

Key Provisions Within the Bicameral, Bipartisan CCDBG Bill (S. 1086) vs. Virginia Current Law
September 25, 2014

	Bicameral, Bipartisan CCDBG Reauthorization Bill (S. 1086) As Approved by the House of Representatives on September 15, 2014	Virginia Current Law Child Care Centers	Virginia Current Law Family Child Care Homes	Virginia Religious License Exempt
Child Care State Plan	SECTION 658E APPLICATION AND PLAN			
State Plan	State child care plans due every 3 years.			
Parent Choice	Retained			

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State Plan: Unlimited Parent Access	Retained			
State Plan: Parental Complaints	Retained			
State Plan: Posting Inspection Reports on the Internet	(D) MONITORING AND INSPECTION REPORTS. — The plan shall include a certification that the State, not later than 1 year after the State has in effect the policies and practices described in subparagraph (K)(i), will make public by electronic means, in a consumer-friendly and easily accessible format, organized by provider, the results of monitoring and inspection reports, including those due to major substantiated complaints about failure to comply with this subchapter and State child care policies, as well as the number of deaths, serious injuries, and instances of substantiated child abuse that occurred in child care settings each year, for eligible child care providers within the State. The results shall also include information on the date of such an inspection, and, where applicable,	Inspections Posted on the Internet, may need some conforming changes inspections, violations, licensure term, compliance history, complaints, search by facility/provider name, county, zip code.	Inspections Posted on the Internet, may need some conforming changes	http://www.dss.virginia.gov/facility/search/cc.cgi Reports not posted

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	information on corrective action taken.			
<p>State Plan:</p> <p>Consumer Education</p> <p>Information on Availability of Child Care</p>	<p>(E) CONSUMER AND PROVIDER EDUCATION INFORMATION. The state plan shall include a certification that the state will collect and disseminate (which dissemination may be done, except otherwise specified in this subparagraph, through resource and referral organizations or other means as determined by the state) to parents of eligible children, the general public, and where applicable, providers--</p> <p>1) Information about the availability of the full diversity of child care services that will promote informed child care choices and that concerns</p> <ul style="list-style-type: none"> • The availability of child care services, and if feasible, other child care services and other programs provided in the state for which the family may be eligible, as well as the availability of financial assistance to obtain child care services in the state; • If available, information about the quality of providers, as determined by the state, that can be provided through a QRIS; • Information made available through a state web site, describing the state licensing process, the state process for conducting background checks, and monitoring and inspections, and the offenses that prevent individuals from serving as child care providers; 	Mostly fine, may need some conforming changes	Mostly fine, may need some conforming changes	Mostly fine, may need some conforming changes

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Information on developmental screenings	<ul style="list-style-type: none"> • Other programs for which families may be eligible, including TANF, Head Start and Early Head Start, LIHEAP, Food Stamps, WIC, CACFP, Medicaid, S-CHIP, • Programs carried out under IDEA section 619 and Part C Infants & Toddlers • Research and best practices concerning child development, including social and emotional development, early childhood development, and meaningful parent and family engagement, physical health and development (particularly healthy eating and physical activity) and • State policies regarding the social-emotional behavioral health of young children, which may include positive behavioral intervention and support models, and policies on expulsion of preschool-aged children, in early childhood programs receiving assistance under this subchapter; and <p>2) Information on developmental screenings, including</p> <ul style="list-style-type: none"> • Information on existing resources and services the state can use including EPSDT, and developmental screenings under IDEA Section 619, Part C, in conducting developmental screenings and providing appropriate referrals • A description of how a family or child care 			

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	provider may utilize the resources and services to obtain developmental screenings for children who receive assistance under this subchapter who may be at risk for cognitive or other developmental delays, which may include social, emotional, physical or linguistic delays.			
State Plan Requirements: Compliance with state licensing	<p>(ii) License Exemption:</p> <ul style="list-style-type: none"> If subsidy funds are used to pay for the care of children in unlicensed care, the state plan shall include a description stating why such licensing exemptions do not endanger the health, safety or development of children who receive services from child care providers who are exempt from state licensing. 	New for VA	New for VA	New for VA
State Plan: Training Training & Professional Development related to	<p>(G) TRAINING AND PROFESSIONAL DEVELOPMENT REQUIREMENTS.-</p> <p>(i) The state plan shall describe the training and professional development requirements that are in effect within the state designed to enable child care providers to promote the social, emotional, physical, and cognitive development of children and to improve the knowledge and skills of the child care workforce. Such requirements shall be applicable to child care providers that provide</p>	<p>Maybe.</p> <p>Kind of broad: staff shall attend 16 hours of annual training related to child safety and development and the function of the center; this may</p>	<p>X</p> <p>No. CPR and First Aid are required but the other topics as part of the 16 hours of required training are suggested (such as the following</p>	<p>X</p> <p>No staff training requirements- established by each individual religious license-exempt program.</p>

