



ADMINISTRATION FOR
CHILDREN & FAMILIES

330 C Street, S.W., Washington DC 20201 | www.acf.hhs.gov

DEC 21 2018

Cynthia C. Dungey, Director
Ohio Department of Job and Family Services
30 East Broad Street, 32nd Floor
Columbus, Ohio 43215

Dear Director Dungey:

The Office of Child Care (OCC) has completed its review of your FY2019-2021 Child Care and Development Fund (CCDF) Plan. This Plan development and review cycle has been unprecedented as we have worked together to transition CCDF programs to meet the requirements of the Child Care and Development Block Grant (CCDBG) Act of 2014 and the CCDF final rule. We appreciate your hard work and patience over the past 3 years.

This letter is to inform you that the Ohio CCDF Plan for the period of October 1, 2018, through September 30, 2021, has been conditionally approved. A “conditionally approved” plan is a fully approved plan with conditions related to unmet requirements. The conditions will be deemed fully met once all provisions in the CCDBG Act of 2014 and Final Rule are fully implemented and corrective action plan steps are completed. At that time, the Ohio CCDF Plan will be approved without conditions.

Full implementation of all provisions in the CCDBG Act of 2014 and the Final Rule was required no later than September 30, 2018, unless the State or Territory received approval for a waiver for specific background check requirements. Ohio did not fully implement the provisions listed below by the effective date of September 30, 2018; therefore, you will be on a Corrective Action Plan (CAP) for any unmet requirements starting October 1, 2018 for a period not to exceed one year. These CAPs are not eligible for renewal. You have 60 days following receipt of this letter to formally submit your CAPs. Please refer to the attached document “Guidance to States and Territories on Submitting Corrective Action Plans” for how to complete your required components. The specific requirements needing CAPs are indicated in the attached “Detailed List of Provisions Not Met as of 9/30/2018.” Any CAPs listed below are in addition to any conditions listed in your provisional approval letter for criminal background checks (see Attachment 3).

- Consumer and Provider Education (45 CFR 98.33)
- Equal Access (45 CFR 98.45)

The CCDF Plan includes questions that encompass all elements as required by regulations at 45 CFR 98.16. However, the Plan does not ask about all aspects of Federal requirements. During our review of the CCDF Plans, for some States we noticed areas of possible non-compliance with CCDF requirements that are outside the scope of this review for Plan approval. You will still need to take action to come into compliance with these requirements, and your OCC Regional Office will follow-up with you on these areas. Recognizing the information in the Plans is not exhaustive, the OCC will monitor State compliance through multiple mechanisms. All requirements of the Act and the Rule are subject to the monitoring, compliance, and complaint actions as described in 45 CFR Subpart J, including 98.90, 98.91, and 98.92. Additionally, States and Territories are subject to audit requirements at 45 CFR 98.65 of CCDF regulations.

You will receive a separate Notice of Grant Award from the Office of Administration in the Administration for Children and Families. The notice will include the amount of your award and any additional terms and conditions for the receipt of CCDF program funds. During the effective period of this plan, any substantial changes to your CCDF program must be submitted as a plan amendment to your Regional Office for approval in accordance with 45 CFR 98.18(b). Lead Agencies are reminded to describe in the Plan Amendment if the amended activity is being supported by the increased funding (see Program Instruction for more information about Plan Amendments: <https://www.acf.hhs.gov/occ/resource/ccdf-acf-pi-2018-02>). Lead Agencies also are reminded that you must post the approved plan and any amendments on your state website and assure any required links are functional.

We understand that it is essential for CCDF lead agencies to have wide-ranging support in the implementation of their CCDF Plans. OCC and the TA network supporting CCDF grantees have worked together to develop a variety of technical assistance options aimed at supporting the implementation of CCDF corrective action plans and full compliance with CCDF policies. Your Regional Office and State Systems Specialist will be reaching out to you within the next two weeks to discuss your specific TA needs.

We look forward to working together toward full implementation of the CCDBG Act of 2014 and promoting the early learning and development of children along with family economic stability and success. If you have any questions, please contact Gena Miller,

Child Care Program Manager, Office of Child Care at (312) 353-3270 or
gena.miller@acf.hhs.gov. Thank you for all you do each day for children and families.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannon Christian", with a long horizontal flourish extending to the right.

Shannon Christian
Director
Office of Child Care

cc: Tracey Chestnut, Chief, Bureau of Child Care Policy and Technical Assistance
Gena Miller, Regional Program Manager, Office of Child Care Region V

Encl: Attachment 1: Detailed List of Provisions Not Met as of 9/30/2018
Attachment 2a: Guidance to States and Territories on Submitting Corrective
Action Plans (CAP)
Attachment 2b: Sample Letter from Lead Agency Official
Attachment 2c: Template CCDF Corrective Action Plan(s)
Attachment 3: Copy of Provisional Approval Letter for Criminal Background
Checks

Attachment 1: Detailed List of Provisions Not Met as of 9/30/2018 by Plan Question

OCC has conditionally approved your FY 2019 – 2021 CCDF Plan pending implementation of corrective actions to meet the unmet requirements of the CCDBG Act of 2014 and Final Rule. This document details the specific requirements that are unmet by your CCDF Plan to be addressed in your corrective action plans.

