



COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

Office of the Commissioner

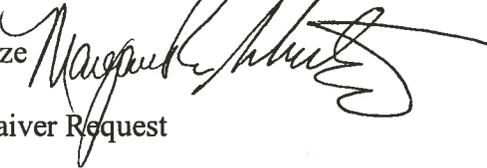
Margaret Ross Schultze
COMMISSIONER

March 11, 2016

MEMORANDUM

To: Rachel Schumacher, Director
Office of Child Care, Administration for Children and Families

Cc: Beverly Wellons, Regional Program Manager, Office of Child Care

From: Margaret Ross Schultze 

Re: Written Extension/Waiver Request

Virginia is requesting waivers to allow additional time to implement federal requirements in three areas of the 2016–2018 state child care plan. **The waivers would extend implementation deadlines for the following provisions from September 30, 2016 to September 30, 2017:**

- Plan Section 3.1.5 Graduated Phase-Out of Assistance
- Plan Section 3.3.1 Twelve-Month Eligibility
- Plan Section 4.6.3 Process and Procedures to Give Priority for Investments to Children in Families in Areas with High Concentrations of Poverty and Unemployment That Do Not Have High-Quality Programs

Plan Section 3.1.5 Graduated Phase-Out of Assistance

Provision that the State seeks relief from:

Virginia is seeking relief from the required timeframe to implement section 3.1.5 of the CCDF State Plan, related to Section 658E.c.2.N.iv.of the Child Care and Development Block Grant Act of 2014.

How a waiver from that provision will, by itself, improve the delivery of child care services for children in the State/Territory:

This waiver will improve the delivery of child care services in the state by providing time to complete the required process for promulgating the regulation associated with graduated phase-out of assistance. The length of time required to promulgate regulations and regulation

amendments varies, but 18 months is the average. This waiver will allow the state to implement the new requirement of the CCDBG Act of 2014 and at the same time address necessary changes to the Subsidy Program including updates to the automated case management system.

Certify that the health, safety, and well-being of children served through assistance received through CCDF will not be compromised as a result of the waiver:

This waiver request concerns a provision related to eligibility for the receipt of services. The anticipated programmatic changes concerning this provision will not have an impact on the health, safety and well-being of children receiving assistance.

Identify Reasons: Describe one or more conflicting or duplicative requirement(s) preventing the effective delivery of child care services to justify the waiver; extraordinary circumstances, such as a natural disaster or financial crisis; or an extended period of time for a State legislature to enact legislation to implement the provision of the Act:

The process for creating and amending regulations in Virginia is specified in the state law that is commonly referred to as the Administrative Process Act (APA). The APA is designed to give state decision makers, businesses, and the public an opportunity to participate in creating regulations by providing recommendations and feedback. As stated above, an extended period of time is required for regulatory actions. The length of time required to promulgate regulations and regulation amendments varies, but 18 months is the average. Approval of this waiver will provide the state with the necessary time to complete the regulatory actions and steps.

Plan Section 3.3.1 Twelve-Month Eligibility

Provision that the State seeks relief from:

Virginia is seeking relief from the required timeframe to implement section 3.3.1 of the CCDF State Plan, related to Section 658E.c.2.N.i.I of the Child Care and Development Block Grant Act of 2014.

How a waiver from that provision will, by itself, improve the delivery of child care services for children in the State/Territory:

This waiver will improve the delivery of child care services in the state by providing time to complete the required process for promulgating the regulation associated with 12-month eligibility. The length of time required to promulgate regulations and regulation amendments varies, but 18 months is the average. This waiver will allow the state to implement the new requirement of the CCDBG Act of 2014 and at the same time address necessary changes to the Subsidy Program including updates to the automated case management system.

Certify that the health, safety, and well-being of children served through assistance received through CCDF will not be compromised as a result of the waiver:

This waiver request concerns a provision related to eligibility for the receipt of services. The anticipated programmatic changes concerning this provision will not impact the health, safety and well-being of children receiving assistance.

Identify Reasons: Describe one or more conflicting or duplicative requirement(s) preventing the effective delivery of child care services to justify the waiver; extraordinary circumstances, such as a natural disaster or financial crisis; or an extended period of time for a State legislature to enact legislation to implement the provision of the Act:

The process for creating and amending regulations in Virginia is specified in the state law that is commonly referred to as the Administrative Process Act (APA). The APA is designed to give state decision makers, businesses, and the public an opportunity to participate in creating regulations by providing recommendations and feedback. As stated above, an extended period of time is required for regulatory actions. The length of time required to promulgate regulations and regulation amendments varies, but 18 months is the average. Approval of this waiver will provide the state with the necessary time to complete the regulatory actions and steps.

Plan Section 4.6.3 Process and Procedures to Give Priority for Investments to Children in Families in Areas with High Concentrations of Poverty and Unemployment That Do Not Have High-Quality Programs

Provision that the State seeks relief from:

Virginia is seeking relief from the required timeframe to implement section 4.6.3 of the CCDF State Plan, related to Section 658E.c.2.Q. of the Child Care and Development Block Grant Act of 2014.

How a waiver from that provision will, by itself, improve the delivery of child care services for children in the State/Territory:

In October 2015, the Lead Agency appointed a statewide workgroup, including numerous stakeholders from across the state, to collect data and conduct a needs assessment to identify underserved areas of the state and recommend specific investments and strategies to increase the supply and improve the quality of child care services for certain vulnerable families. The workgroup is scheduled to complete its work in the summer of 2016. Implementing and operationalizing these strategies will require adjustments to funding and allocation formulas and practices, the possible utilization of new grant and/or contract processes, automated system amendments, and the development of other interventions as the workgroup suggests. This waiver will provide time needed for the workgroup to complete its analysis and recommendations and time needed by the Lead Agency to assess the recommendations and institute appropriate follow-up. This overall process will improve the delivery of child care services for children in the state by ensuring that limited dollars are expended on the highest priority needs.

Certify that the health, safety, and well-being of children served through assistance received through CCDF will not be compromised as a result of the waiver:

The anticipated programmatic changes concerning this provision will have no impact on the health, safety and well-being of children receiving assistance.

Identify Reasons: Describe one or more conflicting or duplicative requirement(s) preventing the effective delivery of child care services to justify the waiver; extraordinary circumstances, such as a natural disaster or financial crisis; or an extended period of time for a State legislature to enact legislation to implement the provision of the Act:

To best meet the needs of vulnerable children and their families and underserved areas of the state, and to best utilize CCDF funds, the workgroup needs adequate time to identify and develop data-driven strategies. The strategies will likely require changes to guidance, regulations, funding models and automated systems. This waiver will allow the necessary time for a thorough and strategic process that most effectively utilizes limited funds.