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social, emotional, physical and cognitive development of children	<p>services for which assistance is provided in accordance with this subchapter.</p> <p>(ii) Requirements. – The plan shall provide an assurance that such training and professional development-</p>	<p>include 2 hours of CPR and first aid.</p>	<p>topics....). : physical, intellectual, social and emotional child development; behavior management and discipline techniques; health and safety; arts and music; child nutrition; child abuse recognition; emergency preparedness; or recognition and prevention of the spread of communicable diseases.</p>	
Annual Training	<p>1) Shall be conducted on an ongoing basis, provide for a progression of professional development (which may include encouraging the pursuit of postsecondary education), reflect current research and best practices relating to the skills necessary for the child care workforce to meet the developmental needs of participating children, and improve the quality of, and stability within, the child care workforce;</p> <p>2) Shall be developed in consultation with the State Advisory Council on Early Childhood Education and Care and may engage training providers in aligning training opportunities with the state’s training framework;</p>			
Incorporates knowledge and application of the state Early Learning Guidelines	<p>3) Incorporates knowledge and application of the state’s early learning guidelines (where applicable), the state’s health and safety standards, and incorporates social-emotional behavior intervention models, which may include positive behavior intervention and support models;</p> <p>4) Shall be accessible to providers supported through Indian tribes or tribal organizations that receive assistance under this subchapter; and</p>	<p>Nothing required linking ELGs to licensed programs or staff training.</p>	<p>Nothing required linking ELGs to licensed programs.</p>	<p>NOTE: Unlicensed— Other. Describe: Unlicensed local gov’t-approved recreation programs & Religious Exempt required to have 4 hours of skills training annually on child health,</p>

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<p>States to specify annual training hours</p> <p>No credential can be required by HHS. States are not prohibited from requiring a credential.</p>	<p>5) To the extent practicable, are appropriate for a population that includes-</p> <ul style="list-style-type: none"> • Different age groups • English language learners • Children with disabilities, and • Native Americans, including Indians, Alaska Natives and Native Hawaiians <p>(iii) INFORMATION. The plan shall include the number of hours of training required for eligible providers and caregivers to engage in annually, as determined by the State.</p> <p>(iv) CONSTRUCTION. The Secretary shall not require an individual or entity that provides child care services for which assistance is provided under this subchapter to acquire a credential to provide such services. Nothing in this section shall be construed to prohibit a State from requiring a credential.</p>			safety, child development.
<p>State Plan:</p> <p>Child:Staff Ratios</p>	<p>The state plan shall describe child care standards appropriate to the type of child care setting involved to provide for the safety and developmental needs of children served, that address:</p> <ol style="list-style-type: none"> 1) Group size limits for specific age groups as determined by the state 2) The appropriate ratio between the number of children and the number of providers, in terms of the age of the 	Fine	Fine	Group Size? Qualifications?

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	<p>children in child care, as determined by the state; and</p> <p>3) Required qualifications for such providers, as determined by the state.</p> <p>The Secretary may offer guidance but shall not require specific group size limits or child:staff ratios.</p>			
<p>State Plan:</p> <p>Health & Safety</p>	<p>(I) HEALTH AND SAFETY REQUIREMENTS.</p> <p>Such requirements- Shall relate to matters including health and safety topics consisting of:</p>			<p>A self-certification form must be completed as a health and safety checklist for unlicensed family day homes. Licensing exempt centers self-certify regarding training and background check requirements.</p>
	<ul style="list-style-type: none"> The prevention and control of infectious diseases (including immunizations) and the establishment of a grace period that allows homeless children and children in foster care to receive services while complying; 	✓	✓	✓
	<ul style="list-style-type: none"> The prevention of sudden infant death syndrome and use of safe sleeping practices; 	✓	✓	X

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	<ul style="list-style-type: none"> The administration of medication, consistent with standards for parental consent; 	✓	✓	✓
	<ul style="list-style-type: none"> The prevention of and response to emergencies due to food and other allergic reactions; 	Likely	Likely	Maybe
	<ul style="list-style-type: none"> Building and physical premise safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic; 	✓	✓	✓
	<ul style="list-style-type: none"> Prevention of shaken baby syndrome and abusive head trauma; 	Maybe	Maybe	X
	<ul style="list-style-type: none"> Emergency response planning including disaster preparation; 	✓	✓	Maybe
	<ul style="list-style-type: none"> The handling and storage of hazardous, materials and the appropriate disposal of bio-contaminants; 	✓	✓	X
	<ul style="list-style-type: none"> For providers that offer transportation, if applicable, appropriate precautions in transporting children; 	✓	✓	X
	<ul style="list-style-type: none"> First aid and CPR; and 	✓	✓	✓

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	<ul style="list-style-type: none"> Minimum health and safety training, to be completed pre-service or during an orientation period, in addition to ongoing training, appropriate to the provider setting; and 	✓	✓	X
	<ul style="list-style-type: none"> May include requirements related to nutrition and access to physical activity and other topics deemed necessary by the state. 			
Inspections/ Monitoring Qualified inspectors 1 pre-licensure inspection and not less than 1 unannounced annual inspection	<p>The state plan shall include a certification that not later than 2 years after the date of enactment, policies and procedures that</p> <ol style="list-style-type: none"> Ensure individuals who are hired as licensing inspectors are qualified to inspect providers and have received training in related health and safety requirements, and are trained in all aspects of the state’s licensing requirements; Not less than 1 pre-licensure inspection for compliance with health, safety, and fire standards, and not less than annually one unannounced inspection for compliance with all child care licensing standards, which shall include an inspection with health, safety, and fire 	✓	✓	Section 63.2-1716 of the Code of Virginia states licensing staff may perform on-site inspections of religious institutions to confirm compliance with the provisions of the Code and to investigate complaints that the center is not in compliance with the provisions of

