

February 1, 2023

Chairperson Awerkamp and Members of the committee,

Attached you will find the Preliminary Notice of Possible Non-Compliance the agency received on March 9th of 2022 from the Administration for Children & Families in regard to Child Care and Development Fund (CCDF) requirements.

The letter consists of 20 individual findings, 5 of which the agency has cleared as of 1/25/23. Many of the remaining items (child support non-cooperation withstanding) are dependent on regulation or policy changes through the Kansas Department of Health for Environment in regard to Child Care.

The item highlighted on page 2, page 4, and below, is in regard to mandatory continuous 12-month eligibility.

- *12-Month Eligibility Determination and Re-Determination in accordance with 45 CFR 98.21(a)(1). The Lead Agency does not provide 12 full months of eligibility following the initial determination or most recent re-determination.*

The agency had three options to avoid penalty: remove child support cooperation for childcare; assign the penalty after the 12-month plan ends and not provide childcare while in an employment component; or modify state statute to exclude child support penalties if engage in a work program component.

DCF requested introduction of House Bill 2179 to modify state statute to remove cooperation with Child Support services for eligibility of Child Care Assistance. With the removal of the penalty for childcare cases, we will be in complete compliance with the federal requirements as the non-cooperation will no longer end eligibility during the required 12-month eligibility period.

DCF stands ready to answer any questions you may have.



ADMINISTRATION FOR
CHILDREN & FAMILIES

330 C Street SW, Washington DC 20024 www.acf.hhs.gov

Preliminary Notice of Possible Non-Compliance

March 9, 2022

Carla Whiteside-Hicks, Director
TANF and Early Childhood Programs
Kansas Department for Children and Families
DCF Administration Building, Fourth Floor
555 South Kansas Avenue
Topeka, KS 66603

Dear Director Whiteside-Hicks,

This letter conveys the Department of Health and Human Services (HHS), Administration for Children and Families (ACF), Office of Child Care's (OCC's) results of Kansas monitoring visit conducted April 13-15, 2021 to determine compliance with Child Care and Development Fund (CCDF) requirements (as noted on the enclosed chart). CCDF regulations require Lead Agencies to maintain compliance with all provisions of the Child Care and Development Block Grant Act, regulations, and the state's approved CCDF Plan during the administration of their program. The OCC Monitoring process is designed to confirm that CCDF funding is appropriately used to support eligible families, and ensures all children are cared for in environments that are healthy and safe.

We would like to thank you, your staff, and CCDF partners, for engaging throughout the monitoring process. The Monitoring Team greatly appreciated the thoroughness and flexibility of the Lead Agency staff. The Monitoring Team valued the conversations with the local licensing staff and eligibility staff and their willingness to provide virtual guided case file reviews and walking us through their roles and responsibilities. The Team also appreciated your prompt responses to their inquiries and documentation requests during the pre-visit and post-visit phases, which allowed them to fully understand your processes and procedures.

The monitoring cycle for FY2019-FY2021 focused on 34 regulations within 11 topical areas of the CCDF regulations. Based on the information gathered during Kansas monitoring visit, OCC has determined that Kansas is in compliance with 20 of 33 regulations. OCC did not evaluate **98.42(b)(2)(ii) - Inspections for License-Exempt Providers**, as Kansas was not implementing this CCDF provider category at the time of the monitoring visit. However, if the State were to implement a license-exempt provider category in the future, the Lead Agency would be subject to all applicable CCDF regulations.

