



Posting Serious Incident Data and Child Care Inspection Reports: Questions and Answers from the “Ask Me Anything” Webinar

This document answers common state and territory questions about Child Care and Development Fund (CCDF) consumer education website requirements and innovative practices for website design. A strong understanding of these requirements and practices will help you provide high-quality consumer education information to families.

This document was prepared in response to questions posed by webinar participants who attended the April 11, 2019, webinar “Posting Serious Incident and Child Care Inspection Reports.”

Posting Annual Aggregate Data on Serious Incidents

What is the difference between the aggregate data reporting requirement and the inspection report requirement in terms of serious incidents?

- ◆ Inspection reports are required for each licensed provider and for each nonrelative CCDF eligible provider. In contrast, the aggregate data report does not list individual provider-specific information or names but must be organized by category of care and licensing status for all eligible CCDF provider categories.
- ◆ The inspection report requirement at 45 C.F.R. § 98.33(a)(4)(iii) states that any health and safety violations—including any deaths and serious injuries occurring at the program—must be prominently displayed on the report or summary. However, all deaths and serious injuries, regardless of cause, are required to be reported as part of the aggregate data reporting requirement at 45 C.F.R. § 98.33(a)(5).¹

Additional Questions?

If you have questions about whether your planned website enhancements meet CCDF requirements, please consult with your Office of Child Care regional office for guidance.

If you would like additional technical assistance on developing and enhancing your consumer education website, contact the State Capacity Building Center (CapacityBuildingCenter@icf.com) or the Early Childhood Quality Assurance Center (QualityAssuranceCenter@icf.com).

¹ Child Care and Development Fund, 45 C.F.R. §§ 98.33(a)(4)(iii), 98.33(a)(5) (2016).



Posting Inspection Reports

What does it mean to post a full inspection report?

- ◆ 45 C.F.R. § 98.33(a)(4)² specifically requires posting of the full inspection report.
- ◆ A full inspection report covers everything in the monitoring visit, including areas of compliance and noncompliance. Parents, the public, and providers must have access to information about what was included in a monitoring visit, not just the areas of noncompliance. This information includes the following:
 - Dates of the child care provider's most recent health, safety, and fire inspections meeting the requirements of § 98.42(b)(2) and § 98.33(a)(4)(i).
 - Results of monitoring and inspection reports for all eligible and licensed child care providers (other than relatives), including those due to major substantiated complaints about failure to comply with provisions in § 98.33(a)(4).
- ◆ If a state does not produce any reports that include areas of compliance, there is some flexibility in terms of what the reports posted on the website must include. However, the state's consumer education website must include information about all areas covered by a monitoring visit (this could be done, for example, by posting a blank checklist used by monitors).
- ◆ Lead Agencies must use plain language so that families and child care providers and caregivers can easily understand the report, as required by 45 C.F.R. § 98.33(a)(4). If the full reports are not in plain language, Lead Agencies must post a plain language summary or interpretation in addition to the full monitoring and inspection report.

What should states do if their current inspection reports contain personally identifiable information (PII)?

- ◆ 45 C.F.R. § 98.15(b)(13) requires states to have in effect policies to govern the use and disclosure of confidential and personally identifiable information about children, families, and child care providers.
- ◆ When making information public, states should ensure the privacy of individual caregivers and children is maintained and consistent with state, local, and tribal laws. For example, states with concerns about providers' privacy (particularly family child care providers who are providing care in their homes) could use a unique identifier, such as a licensing number, to include on the provider's profile. Parents interested in a certain provider can ask the provider or the State Child Care Lead Agency for the identifier in order to look up information about health and safety requirements met by a provider on the consumer education website.
- ◆ States and territories may have specific laws, policies, and guidelines about including potential PII within posted inspection reports. It is best practice to not include PII within the posted inspection reports.
- ◆ If posted inspection reports currently include PII it is recommended that the state or territory work in phases to address the issue in both the short term and the long term:
 - **Now:** Redact PII from current and past reports.
 - **Plan for continuous quality improvement:** Consider reformatting future inspection reports; for example, design an inspection report format that ensures that PII is not captured and that reports are written in plain language.
 - **Additional continuous quality improvement activities:** Additional activities may include training for licensors and inspectors to ensure that PII is not captured when completing reports that will be posted online.

² Child Care and Development Fund, 45 C.F.R. § 98.33(a)(4) (2016).



If a child care program is on a corrective action plan due to noncompliance, do those plans have to be displayed on the consumer education website? Can the website just provide information about how the provider has corrected the deficiency?

- ◆ Per 45 C.F.R. § 98.33(a)(4)(ii),³ states are required to post “Information on corrective action taken by the State and child care provider, where applicable.” This information should include the following:
 - Description of the noncompliance item (for example, failure to have updated vaccination record on file)
 - Corrective action taken by the state and child care provider, where applicable (for example, program staff will contact family to obtain updated vaccination record and ensure it is on file)
 - How it was corrected (for example, program staff contacted family to obtain updated vaccination record, which is now on file)
 - When it was corrected (optional)
 - See the information [Oklahoma](#) includes on its website as an example

Do posted full inspection reports have to be in a PDF format?