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At least annual inspections for unlicensed providers who receive subsidy (exempts relatives)	<p>standards (inspectors may inspect for compliance with all 3 standards at the same time); and</p> <p>3) Require the ratio of licensing inspectors to programs to be maintained at a level sufficient to enable the state to conduct inspections of programs on a timely basis in accordance with federal, state, and local law.</p> <p>Unlicensed Providers: Requires licensing inspectors to perform an annual inspection of each license-exempt provider in the state receiving funds under this subchapter (unless a relative), for compliance with health, safety, and fire standards, at a time to be determined by the state.</p> <p>The Secretary may offer guidance to a State, if requested by the state, on a research-based minimum standard regarding ratios for inspectors and programs and provide technical assistance to the state on meeting the minimum standard within a reasonable time period, but shall not prescribe a ratio.</p>			<p>the Code.</p> <p>Announced visits or inspections will be made upon a center's request for consultation or when the religious exemption information submitted indicates a center's need for assistance in complying with the law.</p> <p>Unannounced inspections will be made to conduct complaint investigations.</p>
Child Abuse Reporting	<p>(L) COMPLIANCE WITH CHILD ABUSE REPORTING REQUIREMENTS.</p> <p>The state plan shall include a certification that</p>	✓	✓	✓

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	child care providers within the state will comply with the child abuse reporting requirements under CAPTA.			
Access				
State Plan:	(M) MEETING THE NEEDS OF CERTAIN POPULATIONS.			
Access	The state plan shall describe how the state will develop and implement strategies (which may include alternative reimbursement rates to child care providers, the provision of direct contracts or grants to community-based organizations, offering child care certificates to parents, or other means determined by the state) to increase the supply and improve the quality of child care services for-- <ul style="list-style-type: none"> 1) Children in underserved areas; 2) Infants and toddlers; 3) Children with disabilities; and 4) Children who receive care during nontraditional hours 			
12 month eligibility	(N) Protection for Working Parents Minimum Period for Redetermination: 12 month eligibility as long as family income does not exceed 85 percent of State median income for a family of the same size. The plan shall demonstrate how the state's or designated local entity's processes for initial determination and redetermination of eligibility take into account irregular fluctuations in earnings.	✓	✓	✓

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<p>Reducing barriers for working parents</p> <p>Gradual phase-out to avoid “cliff effect”</p>	<p>The state plan shall describe the procedures and policies in place to ensure that working parents are not required to unduly disrupt their employment in order to comply with state or local redetermination requirements.</p> <p>At state option, the plan shall demonstrate that the state will not terminate assistance based on a factor consisting of a parent’s loss of work or cessation of attendance at a job training or educational program without continuing the assistance for at least 3 months.</p> <p>Graduated phase-out: The plan shall describe policies and procedures that are in place to allow the provision of continued assistance for children of parents who are working or attending a job training or educational program and whose family income exceeds the state’s income limit to initially qualify for such assistance, if the family income does not exceed 85% of state median income.</p>			
<p>Coordination with other Programs</p>	<p>(O) COORDINATION WITH OTHER PROGRAMS.</p> <p>The state plan shall describe how the state, in order to expand accessibility and continuity of care, and assist children enrolled in early childhood programs to receive full-day services, will efficiently, and to the extent practicable,</p>			

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	<p>coordinate the services supported to carry out this subchapter with programs operating at the federal, state and local levels for children in preschool programs, tribal early childhood programs, and other early childhood programs, including those serving infants and toddlers with disabilities, homeless children, and children in foster care.</p> <p>If the State elects to combine funding for the services supported to carry out this subchapter with funding for any program described above, the plan shall describe how the state will combine the multiple sets of funding and use the combined funding.</p> <p>Nothing shall be construed to affect the priority of children described above to receive full-day prekindergarten or Head Start program services.</p>			
Public Private Partnerships	<p>(P) PUBLIC-PRIVATE PARTNERSHIPS.</p> <p>The plan shall demonstrate how the state encourages partnerships among state agencies, other public agencies, Indian tribes and tribal organizations, and private entities, including faith-based and community-based organizations, to leverage existing service delivery systems, for child care and development services and to increase the supply and quality of child care services for children who are less than 13 years of age, such as</p>			

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	by implementing voluntary shared services alliance models.			
Priority for Low Income Populations	<p>(Q) PRIORITY FOR LOW INCOME POPULATIONS.</p> <p>The state plan shall describe the process the state proposes to use to give priority with respect to investments made to increase access to programs providing high quality early childhood education and care, to give priority for those investments to children of families in areas with high poverty and unemployment that do not have such programs.</p>			
Consultation with ECAC	<p>(R) CONSULTATION.</p> <p>The state plan shall include a certification that the State has developed the plan in consultation with the State Advisory Council on Early Childhood Education and Care.</p>			
Payment Practices Delinking rates and attendance (private pay comparability)	<p>(S) PAYMENT PRACTICES.</p> <p>The state plan shall include a certification that the payment practices of child care providers reflect generally accepted payment practices of providers who do not receive assistance so as to provide stability of funding and to encourage providers to take children whose families receive a subsidy and</p> <p>An assurance that the state will, to the extent practicable, implement enrollment and eligibility policies that support the fixed costs of providing child care services by delinking provider reimbursement rates from an eligible child's occasional absences due to holidays or unforeseen</p>	<p>Subsidy Policy:</p> <p>Number of absent days allowed. Describe: Level 2 providers are paid for 24 absent days per year per child. The number of days is prorated at two days per month if the family enters the program after the beginning of the local fiscal year. Additional absent days can be paid for</p>		

