports of aggregated data reported currently, but with data on child fatalities.
- Not later than 1 year after enactment of this bill, HHS must provide to Congress an interdepartmental review of all early learning and care programs for children less than 6 years of age.

Fiscal Year 2017 (Starting October 1, 2016) Start of Second Full Fiscal Year

- Funding Authorized: \$2.54b for Fiscal Year 2017
- States must ensure that 7% of expenditures for child care are reserved for quality improvement activities (Quality Set-Aside)

2 Years From Enactment (November 19, 2016)

- 2 years after date of enactment states must provide Certification that they have policies in place for:
 - Licensing inspectors are qualified to inspect providers and have received health and safety training.
 - Pre-licensing inspections
 - Annual inspections
 - “Maintaining a sufficient” ratio between inspections and programs – “fixing caseloads”
 - Annual Fire, Health, and Safety inspection of license-exempt providers
- HHS is required to provide report to Congress on studies on waiting lists to determine number of families that are eligible that have applied for assistance and have been placed on a waiting list for the assistance

Prior to the end of the Second Full Fiscal Year (September 30, 2017)

- States must ensure that an additional 3% of funds are reserved for quality improvement activities targeted for infants and toddlers
- States must ensure compliance with comprehensive background check component of S.1086 prior to the end of the second full Fiscal Year after enactment.
 - 1-year extension allowable with waiver granted by HHS if State’s efforts are believed to be in “good faith”

Fiscal Year 2018 (Starting October 1, 2017)

- Funding Authorized: \$2.603b for Fiscal Year 2018
- States must ensure that 8% of expenditures for child care are reserved for quality improvement activities (Quality Set-Aside)

Approximately 3 Years From Enactment (November 19, 2017)

- 1 year after coming into compliance, but no later than 3 years after enactment, states must have inspection reports posted publically

Fiscal Year 2019 (Starting October 1, 2018)

- Funding Authorized: \$2.668b for Fiscal Year 2019
- States must ensure that 8% of expenditures for child care are reserved for quality improvement activities (Quality Set-Aside)

Fiscal Year 2020 (Starting October 1, 2019)

- Funding Authorized: \$2.749b for Fiscal Year 2020
- States must ensure that 9% of expenditures for child care are reserved for quality improvement activities (Quality Set-Aside)

September 30, 2020

- Authorization of CCDBG expires

Resources:

Child Care Aware® of America’s CCDBG Reauthorization Resource Page:

<http://usa.childcareaware.org/public-policy/core-issues/ccdbg-reauthorization>

The Office of Child Care’s Fundamentals of CCDF Administration Website:

<https://ccdf-fundamentals.icfwebservices.com/>

Full Text of S.1086, As Amended and Passed by the House of Representatives:

http://docs.house.gov/billsthisweek/20140915/s1086sub_301_xml.pdf

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