The following regulations were identified as areas of possible noncompliance at the time of OCC's monitoring visit and are included in detail in the enclosed monitoring report:

- Statewide Disaster Plan Components in accordance with 45 CFR 98.16(aa)(2). The Lead Agency's Statewide Disaster Plan does not include requirements for licensed CCDF-eligible providers to have procedures in place that address all required components.
- Consumer Education – Posting Monitoring and Inspection Reports in accordance with 45 CFR 98.33(a)(4). The Lead Agency does not post on the consumer education website information on corrective actions taken by the State and the child care provider for CCDF-eligible licensed providers.
- Consumer Education – Annual Aggregate Data in accordance with 45 CFR 98.33(a)(5). The Lead Agency does not post aggregate number of deaths, serious injuries, or instances of substantiated child abuse that occurred in child care settings for each provider category.
- 12-Month Eligibility Determination and Re-Determination in accordance with 45 CFR 98.21(a)(1). The Lead Agency does not provide 12 full months of eligibility following the initial determination or most recent re-determination.
- Group Size Limit in accordance with 45 CFR 98.41(d)(1). The Lead Agency does not have group size limits for School Age providers.
- Immunization Grace Period in accordance with 45 CFR 98.41(a)(1)(i)(C). The Lead Agency has not established a grace period that allows children experiencing homelessness or children in foster care to receive services while providing families a reasonable time to take any necessary action to comply with immunization and other health and safety requirements.
- Prevention/Response to Emergencies due to Food and Allergic Reactions in accordance with 45 CFR 98.41(a)(1)(iv). The Lead Agency does not have requirements for the prevention of and response to food and allergic reactions for School Age Providers and for the response to food and allergic reactions for Licensed and Group Day Care Homes, and Preschool and Child Care Centers.
- Shaken Baby Syndrome, Abusive Head Trauma, and Maltreatment requirement in accordance with 45 CFR 98.41(a)(1)(vi). The Lead Agency does not have requirements for prevention of shaken baby syndrome and prevention of abusive head trauma for Licensed and Group Day Care Homes, and Preschool and Child Care Centers.
- Emergency Preparedness and Response Planning in accordance with 45 CFR 98.41(a)(1)(vii). The Lead Agency does not have emergency preparedness and response planning requirements that includes all components for licensed CCDF-eligible providers.
- Pediatric First Aid and CPR in accordance with 45 CFR 98.41(a)(1)(x). The Lead Agency does not have requirements in place for School-Age Providers (appropriate to provider setting and age of children served) that include pediatric first aid and CPR.
- Pre-Service/Orientation Training for Providers in accordance with 45 CFR 98.44(b)(1). The Lead Agency does not have requirements for pre-service/orientation training for Licensed Providers that include all 11 required health and safety topics, and orientation training is not required for Licensed School Age Providers.
- Ongoing Training for Providers in accordance with 45 CFR 98.44(b)(2). The Lead Agency does not have ongoing training and professional development requirements that maintain and update health and safety training standards for Group and Day Care Home Providers, and School Age Providers.
- Inspections for Licensed Providers in accordance with 45 CFR 98.42(b)(2)(i). The Lead Agency does not monitor compliance for all Health and Safety topics for all Licensed Provider types. The Lead Agency's key indicator document does not cover the full complement of required health and safety topics.

For each CCDF requirement listed as “Unmet,” this letter serves as a preliminary notice of possible non-compliance pursuant to 45 CFR 98.90(b). Failure to implement any of the provisions of the Act, regulations, and Kansas approved Plan may be subject to a penalty pursuant to 45 CFR 98.92.

The Office of Child Care will consider any written responses received from the State of Kansas to address the non-compliances within 60 days (or such longer period if agreed upon) prior to rendering a final determination of compliance. We recommend responses include steps toward resolution. If you choose to submit a written response, please ensure it is addressed to me, through your Regional Program Manager with an email read receipt certification.

Should you or your staff have any questions, please contact Doris Hallford, Regional Program Manager, Office of Child Care at (816) 426-2264 or doris.hallford@acf.hhs.gov. Your Regional Office will follow up on the content of this report and can work with you to identify any training or technical assistance needs.

Sincerely,



Ruth Friedman, Ph.D.
Director
Office of Child Care

Enclosed: OCC’s Monitoring Results for the State of Kansas
OCC’s Monitoring Details of Unmet Regulations

CC: Doris Hallford, Regional Program Manager, Office of Child Care, Region VII
Tressa Roecker, Child Care Program Specialist, Office of Child Care, Region VII

Office of Child Care’s Monitoring Results for the State of Kansas

Visit Dates: April 13, 2021 – April 15, 2021

The information below provides the results of the State’s compliance with the Child Care and Development Fund (CCDF) requirements. Please note the Office of Child Care did not make compliance determinations on requirements that were under a Corrective Action Plan (CAP) during the time of the monitoring visit. Those areas are addressed through the Plan review and approval process.

