

SUPPORTING STATEMENT

JUSTIFICATION FOR INFORMATION COLLECTION

Child Care and Development Fund (CCDF) Notice of Proposed Rulemaking (NPRM)

A. JUSTIFICATION

1. Circumstances Making the Collection of Information Necessary

The Administration for Children and Families (ACF) proposes to amend the Child Care and Development Fund (CCDF) regulations through a Notice of Proposed Rulemaking (NPRM). A number of sections in the NPRM refer to collections of information. In several instances, the collections of information have been approved previously under a series of OMB control numbers (that are listed in the NPRM).

In two instances, the NPRM seeks to modify currently approved information collections—the ACF-118 CCDF State Plan (OMB No. 0970-0144) and the ACF-118A CCDF Tribal Plan (OMB No. 0970-0198). HHS will publish Federal Register Notices soliciting public comment on specific revisions to the State and Tribal CCDF Plans and will make available the proposed forms and instructions for review.

Finally, the proposed rule includes two new information collections—(1) a requirement that States establish a consumer education website; and (2) a provision that States, Territories and Tribes require child care providers providing CCDF services to report serious injuries or deaths of children to a designated State, territorial or tribal entity.

2. Purpose of Information Collection

This proposed rule makes changes to CCDF regulatory provisions in order to strengthen health and safety requirements for child care providers, reflect current State and local practices to improve the quality of child care, infuse new accountability for Federal tax dollars, and leverage the latest knowledge and research in the field of early care and education to better serve low-income children and families.

State and Tribal Plans: The CCDF Plan serves as the agreement between the State, Territorial, or Tribal Lead Agency responsible for administering the CCDF program and the Federal Government as to how the program will be operated. The NPRM proposes to modify these existing information collections to add several new requirements which States, Territories and Tribes will be required to report in the biennial CCDF Plans, including provisions related to health and safety requirements, consumer education, and eligibility policies.

Consumer Education Website: Section 45 CFR 98.33 of the proposed rule requires Lead Agencies administering the CCDF program to post provider-specific information to a

user-friendly, easy to understand website as part of its consumer education activities. This website will provide information to parents about the degree to which specific child care providers meet State health and safety requirements and quality indicators. This information will help parents choose a safe, quality child care provider that meets their needs. This website requirement applies to the 50 States, District of Columbia, and five Territories that receive CCDF grants.

Reporting of Serious Injuries and Deaths: Section 45 CFR 98.41 of the proposed rule requires Lead Agencies administering the CCDF program to establish procedures that require child care providers that care for children receiving CCDF subsidies to report to a designated State, territorial, or tribal entity any serious injuries or deaths of children occurring in child care. This is necessary for States to be able to examine the circumstances leading to serious injury or death of children in child care, and, if necessary, make adjustments to health and safety requirements and enforcement of those requirements in order to prevent any future tragedies.

3. Use of Improved Information Technology and Burden Reduction

State and Tribal Plans: State and Territorial Lead Agencies have the opportunity to submit their Plans electronically as the Office of Child Care has designed an on-line submission tool for Lead Agencies to enter their Plan information on the Web.

Consumer Education Website: The requirement for a website ensures that the information will be readily available to parents. Approximately 30 States already have a website in place that gives provider-specific health and safety information. States will have significant flexibility regarding how to implement this provision and each State will determine its own tailored approach based on existing practices, available resources, and other circumstances.

Reporting of Serious Injuries and Deaths: More than half the States already have reporting requirements in place as part of their licensing procedures for child care providers. States, Territories and Tribes have flexibility in specifying the particular reporting requirements, such as timeframes and which serious injuries must be reported. While the reporting procedures will vary by jurisdiction, we anticipate that most providers will need to complete a form or otherwise provide written information. We encourage States to use information technology, such as electronic transmission, to ease the reporting burden.

4. Efforts to Identify Duplication and Use of Similar Information

State and Tribal Plans: The information collected by the ACF-118 and ACF-118A is not available from any other source.

Consumer Education Website: States may use existing websites that meet the requirements.

Reporting of Serious Injuries and Deaths: States may use existing reporting procedures, if any, that meet the NPRM requirements.

5. Impact on Small Businesses or Other Small Entities

This information collection will not have a significant economic impact on a substantial number of small entities. The information being required has been held to the absolute minimum required for intended use.

6. Consequences of Collecting the Information Less Frequently

State and Tribal Plans: In accordance with 45 CFR 98.13, Lead Agencies are required to provide a Plan that describes the entire child care program in detail biennially.

Consumer Education Website: This information collection will be ongoing. States and Territories will need to periodically update their websites to ensure that the information is current and accurate. Without these websites, parents would lack critical health and safety information that they need to make informed child care choices.

Reporting of Serious Injuries and Deaths: This information collection will occur after the serious injury or death of a child that occurs in a child care setting. The information must be reported in a timely manner, as determined by the State, to ensure that any appropriate corrective action is taken to ensure children's safety.

