



STATE OF WASHINGTON
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES
OFFICE OF THE SECRETARY

1500 Jefferson Street, SE • P.O. Box 40975 • Olympia WA 98504-0975

April 22, 2020

Dear Members of the Washington State Congressional Delegation:

SUBJECT: Federal Stimulus and Washington State Needs

Thank you for your commitment to the State of Washington and prioritizing the needs of our children and families during the COVID-19 crisis. As you are considering ways to support crisis response in Washington State, I want to recommend a few areas where increased funding will greatly benefit the Department of Children, Youth, and Families' ability to respond to this crisis.

As you know, the response required by states to ensure the health and safety of our most valuable children and families during the COVID-19 pandemic is urgent and great. To maximize the ability of Washington State and the Department of Children, Youth, and Families to respond to this crisis I recommend and encourage inclusion of the following increases in the next federal stimulus package:

- Social Service Block Grant (SSBG) increase of \$100 million for Washington State. This block grant is a flexible resource that can be deployed swiftly in emergencies. The funding allows for a focus on prevention of child maltreatment by concentrating on families at risk for abuse and neglect. I am very concerned about the increased rate of child maltreatment for children during this pandemic and following economic uncertainty. Deploying flexible prevention resource early, into the most at-risk communities, can provide families with resources to achieve stability and support.
- Increase the Child Care Development Block Grant (CCDBG) by doubling the investment in the CARES Act. The initial investment in the CARES Act will provide short-term relief to child care providers and families, however it will not sustain the financial resources needed as the crisis continues and social distancing guidelines remain in place for child care settings. It is critical that the high quality child care infrastructure continues to exist in Washington State. Given the forthcoming economic crisis, many child care providers will be challenged to continue to offer high-quality child care. Additional CCDBG resources will allow for stability and recovery of this essential service.
- Establish and invest \$200 million for Washington State in a 'Children, Youth, and Families Governor's Fund' that will allow us, in partnership with Governor Inslee, to respond to this crisis in flexible ways that meet service needs. Needs include:

- The purchase of concrete goods. As many of our services for families' transition to an online format, access to technology remains a barrier for many. Birth parents, foster parents, and caregivers; as well as, service providers need reliable technology to engage in visitation, family support services, and other activities necessary for the stabilization of families during uncertain times.
- The ability to provide monetary support to kinship caregivers, in both formal and informal care settings, while mitigating the risk of child abuse and neglect. Financial support to kinship caregivers will be critical during this crisis to keep children safe while also moving toward permanency within their available extended family.
- Provide resources to serve older youth in Extended Foster Care (EFC). Our goal is to ensure stability for youth who are currently in or, who within the next two years, have the potential to be eligible for EFC. This pandemic; coupled with the uncertain and looming economic crisis, has the potential to impact this population of youth more so than other youth we serve. EFC youth have lost employment, are not able to access services necessary to remove barriers to become employed, and are at a disadvantage for access to necessary technology for online education (for high school, GED programs, or post-secondary college or vocational programs). Older youth are also at a greater risk of losing their housing, allowing youth to remain in extended foster care and access services will help ensure stability to a population that is at greater risk for homelessness.
- Support providers in caring for youth that may be impacted by COVID-19, including paying for overtime, additional staff support, or enhanced wages due to increased job risk. In addition, both child care providers and congregate care providers are struggling with the cost increases on critical supplies such as cleaning supplies and food.
- Additional supports for communities most likely experiencing increases in child abuse and neglect to compensate for the drop in reports from school teachers and officials.
- Permanently de-link Title IV-E by delinking from the Aid to Families with Dependent Children (AFDC) income standard, we will have an immediate and much broader opportunity to help families in crisis. The ability to provide critical resources to families during this pandemic, which has resulted in a concurrent economic downturn, will allow the state flexibility to provide a larger service array to more than families meeting the 1996 poverty standards.