Glossary of Terms

Met	The Lead Agency provided evidence to demonstrate compliance with the Child Care and Development Block Grant (CCDBG) Act of 2014 and the Child Care and Development Fund (CCDF) Final Rule, and the State’s approved CCDF Plan.
Unmet	The Lead Agency did not provide evidence to satisfactorily demonstrate that it is in compliance with the CCDBG Act of 2014 and the CCDF Final Rule, and the State’s approved CCDF Plan.
CAP	The Lead Agency is under a Corrective Action Plan (CAP) for this provision. OCC did not make a compliance determination on requirements that are currently under a CAP. Those areas are addressed through the Plan review and approval process.
Not Applicable (N/A)	The Lead Agency has elected not to implement this optional CCDF component.

Topic #	Topic Name	CCDF Rule #	Regulation- Short Text	Preliminary Compliance Determination
1	Disaster Preparedness, Response, and Recovery	98.16(aa)(1)	Statewide Disaster Planning Collaboration	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> CAP
		98.16(aa)(2)	Statewide Disaster Plan Components	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Unmet <input type="checkbox"/> CAP
2	Consumer Education: Dissemination of Information to Parents, Providers, and General Public (Monitoring Reports and Annual Aggregate Data)	98.33(a)(4)	Consumer Education - Posting Monitoring and Inspection Reports	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Unmet <input type="checkbox"/> CAP
		98.33(a)(5)	Consumer Education – Annual Aggregate Data	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Unmet <input type="checkbox"/> CAP
3	Twelve-Month Eligibility	98.21(a)(1)	12-Month Eligibility Determination and Re-Determination	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Unmet <input type="checkbox"/> CAP
		98.21(a)(2)	Continued Assistance/Job Search	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> CAP <input type="checkbox"/> N/A
		98.21(b)(1)	Graduated Phase-Out	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> CAP <input type="checkbox"/> N/A
4	Child: Staff Ratios and Group Sizes	98.41(d)(1)	Group Size Limit	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Unmet <input type="checkbox"/> CAP
		98.41(d)(2)	Child: Staff Ratio	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> CAP
5	Health and Safety Requirements for Providers (11 Health & Safety Subtopics)	98.41(a)(1)(i)	Prevention and Control of Infectious Diseases	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> CAP
		98.41(a)(1)(i)(A)	Immunization Requirements	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> CAP
		98.41(a)(1)(i)(B)	Immunization Exemptions (Optional)	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> CAP <input type="checkbox"/> N/A
		98.41(a)(1)(i)(C)	Immunization Grace Period	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Unmet <input type="checkbox"/> CAP
		98.41(a)(1)(ii)	SIDS Prevention/Use of Safe Sleep Practices	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet