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	circumstances such as illness.	up to four weeks in a twelve month period if the parent is ill or incapacitated. This time period can be extended, if necessary. Payment can also be made for up to one month during a break in employment or training if a subsequent activity is scheduled to begin within that period and if child care arrangements would otherwise be lost. b) Paying based on enrollment. Describe: Payments are currently based on attendance		
Early Learning Guidelines	(T) EARLY LEARNING AND DEVELOPMENTAL GUIDELINES. The state plan shall include an assurance that the state will maintain or implement early learning and developmental guidelines (or develop such guidelines if the state does not have them as of date of enactment of CCDBG) that are appropriate for children from birth through entry into			

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	<p>kindergarten, describing what children should know and be able to do, and covering the essential domains of early childhood development for use statewide by child care providers. Such guidelines shall-</p> <ul style="list-style-type: none"> • be research-based, be developmentally appropriate, and be aligned with entry into kindergarten; • be implemented in consultation with the state educational agency and the State Advisory Council on Early Childhood Education and Care; and • be updated as determined by the State. <p>Prohibition on Use of Funds: The plan shall include an assurance that funds will not be used to develop or implement an assessment for children that:</p> <ol style="list-style-type: none"> 1) Will be the sole basis for a child care provider being determined to be ineligible; 2) Will be used as the primary or sole basis to provide a reward or sanction for an individual provider; 3) Will be used as the primary or sole method for assessing program effectiveness, or 4) Will be used to deny eligibility to participate in programs carried out under this Act. 			

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	<p>Nothing in this subchapter shall preclude the state from using a single assessment as determined by the state for children for—</p> <ul style="list-style-type: none"> • Supporting learning or improving a classroom environment; • Targeting professional development to a provider; • Determining the need for health, mental health, disability, developmental delay, or family support services; • Obtaining information for the quality improvement process at the state level; or • Conducting a program evaluation for the purposes of providing program improvement and parent information. <p>No Federal Control. Nothing in this section shall be construed to authorize an officer or employee of the Federal Government to-</p> <ul style="list-style-type: none"> • mandate, direct or control or place conditions (outside of what is required by this subchapter) around adopting a state’s early learning guidelines developed in accordance with this section; • establish any criterion that specifies, defines, prescribes or places conditions (outside of what is required in this subchapter) on a 			

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	State adopting standards or measures that a state uses to establish, implement, or improve such guidelines, related accountability systems, or alignment of such guidelines with education standards; or require a state to submit such standards for review.			
Disaster Preparedness	<p>(U) DISASTER PREPAREDNESS.—</p> <p>The state plan shall demonstrate the manner in which the State will address the needs of children in child care services provided through programs authorized under this subchapter, including the need for safe child care, for the period before, during, and after a state of emergency declared by the Governor or a major disaster or emergency (as such terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 20 5122)).</p> <p>STATEWIDE CHILD CARE DISASTER PLAN.—Such plan shall include a statewide child care disaster plan for coordination of activities and collaboration, in the event of an emergency or disaster described above, among the State agency with jurisdiction over human services, the agency with jurisdiction over State emergency planning, the State lead agency, the State agency</p>	✓	✓	X

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	<p>with jurisdiction over licensing of child care providers, the local resource and referral organizations, the State resource and referral system, and the State Advisory Council on Early Childhood Education and Care.</p> <p>DISASTER PLAN COMPONENTS.—The components of the disaster plan, for such an emergency or disaster, shall include—</p> <ul style="list-style-type: none"> • evacuation, relocation, shelter-in-place, and lock-down procedures, and procedures for communication and reunification with families, continuity of operations, and accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions; • guidelines for the continuation of child care services in the period following the emergency or disaster, which may include the provision of emergency and temporary child care services, and temporary operating standards for child care providers during that period; and • procedures for staff and volunteer emergency preparedness training and practice drills. 			

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Business Technical Assistance	<p>(V) BUSINESS TECHNICAL ASSISTANCE.—</p> <p>The plan shall describe how the State will develop and implement strategies to strengthen the business practices of child care providers to expand the supply, and improve the quality of, child care services.</p>			
Uses of Funds	<p>GENERAL REQUIREMENT. The state plan shall provide that the state will use the amounts provided to the state for each fiscal year under this subchapter as required under in accordance with subparagraphs (B) through (D).</p>			
Child Care Services & Related Activities Outreach to homeless families	<p>Section 658E(3)(B) Child Care Services and Related Activities. The State shall use amounts provided to the state for each fiscal year under this subchapter for child care services on a sliding fee scale basis, activities that improve the quality or availability of services, and any other activity that the state deems appropriate to realize any of the goals specified in paragraphs (2) through (5) of Section 658A(b), activities that improve access to child care services, including the use of procedures to permit enrollment (after an initial eligibility determination) of homeless children while required documentation is obtained, training and technical assistance on identifying and serving homeless children and their families, and specific outreach to homeless families, and any other activity that the state determines to be</p>			

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HHS Report on State Compliance with Priority Populations	<p>appropriate to meet the purposes of this subchapter (which may include an activity above) with priority being given for services provided to children of families with very low family incomes (taking into consideration family size) and to children with special needs.</p> <p>REPORT BY THE ASSISTANT SECRETARY FOR CHILDREN AND FAMILIES.</p> <p>Not later than September 30 of the first full fiscal year after the date of enactment, and September 30 of each fiscal year thereafter, the Secretary shall prepare a report that contains a determination about whether each state uses amounts provided to such state for the fiscal year involved under this subchapter in accordance with the priority for services described above.</p>			
Penalties	<p>PENALTY FOR NONCOMPLIANCE. For any fiscal year that the report of the Secretary indicates that a state has failed to give priority for services in accordance with the above, the Secretary shall-</p> <ul style="list-style-type: none"> • inform the state that the state has until the date that is 6 months after the Secretary has issued such report to fully comply; • provide the state an opportunity to modify the state plan of such state, to make the 			