In addition to the increased resources noted above, we have requested regulatory relief from the Administration for Children and Families and the Office of Child Care on a number of items. To date the response from the Offices has been prompt and responsive. In the event this changes and

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agencies cannot make the requested changes alone, we ask for your support to provide relief to rules and funding restrictions during this global pandemic. Please see the enclosed letter to the Office of Child Care.

If you have additional questions feel free to reach out to Allison Krutsinger, Deputy Director of Government Affairs, at Allison.krutsinger@dcyf.wa.gov or (360) 480-2216.

Thank you again for your continued support for the critical work we do at the Department of Children, Youth, and Families.

Sincerely

A handwritten signature in blue ink, appearing to read "Ross Hunter". The signature is stylized and cursive.

Ross Hunter
Secretary

By email

Enc. 4-17-2020_CCDF Waiver Letter

cc: Governor Jay Inslee
Casey Katims, Director of Federal & Inter-State Affairs, GOV
Allison Krutsinger, Deputy Director of Government Affairs, DCYF



STATE OF WASHINGTON
DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

1500 Jefferson Street, SE • P.O. Box 40975 • Olympia WA 98504-0975

April 17, 2020

Shannon Christian, Director
Office of Child Care
Administration for Children and Families
U.S. Department of Health and Human Services
330 C St SW
Washington, DC 20201

Dear Ms. Christian:

I am writing on behalf of Department of Children, Youth, and Families (DCYF) to request waivers of various CCDF requirements during the COVID-19 Outbreak. Washington State Governor Jay Inslee's issued proclamation 20-05 declared a State of Emergency effective February 29, 2020, in all counties in the state as a result of the outbreak of COVID-19. The effects of COVID-19's extreme risk of person-to-person transmission throughout Washington State significantly impact the life and health of our people, as well as our economy, and pose particular challenges to availability of quality early learning and child care services for families with low incomes.

Below, as required under 45 CFR 98.19, I describe (1) the provisions from which we seek relief; (2) the reason why we are requesting waiver including a description of the extraordinary circumstances; (3) how relief from the provision, by itself, will improve the delivery of child care services for children and families; (4) how the health, safety, and well-being of children served through CCDF will not be compromised as a result of the waiver; and (5) the desired effective date of the waiver.

I. Criminal Background Checks.

(1) The provision from which the state seeks relief.

DCYF seeks temporary relief from the requirement in 45 CFR 98.43(a) through (d) that child care staff must receive a background check that includes the following:

- (1) A Federal Bureau of Investigation fingerprint check using Next Generation Identification;
- (2) A search of the National Crime Information Center's National Sex Offender Registry;
- (3) A search of the all registries, repositories, or databases in the State where the child care staff member resided during the preceding five years; and
- (4) The fingerprinting requirement related to the in-state criminal history check.

(2) The reason DCYF is requesting waiver including a description of the extraordinary circumstances.

As a result of the outbreak, many child care provider facilities have been forced to close, limiting the supply of child care, while demand for child care increases due to school closure. Simultaneously, many existing child care staff are unable to come to work for various reasons related to the outbreak, leaving providers understaffed to meet demand. Finally, many fingerprinting service contractors are shutting their doors as a social distancing measure, and providers are not making/attending fingerprint appointments, likely for the same reason.

(3) How relief from the provision, by itself, will improve the delivery of child care services for children and families.

Waiving these background check requirements while DCYF temporarily institutes a name/date of birth background check of the state's criminal, sex offender, and abuse and neglect repositories will help expedite background checks. This will allow new providers to begin operations and existing ones to more quickly onboard new child care staff during the COVID-19 emergency and the accompanying shortage of providers and increased demand for their services. Whereas DCYF's existing Portable Background Check process takes, on average, 20 days to complete, from start to finish. This relief will allow providers to maintain staff to child ratios and continue delivery of child care services for children and families, and in some cases increase their capacity to meet demand.

(4) How the health, safety, and well-being of children served through CCDF will not be compromised as a result of the waiver.