7. Special Circumstances

None of the special circumstances apply to this information collection.

8. Comments in Response to the Federal Register Notice and Efforts to Consult Outside the Agency

The proposed rule is available for public comment. The proposed rule includes a section on information collections under the Paperwork Reduction Act, and includes instructions for submitting comments on the burden estimates.

9. Explanation of Any Payment or Provided to Respondents

No payments or gifts are provided to respondents.

10. Assurance of Confidentiality Provided to Respondents

There is nothing of a confidential nature on the websites. No assurances of confidentiality will be provided.

11. Justification for Sensitive Questions

There are no questions of a sensitive nature.

12. Estimates of Annualized Burden Hours and Costs

State and Tribal Plans: We estimate a small increase in the burden hour required to complete the State and Tribal Plans.

Consumer Education Website: The public reporting burden for this collection of information is estimated to be 260 hours per response. In estimating the burden estimate, we considered the fact that many States already have existing websites. Even in States without an existing website, much of the information will be readily available from licensing agencies, quality rating and improvement systems, and other sources. The burden hour estimate below reflects an average estimate, recognizing that there will be State variation. The estimate is annualized to encompass initial data entry as well as updates to the website over time. The total estimated dollar cost associated with these burden hours is \$6500 per State/Territory. This equates to a total of \$364,000 for all grantees.

Reporting of Serious Injuries and Deaths: The public reporting burden for this collection of information is estimated to 1 hour per response. The requirement would potentially apply to the approximately 500,000 child care providers who serve children receiving CCDF subsidies, but only a portion of these providers would need to report, since our burden estimate assumes that no report is required in the absence of serious injury or death. Using currently available aggregate data on child deaths and injuries, we estimated the average number of provider respondents would be approximately 10,000 annually. The total estimated dollar cost associated with these burden hours is \$25 per child care provider. This equates to a total of \$250,000 for all respondents

The table below summarizes the estimated hour burden associated with provisions of the NPRM:

| INSTRUMENT | NUMBER OF RESPONDENTS | NUMBER OF RESPONSES PER RESPONDENT | HOURS PER RESPONSE | RESPONSE BURDEN |
|--------------------------------|--------------------------|------------------------------------|--------------------|-----------------|
| ACF-118 CCDF State Plan | 56 | 0.5 | 163.5 | 4,578 |
| ACF-118 CCDF Tribal Plan | 257 | 0.5 | 121 | 15,549 |
| Consumer Education | 56 States/Territories | 1 | 260 | 14,560 |

| | | | | |
|-----------------------------------------|-----------------------------|---|---|--------|
| Website | | | | |
| Reporting of Serious Injuries and Death | 10,000 child care providers | 1 | 1 | 10,000 |

Estimated Total Annual Burden Hours: 44,687

13. Estimates of Other Total Annual Cost Burden to Respondents and Record Keepers

State and Tribal Plans: There are no direct monetary costs to Lead Agencies other than the time to complete the ACF-118 and ACF-118A.

Consumer Education Website: Approximately 30 States have existing websites that already meet this requirement. The remaining 26 States and Territories will face capital and start-up costs (e.g, the purchase of any hardware and equipment) needed to launch the website. We estimate a cost of approximately \$63,000 per grantee for a total of approximately \$1.64 million. All remaining costs are reflected in the burden hours under item 12.

Reporting of Serious Injuries and Deaths: There are no additional costs other than those reflected in item 12.

14. Annualized Cost to the Federal Government

There is no cost to the Federal government.

15. Explanations for Program Changes or Adjustment

State and Tribal Plans: We estimate a small increase in the burden hour (i.e., one additional hour) required to complete the State and Tribal Plans due to new provisions in the NPRM.

The Consumer Education Website and Reporting of Serious Injuries and Deaths are new collections.

16. Plans for Tabulation and Publication and Project Time Schedule

State and Tribal Plans: Not applicable.

Consumer Education Website: States will disseminate their web addresses to the public.

Reporting of Serious Injuries and Deaths: The Office of Child Care does not plan to tabulate or publish this data, which will be reported to a designated State, Territorial, or Tribal entity (not the Federal government).

17. Reason(s) Display of OMB Expiration Date Inappropriate

Not applicable.

18. Exceptions to Certification for Paperwork Reduction Act Submissions

There are no exceptions to the certification.

B. STATISTICAL METHODS (USED FOR COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS)

1. Respondent Universe and Sampling Methods
(Not Applicable)
2. Procedures for the Collection of Information
(Not Applicable)
3. Methods to Maximize Response Rates and Deal with Nonresponse
(Not Applicable)
4. Test of Procedures or Methods to be Undertaken
(Not Applicable)
5. Individuals consulted on Statistical Aspects and Individuals Collecting and/or Analyzing Data
(Not Applicable)

The information collection does not employ the use of statistical methods.