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	<p>plan consistent with the requirements, and resubmit such state plan to the Secretary not later than the date described; and</p> <ul style="list-style-type: none"> • if the state does not fully comply, withhold 5 percent of the funds that would otherwise be allocated to that state in accordance with this subchapter for the first full fiscal year after that date. <p>WAIVER FOR EXTRAORDINARY CIRCUMSTANCES. The Secretary may grant a waiver to a state for one year to the penalty if the Secretary determines there are extraordinary circumstances, such as a natural disaster, that prevent the state from complying. If the Secretary does grant a waiver, the Secretary shall, within 30 days of granting such waiver, submit a report to the appropriate Congressional committees on the circumstances of the waiver including the stated reason from the state on the need for a waiver, the expected impact of the waiver on children served under this program, and any such other relevant information the Secretary deems necessary.</p>			

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<p>Child Care Resource and Referral System</p>	<p>A state may use funding to establish or support a system of local or regional child care resource and referral organizations that is coordinated, to the extent determined appropriate by the state, by a statewide public or private nonprofit, community-based or regionally based, lead child care resource and referral organization.</p> <p>Local or regional organizations. The local or regional child care resource and referral organizations supported shall:</p> <ol style="list-style-type: none"> 1) Provide parents in the state with consumer education information concerning the full range of child care options (including faith-based and community-based child care providers), analyzed by provider, including child care provided during nontraditional hours and through emergency child care centers, in their political subdivisions or regions; 2) To the extent practicable, work directly with families who receive assistance to offer families support and assistance, to make an informed decision about which child care providers they will use, in an effort to ensure that the families are enrolling their children in the most appropriate child care setting to suit their needs and one that is of high quality (as determined by the state); 3) Collect data and provide information on the coordination of services and supports, including services under Section 619 and Part C of IDEA, for children with disabilities; 4) Collect data and provide information on the supply of and demand for child care in political subdivisions or regions within the state and submit such information to the state; 5) Work to establish partnerships with public agencies and private entities, including faith-based and community-based child care 			

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Admin Limitation	Retained			
Direct Services	<p>Assistance for Certain Families. A state shall ensure that a substantial portion of the funds available (after the State has complied with the requirement of section 418(b)(2) of the Social Security Act with respect to each of the fiscal years 1997 2015 through 2002 2020) to the State to carry out activities under this subchapter in each fiscal year is used to provide assistance to low income working families other than families described in paragraph (2)(H)) including or in addition to families with children described in clause (i), (ii), (iii), or (iv) of paragraph (2)(M), [<i>Note: (i) children in underserved areas, (ii) infants and toddlers, (iii) children with disabilities, and (iv) children who receive care during nontraditional hours</i>].</p> <p>and by adding the following:</p> <p>(C) DIRECT SERVICES. From amounts provided to a state for a fiscal year to carry out this subchapter, the state shall-</p> <p>(i) Reserve the minimum amount required to be reserved under section 658G [<i>the quality setaside</i>], and the funds for costs described in</p>			

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	<p>detailed report containing the results of the market rates survey or alternative methodology conducted pursuant to clause (i) and made the results of the survey or alternative methodology widely available (not later than 30 days after the completion of such survey or alternative methodology) through periodic means, including posting the results on the internet;</p> <p>(iii) describe how the state will set payment rates for child care services, for which assistance is provided in accordance with this subchapter-</p> <p>(I) in accordance with the results of the market rates survey or alternative methodology conducted pursuant to clause (i);</p> <p>(II) taking into consideration the cost of providing higher quality child care services than were provided under this subchapter before the date of enactment of CCDBG; and</p> <p>(III) without, to the extent practicable, reducing the number of families in the state receiving such assistance to carry out this subchapter, relative to the number of such families on the date of enactment; and</p> <p>(IV) describe how the state will provide for timely payment for child care services</p>			

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	<p>provided under this subchapter.</p> <p>No Prohibition of Certain Different Rates. Nothing in this subchapter shall be construed to prevent a state from differentiating the payment rates on the basis of such factors as—</p> <ul style="list-style-type: none"> (I) geographic location of child care providers (such as location in an urban or rural area); (II) the age or particular needs of children (such as the needs of children with disabilities and children served by child protective services); (III) whether the providers provide child care services during weekend and other nontraditional hours; or (IV) the state’s determination that such differentiated payment rates may enable a parent to choose high quality child care that best fits the parent’s needs. 			
Sliding Fee Scale	<p>(5) SLIDING FEE SCALE. The state plan shall provide that the state will establish and periodically revise, by rule, a sliding fee scale that provides for cost sharing that is not a barrier to families receiving assistance under this subchapter by the families that receive child care services for which assistance is provided under this subchapter.</p>			
No entitlements,	<p>Section 658F. LIMITATIONS ON STATE ALLOTMENTS.</p>			