DCYF will temporarily institute a name/date of birth background check of the state's criminal, sex offender, and abuse and neglect repositories, thereby assuring a baseline of health and safety. Staff applying for this background check will work supervised pending clearance. Allowing providers to start work after completing a name/date of birth background check while fingerprints are pending will help maintain or even expand capacity to continue providing child care. This also maintains social distancing as recommended by the CDC and state Department of Health, so that new provider staff do not begin work after having been potentially exposed to COVID-19 in the fingerprinting process. Finally, if the waiver is not granted, many providers will be unable to staff their programs, forcing families to consider illegal unlicensed care with no baseline of health and safety or background check of any kind beyond what these families can conduct on their own.

(5) Desired effective date of the waiver.

DCYF requests the waivers will be effective from the effective date of Proclamation 20-05 up to 60 days after it is rescinded, or two years, whichever occurs first.

II. Health and Safety Monitoring

(1) The provision from which the state seeks relief.

DCYF seeks relief from section 45 CFR 98.42(b)(2)(i)(A) requiring pre-licensure inspection for compliance with health, safety, and fire standards. This waiver request applies to emergency licensed providers and seasonal camp providers as described below, not traditional licensed providers.

DCYF seeks relief from 45 CFR 98.42(b)(2)(ii) requiring annual inspection for compliance with health, safety, and fire standards for in-home, nonrelative child care providers.

(2) The reason we are requesting waiver including a description of the extraordinary circumstances.

45 CFR 98.42(b)(2)(i)(A):

As a result of the outbreak, many child care provider facilities have been forced to close, limiting the supply of child care, while demand for child care increases due to school closure. The state needs to quickly onboard licensed providers on an emergency basis, necessitating abbreviated, remote, virtual initial monitoring conducted using smartphones or other audio/visual equipment allowing remote inspection. Remote inspection is also needed to support social distancing per CDC and DOH recommendations.

DCYF has developed an Emergency License process that will exist in parallel with its traditional licensing system, and is seeking the above relief as to emergency licensees, not traditional licensees. Emergency licensing also includes an abbreviated initial inspection that does not cover all health, safety, and fire standards. However, the emergency license lasts only six months, at the end of which time the license expires or the provider can apply for the traditional license, with inspections covering all required topics compliant with all CCDF requirements.

The state is also providing other paths for providers to enter the system, including through the state's license exempt category of seasonal camps. DCYF will certify these license exempt providers and contract with those who provide subsidized child care, both on a temporary basis during the emergency. These providers are needed to fill the vacuum left by providers forced to leave the system due to COVID-19 while demand for services increases.

45 CFR 98.42(b)(2)(ii):

A waiver of the monitoring requirement is temporarily needed for in-home, non-relative care providers while DCYF prioritizes resources for COVID-19 response. However, DCYF expects to onboard additional staff to perform this monitoring after the emergency ends using additional CCDF funds made available through the CARES Act.

(3) How relief from the provision, by itself, will improve the delivery of child care services for children and families.

45 CFR 98.42(b)(2)(i)(A):

Temporarily waiving this requirement will allow DCYF to stand up an emergency licensing process and onboard seasonal camps to address immediate need of children and families for child care services. Washington state has lost significant child care capacity due to COVID-19, necessitating a rapid response to onboard new providers to meet demand. DCYF's emergency

licensing process will coexist with current licensing rules under which existing providers were licensed in accordance with CCDF requirements. Emergency licensing will allow new providers to quickly begin operations during the COVID-19 emergency by abbreviating inspection requirements and allowing them to be conducted remotely and virtually in observance of social distancing guidelines. Seasonal camps, due to their license exempt status, will be quick to onboard, providing timely additional provider capacity during the emergency.

45 CFR 98.42(b)(2)(ii):

A waiver of this requirement will allow in-home relative care providers, who serve thousands of children daily across the state, to remain certified and allow DCYF to direct resources toward onboarding emergency licensed care.

(4) how the health, safety, and well-being of children served through CCDF will not be compromised as a result of the waiver.