Topic #	Topic Name	CCDF Rule #	Regulation- Short Text	Preliminary Compliance Determination
				<input type="checkbox"/> CAP
		98.41(a)(1)(iii)	Medication Administration	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> CAP
		98.41(a)(1)(iv)	Prevention/Response to Emergencies due to Food and Allergic Reactions	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Unmet <input type="checkbox"/> CAP
		98.41(a)(1)(v)	Building and Physical Premises Safety (hazards, bodies of water, and vehicular traffic)	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> CAP
		98.41(a)(1)(vi)	SBS, Head Trauma, and Maltreatment	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Unmet <input type="checkbox"/> CAP
		98.41(a)(1)(vii)	Emergency Preparedness and Response Planning	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Unmet <input type="checkbox"/> CAP
		98.41(a)(1)(viii)	Handling and Storage of Hazardous Materials and Biocontaminants Disposal	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> CAP
		98.41(a)(1)(ix)	Transporting Children	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> CAP <input type="checkbox"/> N/A
		98.41(a)(1)(x)	Pediatric First Aid and CPR	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Unmet <input type="checkbox"/> CAP
		98.41(a)(1)(xi)	CA/N Recognition and Reporting	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> CAP
6	Pre-Service/Orientation and Ongoing Training for Providers	98.44(b)(1)	Pre-Service/Orientation Training for Providers	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Unmet <input type="checkbox"/> CAP
		98.44(b)(2)	Ongoing Training for Providers	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Unmet <input type="checkbox"/> CAP
7	Inspections for CCDF Licensed Providers	98.42(b)(2)(i)	Inspections for Licensed Providers	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Unmet <input type="checkbox"/> CAP
8	Inspections for License-Exempt CCDF Providers	98.42(b)(2)(ii)	Inspections for License-Exempt Providers	<input type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> CAP <input checked="" type="checkbox"/> N/A
9	Ratios for Licensing Inspectors	98.42(b)(3)	Ratios for Licensing Inspectors	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> CAP
10	Child Abuse and Neglect Reporting	98.41(e)	Provider Compliance with Child Abuse Reporting Requirements	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> CAP
11	Program Integrity and Accountability	98.68(a)(3)	Effective Internal Controls– Provider and Staff Training	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> CAP
		98.68(a)(4)	Effective Internal Controls– Evaluation of Activities	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> CAP
		98.68(b)(1)	Identifying Fraud or Other Program Violations	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> CAP
		98.68(b)(2)	Fraud Investigation, Payment Recovery, and Sanctions	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> CAP
		98.68(c)	Documenting and Verifying Child Eligibility	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> CAP

Office of Child Care’s Monitoring Details for Unmet Regulations

State: Kansas

Visit Dates: April 13, 2021 – April 15, 2021

This document provides the details of the determination of unmet regulations resulting from monitoring of the State’s compliance with the Child Care and Development Fund (CCDF) requirements.

Topic 1: Disaster Preparedness, Response, and Recovery

CCDF Rule Number	Regulation - Short Text Description
98.16(aa)(2)	Statewide Disaster Plan Components
<p>A CCDF Plan shall contain the following:</p> <p>(aa) a demonstration of how the State or Territory 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 (or Disaster Plan for a Tribe’s service area) that:</p> <p>(2) Includes the following components:</p> <ul style="list-style-type: none"> (i) Guidelines for continuation of child care subsidies and child care services, which may include the provision of emergency and temporary child care services during a disaster, and temporary operating standards for child care after a disaster; (ii) Coordination of post-disaster recovery of child care services; and (iii) Requirements that child care providers of services for which assistance is provided under the CCDF, as well as other child care providers as determined appropriate by the State, Territory or Tribe, have in place: <ul style="list-style-type: none"> (A) Procedures for evacuation, relocation, shelter-in-place, lock-down, communication and reunification with families, continuity of operations, accommodations of infants and toddlers, children with disabilities, and children with chronic medical conditions; and (B) Procedures for staff and volunteer emergency preparedness training and practice drills, including training requirements for child care providers of services for which assistance is provided under CCDF at § 98.41(a)(1)(vii); 	
<p>Summary of Possible Non-compliance:</p>	
<p>The Monitoring Team did not find evidence that the Lead Agency’s Statewide Disaster Plan included requirements for all licensed CCDF-eligible providers to have procedures in place for staff and volunteer training; continuity of operations; and accommodations of infants and toddlers, children with disabilities, and children with chronic medical conditions. Based on the lack of evidence, the Lead Agency is not in compliance with 45 CFR 98.16(aa)(2).</p>	

Topic 2: Consumer Education: Dissemination of Information to Parents, Providers, and General Public (Monitoring Reports and Annual Aggregate Data)

