

**Child Care and Development Fund (CCDF)
Consumer Education Website and Reports of
Serious Injuries and Death**

**OMB Information Collection Request
0970 - 0473**

**Supporting Statement Part A -
Justification**

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Submitted By:
Office of Child Care
Administration for Children and Families
U.S. Department of Health and Human Services

SUPPORTING STATEMENT A – JUSTIFICATION

Summary

ACF is seeking minor revisions to the reporting requirements for the Consumer Education Website and an extension with no changes to the reporting requirements for the Reporting of Serious Deaths and Injuries in Child Care. These collections do not involve Federal forms.

1. Circumstances Making the Collection of Information Necessary

Consumer Education Website: The reporting requirement described in Section 45 CFR 98.43 of the Child Care and Development Fund (CCDF) Final Rule, published September 30, 2016, provided general guidelines around the type of background check-related information that state and territory lead agencies must include on their consumer education websites and was developed to reflect the reauthorization of the Child Care and Development Block Grant (CCDBG) Act of 2014:

- Section 45 CFR 98.43(a)(1)(iii) of the Final Rule requires Lead Agencies to have requirements, policies, and procedures in place to respond as expeditiously as possible to other States', Territories', and Tribes' requests for background check results in order to accommodate the 45 day timeframe.
- Section 45 CFR 98.43(g) of the Final Rule also requires Lead Agencies to include the process by which another Lead Agency may submit a background check request on the Lead Agency's Consumer Education Website, along with all of the other background check policies and procedures.

Since 2014, States have faced challenges meeting the requirements because requesting and responding to interstate background check requests is largely a manual process that varies from state to state. This revision request includes updates to the consumer education website reporting requirements to now define the specific information elements that state and territory lead agencies will need to include on their websites to satisfy these requirements to encourage efficiency and transparency around the interstate background check process.

Reporting of Serious Deaths and Injuries in Child Care: ACF is also seeking renewal of the reporting requirements in Section 45 CFR 98.42(b)(4) of the CCDF Final Rule that was published September 30, 2016. This provision requires CCDF lead agencies to establish procedures that require child care providers caring for children who are receiving CCDF subsidies to report any serious injuries or deaths of children occurring in a child care setting to a designated state, territorial, or tribal entity.

This reporting requirement was developed in order to protect the health and safety of children in child care, and to help parents make informed consumer choices. ACF is not proposing any revisions to this information collection.

These collections do not involve Federal forms.

2. Purpose and Use of the Information Collection

Consumer Education Website: Section 45 CFR 98.33 of the Final Rule requires State and Territory Lead Agencies administering the CCDF program to provide consumer education information through a consumer-friendly and easily accessible website. OCC proposes revisions to the reporting requirements related to the Consumer Education Website to:

- Minimize confusion about the correct contact information and state-specific instructions needed to initiate interstate background check requests.
- Encourage the transparency needed to allow states and territories to exchange information and to ensure that there are processes in place for timely responses.
- Help ensure compliance with existing background check requirements in the CCDBG Act and CCDF Final Rule.

The revised reporting requirements would require State and Territory Lead Agencies to post specific information and resources pertaining to their interstate background check processes and procedures on their Consumer Education Website.

OCC will use this information provided as a result of the revised reporting requirements to help ensure compliance with existing background check requirements in the Act and Final Rule. This website requirement applies to the 50 States, District of Columbia, and five Territories that receive CCDF grants.

Reporting of Serious Injuries and Deaths in Child Care: Section 45 CFR 98.42 of the final 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 in order for States to make this information available to the public, and to be able to examine the circumstances leading to serious injury or death of children in child care, and, if necessary, make changes to health and safety requirements and enforcement of those requirements in order to prevent any future tragedies. The requirement applies to the nearly 260,000 child care providers who serve children receiving CCDF subsidies, but only a portion of these providers will 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 existing Reporting of Serious Injuries and Death reporting requirement (described above) will not be modified.

3. Use of Improved Information Technology and Burden Reduction

Consumer Education Website: This revised reporting requirement ensures that the information needed to initiate an interstate check will be readily available to states and

territories. States and territories will have some 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: States, Territories and Tribes will continue to 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

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

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

5. Impact on Small Businesses or Other Small Entities

Neither of these reporting requirements will have a significant 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

Consumer Education Website: This reporting requirement will be ongoing. States and Territories will need to periodically update their websites to ensure that the information is current and accurate. Without regular updates to the background check related information provided on the consumer education websites, states and territories will lack the critical contact information and instructions needed to initiate an interstate background check request.

Reporting of Serious Injuries and Deaths: This reporting requirement 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 Relating to the Guidelines of 5 CFR 1320.5

None of the special circumstances apply to these information collections.

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

In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995), ACF published a notice in the Federal Register announcing the agency’s intention to request an OMB review of this information collection activity. This notice was published on December 20, 2019, Volume 84, Number 245, page 70194, and provided a sixty-day period for public comment. During the notice and comment period, three comments were received, which are attached, along with ACF’s response.

9. Explanation of Any Payment or Gift 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

Information Collection Title	Total Number of Respondents	Total Number of Responses Per Respondent	Average Burden Hours Per Response	Annual Burden Hours	Average Hourly Wage	Total Annual Cost
Consumer Education Website	56 States and Territories	1	300	16,800	\$72.68	\$1,221,024
Reporting of Serious Injuries and Death	10,000 Child Care Providers	1	1	10,000	\$34.44	\$344,400
Estimated Annual Burden Total:				26,800	Estimated Annual Cost Total:	\$1,565, 424

The cost to respondents for the “Consumer Education Website” Information Collection was calculated using the Bureau of Labor Statistics (BLS) job code for Web Developers [15-1134] and the mean hourly wage data from May 2018, which is \$36.34 per hour. To account

for fringe benefits and overhead, the rate is multiplied by two, which is \$72.68 per hour. The estimate of annualized cost to respondents for hour burden is \$72.68 times 16,800 hours or \$1,221,024.00.

The cost to respondents for the “Reporting of Serious Injuries and Death” Information Collection was calculated using the Bureau of Labor Statistics (BLS) job code for Social and Human Service Assistants [21-1093] and the mean hourly wage from May 2018, which is \$17.22 per hour. To account for fringe benefits and overhead the rate is multiplied by two, which is \$34.44 per hour. The estimate of annualized cost to respondents for hour burden is \$34.44 times 10,000 hours or \$344,400.

See <https://www.bls.gov/oes/current/oes151134.htm>.

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

Consumer Education Website: All States have existing websites that already meet at least portions of this requirement. In the regulatory impact analysis for the September 30, 2016 final rule, we estimated an average annual cost of \$12.8 million for building and maintenance of the websites over the first five years. Now that the State websites are largely built and just need to be updated (including with the newly required background check information) and maintained, we estimate an aggregate national average annual cost of \$1.2 million over the three-year period covered by the renewal of this information collection.

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. Explanation for Program Changes or Adjustments

This request is to continue reporting requirements under OMB #0970-0473. There are minor changes to the requirements, but the burden estimates remain unchanged.

16. Plans for Tabulation and Publication and Project Time Schedule

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 is Inappropriate

Not applicable.

18. Exceptions to Certification for Paperwork Reduction Act Submissions

There are no exceptions to the certification.