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No construction	Retained.			
Quality Set-Aside	<p>Section 658G. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.</p> <p>(a) RESERVATION.— (1) RESERVATION FOR ACTIVITIES RELATING TO THE QUALITY OF CHILD CARE SERVICES.—A State that receives funds to carry out this subchapter for a fiscal year referred to in paragraph (2) shall reserve and use a portion of such funds, in accordance with paragraph (2), for activities provided directly, or through grants or contracts with local child care resource and referral organizations or other appropriate entities, that are designed to improve the quality of child care services and increase parental options for, and access to, high-quality child care, and is in alignment with a Statewide assessment of the State’s needs to carry out such services and care, provided in accordance with this subchapter.</p> <p>(2) AMOUNT OF RESERVATIONS.—Such State shall reserve and use—</p> <ul style="list-style-type: none"> • 7 percent in the first 2 years after enactment • 8 percent for the 3rd and 4th year after enactment • 9 percent for the 5th year after enactment 			
Quality Set-Aside Percentages				

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	<p>and each succeeding year;</p> <p>and in addition-</p> <ul style="list-style-type: none"> • 3 percent of such funds not later than the second full year after the date of enactment and for each succeeding year to carry out activities related to quality infant and toddler care. <p>Nothing in this subsection shall preclude the state from reserving a larger percentage of funds to carry out quality related activities.</p> <p>Activities. No fewer than one of the following activities.</p> <p>1) Supporting the training and professional development of the child care workforce through activities such as those under section 658E(C)(2)(G) [the training section of the state plan], in addition to-</p> <ul style="list-style-type: none"> • Offering child care providers training and professional development opportunities for child care providers that relate to the use of scientifically-based, developmentally appropriate and age-appropriate strategies to promote the social, emotional, physical, and cognitive development of children, including those related to nutrition and physical activity, and offering specialized 			

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	<p>training for child care providers caring for those populations prioritized in section 658(c)(2)(Q) [<i>children in areas that have significant concentrations of poverty and unemployment and that do not have such programs</i>], and children with disabilities;</p> <ul style="list-style-type: none"> • Incorporating the effective use of data to guide program improvement; • Including effective behavior management strategies and training, including positive behavior interventions and support models, that promote positive social and emotional development and reduce challenging behaviors, including reducing expulsions of preschool-aged children for such behaviors; • Providing training and outreach on engaging parents and families in culturally and linguistically appropriate ways to expand their knowledge, skills and capacity to become meaningful partners in supporting their children’s positive development; • Providing training corresponding to the nutritional and physical activity needs of children to promote healthy development; • Providing training or professional development for child care providers regarding early neurological development of children; and • Connecting child care staff members of child care providers with available Federal and 			

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	<p>state financial aid, or other resources, that would assist child care staff members in pursuing relevant postsecondary training.</p> <p>2) Improving upon the development or implementation of the early learning and developmental guidelines by providing technical assistance to eligible child care providers that enhances the cognitive, physical, social and emotional development, including early childhood development, of participating preschool and school-aged children and supports their overall well-being.</p> <p>3) Developing, implementing, or enhancing a tiered quality rating system for child care providers, which may—</p> <ul style="list-style-type: none"> • support and assess the quality of child care providers in the state; • build on state licensing standards and other state regulatory standards for such providers; • be designed to improve the quality of different types of child care providers and services; • describe the safety of child care facilities; • build the capacity of state early childhood programs and communities to promote 			

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	<p>parents' and families' understanding of the state's early childhood system and the ratings of programs in which the child is enrolled;</p> <ul style="list-style-type: none"> • provide to the maximum extent practicable, financial incentives and other supports designed to expand the full diversity of child care options and help child care providers improve the quality of services; and • accommodate a variety of distinctive approaches to early childhood education and care, including but not limited to, those practiced in faith-based settings, r similar settings that offer a distinctive approach to early childhood development. <p>4) Improving the supply and quality of child care programs and services for infants and toddlers through activities which may include-</p> <ul style="list-style-type: none"> • Establishing or expanding high quality community or neighborhood based family and child development centers, which may serve as resources to child care providers in order to improve the quality of early childhood services provided to infants and toddlers from low income families and to help eligible child care 			

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	<p>providers improve their capacity to offer high quality, age appropriate care to infants and toddlers from low income families;</p> <ul style="list-style-type: none"> • establishing or expanding the operation of community or neighborhood-based family child care networks; • promoting and expanding child care providers' ability to provide developmentally appropriate services for infants and toddlers through training and professional development; • coaching and technical assistance on this age group's unique needs from statewide networks of qualified infant-toddler specialists; • and improved coordination with early intervention specialists who provide services for infants and toddlers with disabilities under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.); • if applicable, developing infant and toddler components within the State's quality rating system described in paragraph (3) for child care providers for infants and toddlers, or the development of infant and toddler components in a State's child care licensing regulations or early learning and development guidelines; 			

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	<ul style="list-style-type: none"> • improving the ability of parents to access transparent and easy to understand consumer information about high-quality infant and toddler care; and • carrying out other activities determined by the State to improve the quality of infant and toddler care provided in the State, and for which there is evidence that the activities will lead to improved infant and toddler health and safety, infant and toddler cognitive and physical development, or infant and toddler well-being, including providing health and safety training (including training in safe sleep practices, first aid, and cardiopulmonary resuscitation) for providers and caregivers. <p>5) Establishing or expanding a statewide system of child care resource and referral services;</p> <p>6) Facilitating compliance with state requirements for inspection, monitoring, training and health and safety, and with state licensing standards;</p> <p>7) Evaluating and assessing the quality and effectiveness of child care programs and services offered in the state, including evaluating how such programs positively impact children;</p> <p>8) Supporting child care providers in the pursuit</p>			