CCDF Rule Number	Regulation - Short Text Description
98.33(a)(4)	Consumer Education - Posting Monitoring and Inspection Reports
<p>The Lead Agency shall:</p> <p>(a) Certify that it will collect and disseminate consumer education information to parents of eligible children, the general public, and providers through a consumer-friendly and easily accessible Web site that ensures the widest possible access to services for families who speak languages other than English and persons with disabilities, including:</p> <p>(4) Results of monitoring and inspection reports for all eligible and licensed child care providers (other than an individual who is related to all children for whom child care services are provided), including those required at § 98.42 and those due to major substantiated complaints about failure to comply with provisions at § 98.41 and Lead Agency child care policies. Lead Agencies shall post in a timely manner full monitoring and inspection reports, either in plain language or with a plain language summary, for parents and child care providers to understand, and shall establish a process for correcting inaccuracies in the reports. Such results shall include:</p> <ul style="list-style-type: none"> (i) Information on the date of such inspection; (ii) Information on corrective action taken by the State and child care provider, where applicable; (iii) Any health and safety violations, including any fatalities and serious injuries occurring at the provider, prominently displayed on the report or summary; and (iv) A minimum of 3 years of results where available. 	
Summary of Possible Non-compliance:	
<p>The Monitoring Team did not find evidence that the Lead Agency posts CCDF-eligible licensed providers' information on corrective actions taken by the State and child care provider during the licensing inspections on their consumer education website. Based on the lack of evidence, the Lead Agency is not in compliance with 45 CFR 98.33(a)(4).</p>	
98.33(a)(5)	Consumer Education – Annual Aggregate Data
<p>The Lead Agency shall:</p> <p>(a) Certify that it will collect and disseminate consumer education information to parents of eligible children, the general public, and providers through a consumer-friendly and easily accessible Web site that ensures the widest possible access to services for families who speak languages other than English and persons with disabilities, including:</p> <p>(5) Aggregate number of deaths and serious injuries (for each provider category and licensing status) and instances of substantiated child abuse that occurred in child care settings each year, for eligible providers</p>	
Summary of Possible Non-compliance:	

The Monitoring Team did not find evidence that the State is posting aggregate number of deaths, serious injuries, or instances of substantiated child abuse that occurred in child care settings for each provider category. Based on the lack of evidence, the Lead Agency is not in compliance with 45 CFR 98.33(a)(5).

Topic 3: Twelve-Month Eligibility

CCDF Rule Number	Regulation - Short Text Description
98.21(a)(1)	12-Month Eligibility Determination and Re-Determination
	<p>(a) A Lead Agency shall re-determine a child’s eligibility for child care services no sooner than 12 months following the initial determination or most recent redetermination, subject to the following:</p> <p>(1) During the period of time between determinations or redeterminations, if the child met all of the requirements in § 98.20(a) on the date of the most recent eligibility determination or redetermination, the child shall be considered eligible and will receive services at least at the same level, regardless of:</p> <ul style="list-style-type: none"> (i) A change in family income, if that family income does not exceed 85 percent of SMI for a family of the same size; or (ii) A temporary change in the ongoing status of the child’s parent as working or attending a job training or educational program. A temporary change shall include, at a minimum: <ul style="list-style-type: none"> (A) Any time-limited absence from work for an employed parent due to reasons such as need to care for a family member or an illness;; (B) Any interruption in work for a seasonal worker who is not working between regular industry work seasons; (C) Any student holiday or break for a parent participating in training or education; (D) Any reduction in work, training or education hours, as long as the parent is still working or attending training or education; (E) Any other cessation of work or attendance at a training or education program that does not exceed three months or a longer period of time established by the Lead Agency; (F) Any change in age, including turning 13 years old during the eligibility period; and (G) Any change in residency within the State, Territory, or Tribal service area.
	Summary of Possible Non-compliance:
	<p>The Monitoring Team did not find evidence that the Lead Agency provides 12 full months of eligibility following the initial determination or most recent re-determination. The parent’s eligibility period being the month of the application and continues an additional 11 months. The Lead Agency also terminates eligibility during the eligibility period for non-cooperation of child support. Based on the lack of evidence, the Lead Agency is not in compliance with 45 CFR 98.21(a)(1).</p>

