

Title 78 Series 1 Department of Health and Human Resources
Bureau for Children and Families
Division of Early Care and Education
CHILD CARE CENTERS LICENSING REGULATIONS

Summary of Public Comments:

Section 1 – General

Comment – No comments
Response

Section 2 – Application and Enforcement

Comment – No comments
Response

Section 3 – Definitions

Comment – No comments
Response

Section 4 – Licensing Information and Provisions

Comment – No comments
Response

Section 5 – Inspection and Investigation

Comment – No comments
Response

Section 6 – Governance

Comment – No comments
Response

Section 7 – The Child and Family

Comment – No comments
Response

Section 8 – Staffing

Comment

My main comment is who is going to pay for all the criminal background checks that are going to be required. I especially wonder about background checks for volunteers. Volunteers can't be alone with children anyway, and if the centers have to pay for their background checks I think that will make it impossible or improbable for centers to use volunteers – unless that is the goal? I certainly hope Head Starts are not licensed, because they rely heavily on parent volunteers.

Also, doing background checks for every State that someone has lived in for the last 5 years will be very expensive – unless WV DHHR is willing to take on that expense. After all that money is invested, the people may not even be hired? I thought the FBI background checks took care of other States?

Response

This proposed rule is in response to a federal rule requirement as a result of the Child Care Development Block Grant reauthorization. With the implementation of the proposed regulation, child care providers will begin paying for the criminal background checks. With the move to WV CARES, it is anticipated that licensed providers will incur a cost of \$54.25 per person (staff members and volunteers). Registered providers such as Informal/Relative and Family Home Child Care providers will also incur the cost for themselves and any household member 18 and older. That cost included a \$20 prescreening fee that is paid to WV Cares and a \$34.25 fee paid to MorphoTrust to conduct LiveScan fingerprints. If, during the prescreening process, it is determined that the individual was convicted of a crime that prohibits the individual to work in child care, no further fees will be paid.

Payment for interstate checks (“background checks for every state that someone has lived in for the last 5 years”) has yet to be fully determined. Each state has the discretion to charge for background checks for their individual states. Conversation to meet the interstate check mandate is ongoing at both the federal and state level.

Comment

8.4.c. If every staff member and volunteer has to have a state and federal background check, who is going to pay for the federal background check or is it going to be free?

Response

With the implementation of the proposed regulations, child care providers will begin paying for the criminal background checks. With the move to WV CARES, it is anticipated that licensed providers will incur a cost of \$54.25 per person (staff members and volunteers). Registered providers such as Informal/Relative and Family Home Child Care providers will also incur the cost for themselves and any household member 18 and older. That cost includes a \$20 prescreening fee that is paid to WV Cares and a \$34.25 fee paid to MorphoTrust to conduct LiveScan fingerprints. If an individual has a prescreen completed and it is found that the person has a crime that prohibits working in child care, no further fees will be paid.

Comment

8.4.c.1. In order to upload the WV CARES self-disclosure application and consent form a center must have internet. What if a center doesn't have access to internet or has limited access to the internet? Not all places in WV can receive internet connections.

Response

If the child care provider does not have access to the internet, the provider may use their local public library, the child care resource and referral public computers (and ask for one on one assistance as well), request assistance from the TRAILS (Traveling Resource and Information Library System) staff and request a hard copy of the form from WV CARES.

Comment

8.4.c.3. Clarification on what a fitness determination of eligibility from the WV CARES unit is?

Response

Finding by the Secretary after review of an applicant’s criminal history record information that the applicant is either eligible for employment or not. – This comes directly from the WVCARES Rule.

Comment

8.4.c.4. Clarification on what a rap back enrollment is?

Response

Rapback (Retained Applicant Fingerprint Background Check) allows WVCARES to receive ongoing notifications of subsequent criminal activity after the initial background checks have been completed. Background checks only provide a “snapshot” view of a person’s criminal history at a specific moment in time. Employers will receive notification of any change in an employee’s fitness determination.

Comment

8.4.d. If there has to be a child abuse and neglect check in every state a staff person has lived in within the last 5 years, are there fees involved from the different states and if there is, who is going to pay for it?

Response

Individual states may charge for a check of their child abuse and neglect registries. If individual states charge for a check of the child abuse and neglect registries, the child care provider will be responsible for payment. This proposed rule is in response to federal rule requirement as a result of the Child Care Development Block Grant revision.

Section 9 – Staff Responsibilities and Qualifications

Comment – No comments

Response

Section 10 – Supervision of Children in Groups

Comment – No comments

Response

Section 11 – Supervision of the Individual Child

Comment – No comments

Response

Section 12 – Space Requirement

Comment – No comments

Response

Section 13 – Furnishings, Equipment and Materials

Comment – No comments

Response

Section 14 – Program

Comment – No comments
Response

Section 15 – Health

Comment – No comments
Response

Section 16 – Nutrition and Food

Comment – No comments
Response

Section 17 – Sanitation

Comment – No comments
Response

Section 18 – Animals

Comment – No comments
Response

Section 19 – Safety and Emergency Operating Procedures

Comment – No comments
Response

Section 20 – Environmental Safety

Comment – No comments
Response

Section 21 – Pest Management

Comment – No comments
Response

Section 22 – Transportation

Comment – No comments
Response

Section 23 – School-age Program

Comment – No comments
Response

Section 24 – Enforcement Actions

Comment – No comments
Response