CAP Categories	Plan Question
Consumer and Provider Education (45 CFR 98.33)	2.3.8 - Aggregate data on serious injuries, deaths, and substantiated cases of child abuse that have occurred in child care settings
Equal Access (45 CFR 98.45)	<p>4.4.1 - Lead Agencies must certify that CCDF payment rates are sufficient to ensure equal access for eligible families to child care services comparable to those provided by families not receiving CCDF assistance.</p> <p>b. Describe how payment rates are adequate and have been established based on the most recent MRS or alternative methodology.</p> <p>4.5.1 - Certify by describing the payment practices that the Lead Agency has implemented for all CCDF child care providers.</p> <p>b. To the extent practicable, support the fixed costs of providing child care services by delinking provider payments from a child's occasional absences by: (Note: The Lead Agency is to choose at least one of the following and describe): Paying based on a child's enrollment rather than attendance; Providing full payment if a child attends at least 85 percent of the authorized time; Providing full payment if a child is absent for five or fewer days in a month; Use an alternative approach for which the Lead Agency provides a justification in its Plan (If chosen, please describe the policy or procedure and the Lead Agency's justification for this approach).</p> <p>c. The Lead Agency's payment practices reflect generally accepted payment practices of child care providers who serve children who do not receive CCDF subsidies. These payment practices must include the following two practices unless the Lead Agency provides evidence that such practices are not generally accepted in its state.</p> <p>ii. Paying for reasonable mandatory registration fees that the provider charges to private-paying parents. Describe the policy or procedure.</p>



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OCT 30 2018

Cynthia C. Dungey, Director
Ohio Department of Job and Family Services
30 East Broad Street, 32nd Floor
Columbus, Ohio 43215

Dear Director Dungey:

I am pleased to inform you that the Ohio Child Care and Development Fund (CCDF) Plan for the period of October 1, 2018, through September 30, 2021, has been provisionally approved. This “provisionally approved” plan is approved for the criminal background check provisions in Section 5.4 of the Plan and related waiver requests in Appendix A. Once the Office of Child Care (OCC) completes its review of the remaining provisions of the Plan in November, we will send a separate letter addressing approval of the complete Plan along with any conditions for corrective action as applicable.

Regarding the background check provisions, Ohio has met the required milestones and conditions for a time-limited waiver, and therefore is granted an extension through September 30, 2019 to implement the following:

- Checks of the National Crime Information Center (NCIC) National Sex Offender Registry (NSOR)
 - Establishing requirements and procedures (5.4.5a)
 - Conducting checks on all new (prospective) staff (5.4.5a)
 - Conducting checks on all current (existing) staff (5.4.5b)
- Establishing requirements and procedures for staff members to begin work on a provisional basis (if supervised at all times) after completing and receiving satisfactory results on either the FBI fingerprint check or a fingerprint check of the state/territory criminal registry or repository in the current State of residency of staff (5.4.9)

The CCDF Plan includes questions that encompass all elements as required by regulations at 45 CFR 98.16. However, the Plan does not ask about all aspects of Federal requirements. For example, for the background check requirements, the Plan does not explicitly ask for the State’s definition of “child care staff members” that are subject to the checks, or whether the

State has adopted the federally-mandated list of disqualifying crimes. During our review of the CCDF Plans, for some States we noticed areas of possible non-compliance with CCDF requirements that are outside the scope of this review for Plan approval. You will still need to take action to come into compliance with these requirements, and your OCC Regional Office will follow-up with you on these areas. Recognizing the information in the Plans is not exhaustive, the OCC will monitor State compliance through multiple mechanisms. All requirements of the Act and the Rule are subject to the monitoring, compliance, and complaint actions as described in 45 CFR Subpart J, including 98.90, 98.91, and 98.92. Additionally, States and Territories are subject to audit requirements at 45 CFR 98.65 of CCDF regulations.

You will receive a Notice of Grant Award in October 2018 from the Office of Administration in the Administration for Children and Families (ACF). The notice will include the amount of your award and any additional terms and conditions for the receipt of CCDF program funds. During the effective period of this plan, any substantial changes to your CCDF program must be submitted as a plan amendment to your Regional Office for approval in accordance with 45 CFR 98.18(b). If you have any questions, please contact Gena Miller.

Please remember to expect a second letter regarding your Plan once ACF OCC has completed its review in November. This letter will detail any additional conditions or Corrective Action Plans as applicable to your state.

We look forward to working together toward full implementation of the CCDBG Act of 2014 and promoting the early learning and development of children along with family economic stability and success. If you have any questions, please contact Gena Miller, Child Care Program Manager, Office of Child Care at (312) 353-0242 or gena.miller@acf.hhs.gov. Thank you for all you do each day for children and families.

Sincerely,



Shannon Christian
Director
Office of Child Care

cc: Tracey Chestnut, Chief, Bureau of Child Care Policy and Technical Assistance
Gena L. Miller, Regional Program Manager, Office of Child Care Region V