Topic 4: Child:Staff Ratios and Group Sizes

CCDF Rule Number	Regulation - Short Text Description
98.41(d)(1)	Group Size Limit

(d) Lead Agencies shall describe in the Plan standards for child care services for which assistance is provided under this part, appropriate to strengthening the adult and child relationship in the type of child care setting involved, to provide for the safety and developmental needs of the children served, that address:

- (1) Group size limits for specific age populations

Summary of Possible Non-compliance:

The Monitoring Team did not find evidence of requirements for group size limits for School Age. Based on the evidence, the State is not in compliance with 45 CFR 98.41(d)(1).

Topic 5: Health and Safety Requirements for Providers (11 Health & Safety Subtopics)

CCDF Rule Number	Regulation - Short Text Description
98.41(a)(1)(i)(C)	Immunization Grace Period
<p>(a) Each Lead Agency shall certify that there are in effect, within the State (or other area served by the Lead Agency), under State, local or tribal law, requirements (appropriate to provider setting and age of children served) that are designed, implemented, and enforced to protect the health and safety of children. Such requirements must be applicable to child care providers of services for which assistance is provided under this part. Such requirements, which are subject to monitoring pursuant to § 98.42, shall:</p> <ul style="list-style-type: none"> (1) Include health and safety topics consisting of, at a minimum: <ul style="list-style-type: none"> (i) The prevention and control of infectious diseases (including immunizations); (C) Lead Agencies shall establish a grace period that allows children experiencing homelessness and children in foster care to receive services under this part while providing their families (including foster families) a reasonable time to take any necessary action to comply with immunization and other health and safety requirements. <ul style="list-style-type: none"> (1) The length of such grace period shall be established in consultation with the State, Territorial or Tribal health agency. (2) Any payment for such child during the grace period shall not be considered an error or improper payment under subpart K of this part. (3) The Lead Agency may also, at its option, establish grace periods for other children who are not experiencing homelessness or in foster care. (4) Lead Agencies must coordinate with licensing agencies and other relevant State, Territorial, Tribal, and local agencies to provide referrals and support to help families of children receiving services during a grace period comply with immunization and other health and safety requirements 	
Summary of Possible Non-compliance:	
<p>The Monitoring Team did not find evidence that the Lead Agency has established a grace period that allows children experiencing homelessness or children in foster care to receive services while providing families a reasonable time to take any necessary action to comply with immunization and other health and safety requirements. Based on the lack of evidence, the State is not in compliance with 45 CFR 98.41(a)(1)(i)(C).</p>	

98.41(a)(1)(iv)	Prevention/Response to Emergencies due to Food and Allergic Reactions
<p>(a) Each Lead Agency shall certify that there are in effect, within the State (or other area served by the Lead Agency), under State, local or tribal law, requirements (appropriate to provider setting and age of children served) that are designed, implemented, and enforced to protect the health and safety of children. Such requirements must be applicable to child care providers of services for which assistance is provided under this part. Such requirements, which are subject to monitoring pursuant to § 98.42, shall:</p> <p>(1) Include health and safety topics consisting of, at a minimum:</p> <p>(iv) Prevention and response to emergencies due to food and allergic reactions;</p>	
<p>Summary of Possible Non-compliance:</p>	
<p>The Monitoring Team could not find evidence of regulations for the prevention of and response to food and allergic reactions for School Age Providers and for the response to food and allergic reactions for Licensed and Group Day Care Homes and Preschool and Child Care Centers. Based on the lack of evidence, the Lead Agency is not in compliance with 98.41(a)(1)(iv).</p>	
98.41(a)(1)(vi)	SBS, Head Trauma, and Maltreatment
<p>(a) Each Lead Agency shall certify that there are in effect, within the State (or other area served by the Lead Agency), under State, local or tribal law, requirements (appropriate to provider setting and age of children served) that are designed, implemented, and enforced to protect the health and safety of children. Such requirements must be applicable to child care providers of services for which assistance is provided under this part. Such requirements, which are subject to monitoring pursuant to § 98.42, shall:</p> <p>(1) Include health and safety topics consisting of, at a minimum:</p> <p>(vi) Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment;</p>	
<p>Summary of Possible Non-compliance:</p>	
<p>The Monitoring Team could not find evidence that the Lead Agency has requirements for prevention of shaken baby syndrome and prevention of abusive head trauma for Licensed and Group Day Care Homes and Preschool and Child Care Centers. Based on the lack of evidence, the Lead Agency is not in compliance with 98.41(a)(1)(vi).</p>	
98.41(a)(1)(vii)	Emergency Preparedness and Response Planning
<p>(a) Each Lead Agency shall certify that there are in effect, within the State (or other area served by the Lead Agency), under State, local or tribal law, requirements (appropriate to provider setting and age of children served) that are designed, implemented, and enforced to protect the health and safety of children. Such requirements must be applicable to child care providers of services for which assistance is provided under this part. Such requirements, which are subject to monitoring pursuant to § 98.42, shall:</p> <p>(1) Include health and safety topics consisting of, at a minimum:</p> <p>(vii) Emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event (such as violence at a child care facility), within the meaning of those terms under section 602(a)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a(a)(1)) that shall include procedures for evacuation, relocation, shelter-in-place and lock down, staff and volunteer emergency preparedness training and practice drills, communication and reunification with families, continuity of operations, and accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions</p>	
<p>Summary of Possible Non-compliance:</p>	