45 CFR 98.42(b)(2)(i)(A):

While this waiver will temporarily postpone inspection requirements for licensed providers, DCYF's Emergency Licensing rules and processes will provide for a baseline of health and safety standards (emailed and available to providers online), training on all of the required topics, along with phone and virtual inspection processes that will enable us to communicate critical health and safety information to new providers and view their licensed space for potential issues. Finally, emergency licensees will be subject to the same licensing complaint process as traditional licensed providers, including potential investigation in the case of alleged abuse and neglect.

Waiving these elements will serve social distancing as recommended by the CDC and state Department of Health, so that new providers do not begin operations after having been potentially exposed to COVID-19 in the licensing process. Finally, if these waivers are not granted, many providers will be unable to stand up new programs, forcing families to consider illegal unlicensed care with no baseline of health and safety training or monitoring of any kind.

Seasonal camps will also benefit from these waivers. DCYF will assist these providers by providing guidance in the form of the emergency child care rules and regulations, along with the full licensing rules, as models on which to base their practices. DCYF will further provide guidance on COVID-19 social distancing and safety measures, consistent with CDC and DOH guidelines. Contracts with providers of this type for subsidized child care will establish in their terms the CCDF-required health, safety, and fire standards.

45 CFR 98.42(b)(2)(ii):

DCYF just implemented health and safety standards on October 1, 2020 for in-home, non-relative care providers with monitoring taking place during FFY 2020. DCYF will provide virtual monitoring visits to in-home care, non-relative providers; provide families with a health and safety checklist; and conduct visits only in instances when there are serious health and safety concerns. In-home, non-relative child care providers must complete a background check (see waiver above) and must complete health and safety training within 90 days of providing care.

DCYF will move to inspect these providers as soon as the requisite inspector staff are on boarded using additional CCDF funds from the CARES Act.

(5) Desired effective date of the waiver.

DCYF requests the waivers will be effective from the effective date of Proclamation 20-05 up to 60 days after it is rescinded, or two years, whichever occurs first.

III. Sliding Fee Scale for Families Receiving CCDF Child Care Services.

(1) The provision from which the state seeks relief.

DCYF seeks relief from the requirement in 45 CFR 98.45(k) that Lead Agencies must establish, by rule, a sliding fee scale(s) for families that receive CCDF child care services with incomes above 100% FPL and not a member of designated vulnerable population. The relief DCYF seeks is for families above this income threshold and not a member of such population.

(2) The reason we are requesting waiver including a description of the extraordinary circumstances.

As a result of the outbreak, many child care provider facilities have been forced to close, limiting the supply of child care, while demand for child care increases due to school closure. Many families, both those newly subsidy-eligible and those continuing to receive subsidy benefits, are unable to afford child care copayments in any amount as local economies suffer the effects of the outbreak.

(3) How relief from the provision, by itself, will improve the delivery of child care services for children and families.

Waiving the cost sharing requirement during the COVID-19 response provides financial relief in a time of decreased income for families. It will improve delivery of child care services by allowing low-income families access to subsidized child care that would otherwise be unable to meet the cost sharing requirement. It will further stabilize overall payment to subsidy providers who previously were responsible for collecting copayments from families, thereby incentivizing them to continue serving these families and maintaining capacity across the system for our most vulnerable populations.

(4) how the health, safety, and well-being of children served through CCDF will not be compromised as a result of the waiver.

Waiver of the copayment will not compromise health, safety, and well-being of children, but will simply make child care subsidies more accessible in a time of increased need. This increased access will improve child well-being by making available more high quality early learning opportunities.

(5) Desired effective date of the waiver.

DCYF requests the waivers will be effective from the effective date of Proclamation 20-05 up to 60 days after it is rescinded, or two years, whichever occurs first.

Thank you for considering this request. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ross Hunter". The signature is stylized and cursive.

Ross Hunter
Secretary

cc: Matt Judge, Child Care Administrator, DCYF
Nicole Rose, Director, Eligibility and Provider Supports Division, DCYF
Paul Noski, Regional Program Manager, ACF Office of Child Care, Region X