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	<p>of voluntary pursuit of accreditation by a national accrediting body with demonstrated, valid, and reliable program standards of high quality.</p> <p>9) Supporting state or local efforts to develop or adopt high quality program standards relating to health, mental health, nutrition, physical activity and physical development.</p> <p>(10) Carrying out other activities determined by the state to improve the quality of child care services provided in the state and for which measurements of outcomes relating to improved provider preparedness, child safety, child well-being, or entry into to kindergarten is possible.</p> <p>Beginning in FY2016, at the beginning of each fiscal year, the state shall annually submit to the Secretary a certification containing an assurance that the state was in compliance with the quality set-aside during the preceding fiscal year and a description of how the state used funds received under this subchapter to comply during the preceding fiscal year.</p> <ul style="list-style-type: none"> • Each state receiving funds under this subchapter shall prepare and submit an annual report to the Secretary, which shall 			

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	<p>include information about:</p> <ul style="list-style-type: none"> (1) the amount of funds that are reserved under the quality set-aside; (2) the activities carried out; and (3) the measures the state will use to evaluate the state’s progress in improving the quality of child care programs. <p>(e) TECHNICAL ASSISTANCE. The Secretary shall offer technical assistance, in accordance with section 6581(a)(3) [<i>administration and enforcement TA reference</i>], which may include technical assistance through the use of grants or cooperative agreements, to states for the activities described above at the request of a state.</p> <p>Nothing in this section shall be construed as providing the Secretary the authority to regulate, direct, dictate, or place conditions (outside of what is required by this subchapter) on a state adopting specific state child care quality activities or progress in implementing those activities.</p>			
Background Checks	<p>Section 658H. Criminal Background Checks.</p> <p>IN GENERAL.—A State that receives funds to carry out this subchapter shall have in effect—</p> <ul style="list-style-type: none"> (1) requirements, policies, and procedures to require and conduct criminal background checks for child care staff members (including prospective 	X	X	X

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	<p>child care staff members) of child care providers described in subsection (c)(1); and</p> <p>(2) licensing, regulation, and registration requirements, as applicable, that prohibit the employment of child care staff members as described in subsection (c).</p> <p>(a) REQUIREMENTS.—A criminal background check for a child care staff member under subsection (a) shall include—</p> <p>(1) a search of the State criminal and sex offender registry or repository in the State where the child care staff member resides, and each State where such staff member resided during the preceding 5 years;</p> <p>(2) a search of State-based child abuse and neglect registries and databases in the State where the child care staff member resides, and each State where such staff member resided during the preceding 5 years;</p> <p>(3) a search of the National Crime Information Center;</p> <p>(4) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and</p> <p>(5) a search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 9 16901 et seq.).</p>			

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	<p>(c) PROHIBITIONS.— (1) CHILD CARE STAFF MEMBERS.—A child care staff member shall be ineligible for employment by a child care provider that is receiving assistance under this subchapter if such individual— (A) refuses to consent to the criminal background check described in subsection (b); (B) knowingly makes a materially false statement in connection with such criminal background check; (C) is registered, or is required to be registered, on a State sex offender registry or repository or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or (D) has been convicted of a felony consisting of— (i) murder, as described in section 1111 of title 18, United States Code; (ii) child abuse or neglect; (iii) a crime against children, including child pornography; (iv) spousal abuse; (v) a crime involving rape or sexual assault; (vi) kidnapping; (vii) arson; (viii) physical assault or battery; or (ix) subject to subsection (e)(4), a</p>			

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	<p>drug-related offense committed during the preceding 5 years; or (E) has been convicted of a violent misdemeanor committed as an adult against a child, including the following crimes: child abuse, child endangerment, sexual assault, or of a misdemeanor involving child pornography.</p> <p>(2) CHILD CARE PROVIDERS.—A child care provider described in subsection (i)(1) shall be ineligible for assistance provided in accordance with this subchapter if the provider employs a staff member who is ineligible for employment under paragraph (1).</p> <p>(d) SUBMISSION OF REQUESTS FOR BACKGROUND CHECKS.— IN GENERAL.—A child care provider covered by subsection (c) shall submit a request, to the appropriate State agency designated by a State, for a criminal background check described in subsection (b), for each child care staff member (including prospective child care staff members) of the provider.</p> <p>(2) STAFF MEMBERS.—Subject to paragraph (4), in the case of an individual who became a child care staff member before the date of enactment of the Child Care and Development Block Grant Act of 2014, the provider shall submit such a request—</p>			

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	<p>(A) prior to the last day described in subsection (j)(1); and</p> <p>(B) not less often than once during each 5-year period following the first submission date under this paragraph for that staff member.</p> <p>(3) PROSPECTIVE STAFF MEMBERS.—Subject to paragraph (4), in the case of an individual who is a prospective child care staff member on or after that date of enactment, the provider shall submit such a request—</p> <p>(A) prior to the date the individual becomes a child care staff member of the provider; and</p> <p>(B) not less than once during each 5-year period following the first submission date under this paragraph for that staff member.</p> <p>(4) BACKGROUND CHECK FOR ANOTHER CHILD CARE PROVIDER.—A child care provider shall not be required to submit a request under paragraph (2) or (3) for a child care staff member if—</p> <p>(A) the staff member received a background check described in subsection (b)—</p> <p>(i) within 5 years before the latest date on which such a submission may be made; and</p> <p>(ii) while employed by or seeking employment by another child care provider within the State;</p> <p>(B) the State provided to the first provider a qualifying background check result, consistent with this subchapter, for the staff member; and</p> <p>(C) the staff member is employed by a</p>			