The Monitoring Team did not see evidence that the Lead Agency has requirements for emergency preparedness and response that includes all of the components for all licensed CCDF-eligible providers. There are no requirements for staff and volunteer training; continuity of operations; and accommodations of infants and toddlers, children with disabilities, and children with chronic medical conditions. Based on the lack of evidence, the Lead Agency is not in compliance with 98.41(a)(1)(vii).

98.41(a)(1)(x)	Pediatric First Aid and CPR
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(a) Each Lead Agency shall certify that there are in effect, within the State (or other area served by the Lead Agency), under State, local or tribal law, requirements (appropriate to provider setting and age of children served) that are designed, implemented, and enforced to protect the health and safety of children. Such requirements must be applicable to child care providers of services for which assistance is provided under this part. Such requirements, which are subject to monitoring pursuant to § 98.42, shall:

- (1) Include health and safety topics consisting of, at a minimum:
 - (x) Pediatric first aid and cardiopulmonary resuscitation;

Summary of Possible Non-compliance:

The Monitoring Team did not find requirements in place for School-Age Providers (appropriate to provider setting and age of children served) that include pediatric first aid and CPR. The Monitoring Team did not find any evidence that School Age Providers have regulations that require that *all* staff are trained in pediatric/age appropriate First Aid and CPR. Based on the lack of evidence, the Lead Agency is not in compliance with 98.41(a)(1)(x).

Topic 6: Pre-Service/Orientation and Ongoing Training for Providers

CCDF Rule Number	Regulation - Short Text Description
98.44(b)(1)	Pre-Service/Orientation Training for Providers
<p>(b) The Lead Agency must describe in the Plan its established requirements for pre-service or orientation (to be completed within three months) and ongoing professional development for caregivers, teachers, and directors of child care providers of services for which assistance is provided under the CCDF that, to the extent practicable, align with the State framework:</p> <ul style="list-style-type: none"> (1) Accessible pre-service or orientation training in health and safety standards appropriate to the setting and age of children served that addresses: <ul style="list-style-type: none"> (i) Each of the requirements relating to matters described in § 98.41(a)(1)(i) through (xi) and specifying critical health and safety training that must be completed before caregivers, teachers, and directors are allowed to care for children unsupervised; (ii) At the Lead Agency option, matters described in § 98.41(a)(1)(xii); and (iii) Child development, including the major domains (cognitive, social, emotional, physical development and approaches to learning); 	
Summary of Possible Non-compliance:	
<p>The Monitoring Team did not find evidence that the Lead Agency has requirements for the pre-service/orientation training for all Licensed Providers include all 11 required health and safety topics. The following health and safety topics were missing: Prevention and Control of Infectious Diseases, Medication administration, Prevention of maltreatment, Emergency preparedness and response planning,</p>	

including procedures for: Evacuation, Relocation, Shelter-in-place, Lock down, Staff emergency preparedness: Training and Practice drills, Volunteer emergency preparedness: Training and Practice drills, Communication with families, Reunification with families, Continuity of operations, Accommodation of: Infants, Toddlers, Children with disabilities, and Children with chronic medical conditions; and Child development.