- ◆ There are various ways to post a full report. Some states post a PDF; others display both compliances and noncompliances from the inspection report directly on the screen itself (for example, in a table). Some states post a PDF of the full report with a plain language summary of noncompliances.
- ◆ See the [Idaho](#) and [Ohio](#) consumer education websites for examples.

If paperless or mobile monitoring is used, how should the state post a complete report?

- ◆ If paperless or mobile monitoring is used, it is best practice to provide the child care program with a written or electronic copy of the full inspection report, including any findings. This report that is shared with providers should then be posted on the website.
- ◆ Office of Child Care (OCC) guidance clarifies that if a state does not produce inspection reports that include all areas of compliance, then there is some flexibility in what must be shared on the consumer education website. However, the consumer education website must still provide information about all areas covered by a monitoring visit in some other way (such as by posting a blank checklist used by monitors).
- ◆ Thus, the state must include all areas or standards of the inspection report on the consumer education website. This can be done in various ways. For example, the state could summarize all criteria reviewed during an inspection, through a blank checklist or table.

If the state also provides a plain language summary of noncompliances, it would be helpful to clearly note that the summary only displays the criteria with noncompliances. For example, the summary could include the following statement: “This summary only includes inspection criteria that were not in compliance at the time of inspection. A complete list of all criteria reviewed during the inspection may be viewed here.”

If my state or territory’s inspection reports are not in plain language, how should we meet the plain language requirement?

- ◆ Per 45 C.F.R. 98.33(a)(4),⁴ if full reports are not in plain language, Lead Agencies must post a plain language summary in addition to the full monitoring and inspection report.

³ Child Care and Development Fund, 45 C.F.R. § 98.33(a)(4)(ii) (2016).

⁴ Child Care and Development Fund, 45 C.F.R. § 98.33(a)(4) (2016).



- ◆ In order to improve plain language, the state or territory should consider the following:
 - Consider reformatting the report to ensure that it is easy to read and written in plain language.
 - Train licensors and inspectors to complete the reports using plain language.
 - See plainlanguage.gov for resources on writing in plain language.

If getting full reports in plain language is not immediately feasible, how should plain language summaries be written?

- ◆ The state or territory should clearly define what the plain language summary will include to ensure consistency and help determine the level of effort needed to complete these tasks, both immediately and in an ongoing capacity. Considerations should include the following:
 - If your state or territory uses paperless inspection reports, consider automating the plain language summaries.
 - If the summaries are not automated, decide when these summaries will be written. For example, will the plain language summary be written immediately following an inspection or upon submission or approval of the inspection report?
 - Who will be responsible for writing these summaries? What is the estimated level of effort or number of staff needed to complete this task? How will staff be trained in plain language writing?
 - What is the quality control process for reviewing and approving plain language summaries?

Overarching Concepts

Is there a list of states or territories that are in full compliance with the requirements for posting inspection reports and aggregate data?

- ◆ There is not a list currently available. OCC will be posting a list of states that have met and not met the requirements in the CCDF Plan. When available, this list will be posted on the [OCC website](#).

How are states and territories meeting the requirements for posting inspection reports and aggregate data?

- ◆ There are many ways to meet the requirements for posting inspection reports and aggregate data. However, states and territories may need to use more than one approach to be fully compliant. Innovative examples that meet one or more component of these requirements were provided during the “Posting Serious Incident Data and Child Care Inspection Reports” webinar on April 11. A recording of this webinar will be posted at <https://childcareta.acf.hhs.gov/topics/consumer-education>.
- ◆ Developing a highly effective consumer education website is an ongoing process that requires continual maintenance and quality improvement. States and territories should strive towards best practice solutions to providing families with this critical consumer education information.



Opportunities for Continuous Improvement

- ◆ Assess inspection report formatting and the posting processes on a regular basis to determine how to make improvements to your licensing system, inspection report process, and website design to ensure information is accessible to families.
- ◆ Gather feedback from website users through surveys, focus groups, or Google Analytics (or any combination of these tools) to better understand how families are using your website. Can families easily find and understand the information presented in the inspection reports? Does the information help families make child care decisions?
- ◆ Consider streamlining the format of your current inspection reports to make them more appropriate for public posting (for example, plain language, easier to read), even if you also use plain language summaries.
- ◆ Review aggregate data posting to ensure accuracy and timeliness:
 - Establish data sharing agreements with the other agencies that may be providing the data needed. Include data definitions and data collection methodology to ensure shared understanding and accuracy.
 - Ensure data are compiled and posted on the same date and month to ensure consistency year over year, and that the timeframe that the data represent is clearly labeled.
 - Review data consistently, identify data trends, and understand how the data are being used to improve aggregate reporting and understanding for families.

Note: The State Building Capacity Center and National Center on Early Childhood Quality Assurance can offer individualized technical assistance to states and territories that want to improve their consumer education websites, including posting of aggregate data and inspection report materials or processes. Send inquiries to CapacityBuildingCenter@icf.com or QualityAssuranceCenter@icf.com.

The State Capacity Building Center (SCBC) works with state and territory leaders and their partners to create innovative early childhood systems and programs that improve results for children and families. The SCBC is funded by the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Care.

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