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	<p>child care provider within the State, or has been separated from employment from a child care provider within the State for a period of not more than 180 consecutive days.</p> <p>(e) BACKGROUND CHECK RESULTS AND APPEALS.—</p> <p>(1) BACKGROUND CHECK RESULTS.—The State shall carry out the request of a child care provider for a criminal background check as expeditiously as possible, but not to exceed 45 days after the date on which such request was submitted, and shall provide the results of the criminal background check to such provider and to the current or prospective staff member.</p> <p>(2) PRIVACY.—</p> <p>(A) IN GENERAL.—The State shall provide the results of the criminal background check to the provider in a statement that indicates whether a child care staff member (including a prospective child care staff member) is eligible or ineligible for employment described in subsection (c), without revealing any disqualifying crime or other related information regarding the individual.</p> <p>(B) INELIGIBLE STAFF MEMBER.—If the child care staff member is ineligible for such employment due to the background check, the State will, when providing the results of the background check, include information related</p>			

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	<p>to each disqualifying crime, in a report to the staff member or prospective staff member.</p> <p>(C) PUBLIC RELEASE OF RESULTS.—No State shall publicly release or share the results of individual background checks, except States may release aggregated data by crime as listed under subsection (c)(1)(D) from background check results, as long as such data is not personally identifiable information.</p> <p>(3) APPEALS.—</p> <p>(A) IN GENERAL.—The State shall provide for a process by which a child care staff member (including a prospective child care staff member) may appeal the results of a criminal background check conducted under this section to challenge the accuracy or completeness of the information contained in such member’s criminal background report.</p> <p>(B) APPEALS PROCESS.—The State shall ensure that—</p> <p>(i) each child care staff member shall be given notice of the opportunity to appeal;</p> <p>(ii) a child care staff member will receive instructions about how to complete the appeals process if the child care staff member wishes to challenge the accuracy or completeness of the information contained in such member’s criminal background report; and</p> <p>(iii) the appeals process is completed in a timely</p>			

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	<p>manner for each child care staff member.</p> <p>(4) REVIEW.—The State may allow for a review process through which the State may determine that a child care staff member (including a prospective child care staff member) disqualified for a crime specified in subsection (c)(1)(D)(ix) is eligible for employment described in subsection (c)(1), notwithstanding subsection (c). The review process shall be consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).</p> <p>(5) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to create a private right of action if a provider has acted in accordance with this section.</p> <p>(f) FEES FOR BACKGROUND CHECKS.—Fees that a State may charge for the costs of processing applications and administering a criminal background check as required by this section shall not exceed the actual costs to the State for the processing and administration.</p> <p>(g) TRANSPARENCY.—The State must ensure that the policies and procedures under section 658H are published on the Web site (or otherwise publicly available venue in the absence of a Web site) of the State and the Web sites of local lead agencies.</p>			

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	<p>(h) CONSTRUCTION.—</p> <p>(1) DISQUALIFICATION FOR OTHER CRIMES.— Nothing in this section shall be construed to prevent a State from disqualifying individuals as child care staff members based on their conviction for crimes not specifically listed in this section that bear upon the fitness of an individual to provide care for and have responsibility for the safety and well-being of children.</p> <p>(2) RIGHTS AND REMEDIES.— Nothing in this section shall be construed to alter or otherwise affect the rights and remedies provided for child care staff members residing in a State that disqualifies individuals as child care staff members for crimes not specifically provided for under this section.</p> <p>(i) DEFINITIONS.—In this section—</p> <p>(1) the term ‘child care provider’ means a center-based child care provider, a family child care provider, or another provider of child care services for compensation and on a regular basis that—</p> <p>(A) is not an individual who is related to all children for whom child care services are provided; and</p> <p>(B) is licensed, regulated, or registered under State law or receives assistance provided under this subchapter; and</p> <p>(2) the term ‘child care staff member’ means an individual (other than an individual who is</p>			

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	<p>related to all children for whom child care services are provided)— (A) who is employed by a child care provider for compensation; or (B) whose activities involve the care or supervision of children for a child care provider or unsupervised access to children who are cared for or supervised by a child care provider.</p> <p>(j) EFFECTIVE DATE.— (1) IN GENERAL.—A State that receives funds under this subchapter shall meet the requirements of this section for the provision of criminal background checks for child care staff members described in subsection (d)(1) not later than the last day of the second full fiscal year after the date of enactment of the Child Care and Development Block Grant Act of 2014.</p> <p>(2) EXTENSION.—The Secretary may grant a State an extension of time, of not more than 1 fiscal year, to meet the requirements of this section if the State demonstrates a good faith effort to comply with the requirements of this section.</p> <p>(3) PENALTY FOR NONCOMPLIANCE.—Except as provided in paragraphs (1) and (2), for any fiscal year that a State fails to comply substantially with the requirements of this section, the Secretary</p>			

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	shall withhold 5 percent of the funds that would otherwise be allocated to that State in accordance with this subchapter for the following fiscal year.”.			
Reports	<p>SECTION 658K. REPORTS</p> <p>New: (xi) whether the children receiving assistance under this subchapter are homeless children.</p> <p>(D) The number of child fatalities occurring among children while in the care and facility of child care providers receiving assistance under this subchapter, listed by type of child care provider and indicating whether the providers (excluding relatives) are licensed or license-exempt.</p>			