In addition, while required for Licensed and Group Day Care Homes and Licensed Preschools and Centers, Orientation Training is not required for Licensed School Age Providers. Based on the lack of evidence, the Lead Agency is not in compliance with 98.44(b)(1).

98.44(b)(2)	Ongoing Training for Providers
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(b) The Lead Agency must describe in the Plan its established requirements for pre-service or orientation (to be completed within three months) and ongoing professional development for caregivers, teachers, and directors of child care providers of services for which assistance is provided under theCCDF that, to the extent practicable, align with the State framework:

(2) Ongoing, accessible professional development, aligned to a progression of professional development, including the minimum annual requirement for hours of training and professional development for eligible caregivers, teachers and directors, appropriate to the setting and age of children served, that:

- (i) Maintains and updates health and safety training standards described in § 98.41(a)(1)(i) through (xi), and at the Lead Agency option, in § 98.41(a)(1)(xii);
- (ii) Incorporates knowledge and application of the State’s early learning and developmental guidelines for children birth to kindergarten (where applicable);
- (iii) Incorporates social-emotional behavior intervention models for children birth through school-age, which may include positive behavior intervention and support models including preventing and reducing expulsions and suspensions of preschool-aged and school-aged children;
- (iv) To the extent practicable, are appropriate for a population of children that includes:
 - (A) Different age groups;
 - (B) English learners;
 - (C) Children with developmental delays and disabilities; and
 - (D) Native Americans, including Indians, as the term is defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) (including Alaska Natives within the meaning of that term), and Native Hawaiians (as defined in section 6207 of the Elementary and Secondary Education Act of 1965);
- (v) To the extent practicable, awards continuing education units or is credit-bearing; and
- (vi) Shall be accessible to caregivers, teachers, and directors supported through Indian tribes or tribal organizations that receive assistance under this subchapter.

Summary of Possible Non-compliance:

The Monitoring Team did not find evidence of ongoing training and professional development that maintains and updates health and safety training standards for Group and Day Care Home Providers and School Age Providers. Based on the lack of evidence, the Lead Agency is not in compliance with 98.44(b)(2).

Topic 7: Inspections for CCDF Licensed Providers

CCDF Rule Number	Regulation - Short Text Description
98.42(b)(2)(i)	Inspections for Licensed Providers
<p>(b) Each Lead Agency shall certify in the Plan it has monitoring policies and practices applicable to all child care providers and facilities eligible to deliver services for which assistance is provided under this part. The Lead Agency shall:</p> <p>(2) Require inspections of child care providers and facilities, performed by licensing inspectors (or qualified inspectors designated by the Lead Agency), as specified below:</p> <p>(i) For licensed child care providers and facilities,</p> <p>(A) Not less than one pre-licensure inspection for compliance with health, safety, and fire standards, and</p> <p>(B) Not less than annually, an unannounced inspection for compliance with all child care licensing standards, which shall include an inspection for compliance with health and safety, (including, but not limited to, those requirements described in § 98.41) and fire standards (inspectors may inspect for compliance with all three standards at the same time);</p>	
<p>Summary of Possible Non-compliance:</p>	
<p>The Monitoring Team did not find requirements the State is monitoring for compliance for all Health and Safety topics for all Licensed Provider types. The Monitoring Team did not find evidence that the topics covered in the Key Indicators document is a full complement of the required health and safety standards. Based on the lack of evidence, the Lead Agency is not in compliance with 98.42(b)(2)(i).</p>	