

**§ 1306.35 Family child care program option.**

(a) *Grantee and delegate agency implementation.* Grantee and delegate agencies offering the family child care program option must:

(1) *Hours of operation.* Ensure that the family child care option, whether provided directly or via contractual arrangement, operates sufficient hours to meet the child care needs of families.

(2) *Serving children with disabilities.* (i) Ensure the availability of family child care homes capable of serving children and families with disabilities affecting mobility as appropriate; and

(ii) Ensure that children with disabilities enrolled in family child care are provided services which support their participation in the early intervention, special education, and related services required by their individual family service plan (IFSP) or individual education plan (IEP) and that the child's teacher has appropriate knowledge, training, and support.

(3) *Program Space-indoor and outdoor.* Ensure that each family child care home has sufficient indoor and outdoor space which is usable and available to children. This space must be adequate to allow children to be supervised and safely participate in developmentally appropriate activities and routines that foster their cognitive, socio-emotional, and physical development, including both gross and fine motor. Family child care settings must meet State family child care regulations.

(4) *Policy Council role.* The Policy Council must approve or disapprove the addition of family child care as a Head Start or Early Head Start program option. When families are enrolled in the Head Start or Early Head Start family child care program option, they must have proportionate representation on the Policy Council or policy committee.

(b) *Facilities.* (1) *Safety Plan.* Grantees and delegate agencies offering the family child care program option must ensure the health and safety of children enrolled. The family child care home must have a written description of its health, safety, and emergency policies and procedures, and a system for routine inspection to ensure ongoing safety.

(2) *Injury prevention.* Grantee and delegate agencies must ensure that:

(i) Children enrolled in the Head Start family child care program option are protected from potentially hazardous situations. Providers must ensure that children are safe from the potential hazards posed by appliances (stove, refrigerator, microwave, etc). Premises

must be free from pests and the use of chemicals or other potentially harmful materials for controlling pests must not occur while children are on premises.

(ii) Grantee and delegate agencies must ensure that all sites attended by children enrolled in Head Start and Early Head Start are equipped with functioning and properly located smoke and carbon monoxide detectors.

(iii) Radon detectors are installed in family child care homes where there is a basement and such detectors are recommended by local health officials;

(iv) Children are supervised at all times. Providers must have systems for assuring the safety of any child not within view for any period (e.g. the provider needs to use the bathroom or an infant is napping in one room while toddlers play in another room);

(v) Providers ensure the safety of children whenever any body of water, road, or other potential hazard is present and when children are being transported;

(vi) Unsupervised access by children to all water hazards, such as pools or other bodies of water, are prevented by a fence;

(vii) There are no firearms or other weapons kept in areas occupied or accessible to children;

(viii) Alcohol and other drugs are not consumed while children are present or accessible to children at any time; and

(ix) Providers secure health certificates for pets to document up to date immunizations and freedom from any disease or condition that poses a threat to children's health. Family child care providers must ensure that pets are appropriately managed to ensure child safety at all times.

(c) *Emergency plans.* Grantee and delegate agencies offering the family child care option must ensure that providers have made plans to notify parents in the event of any emergency or unplanned interruption of service. The provider and parent together must develop contingency plans for emergencies. Such plans may include, but are not limited to, the use of alternate providers or the availability of substitute providers. Parents must be informed that they may need to pick the child up and arrange care if the child becomes ill or if an emergency arises.

(d) *Licensing requirements.* Head Start programs offering the family child care option must ensure that family child care providers meet State, Tribal, and local licensing requirements and possess a license or other document certifying that those requirements have been met. When State, Tribal, or local requirements vary from Head Start

requirements, the most stringent provision takes precedence.

**§ 1306.36 Additional Head Start program option variations.**

In addition to the center-based, home-based, combination programs, and family child care options defined in this part, the Director of the Office of Head Start retains the right to fund alternative program variations to meet the unique needs of communities or to demonstrate or test alternative approaches for providing Head Start services.

**§ 1306.37 Compliance waiver.**

An exception to one or more of the requirements contained in §§ 1306.32, 1306.33, 1306.34, and 1306.35 will be granted only if the Director of the Office of Head Start determines, on the basis of supporting evidence, that the grantee made a reasonable effort to comply with the requirement but was unable to do so because of limitations or circumstances of a specific community or communities served by the grantee.

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**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 64**

[CG Docket No. 02-386; FCC 07-221]

**Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Commission declines to adopt rules and regulations implementing minimum customer account record exchange obligations on all local carriers. This action is necessary because the Commission does not believe mandating the exchange of customer account information between LECs is appropriate at this time.

**DATES:** Effective December 21, 2007.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** David Marks, Consumer and Governmental Affairs Bureau at (202) 418-0347 (voice), or e-mail [David.Marks@fcc.gov](mailto:David.Marks@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Rules and Regulations Implementing*

*Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers*, Report and Order, document FCC 07–221, adopted December 18, 2007, released December 21, 2007, declining to adopt rules and regulations implementing minimum customer account record exchange obligations on all local carriers.

Copies of document FCC 07–221 and any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. Document FCC 07–221 and any subsequently filed documents in this matter may also be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. Customers may contact the Commission's duplicating contractor at their Web site: <http://www.bcpweb.com> or call 1–800–378–3160. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice) or (202) 418–0432 (TTY). Document FCC 07–221 can also be downloaded in Word and Portable Document Format (PDF) at: <http://www.fcc.gov/cgb/policy>.

#### **Paperwork Reduction Act of 1995 Analysis**

The *Report and Order* does not contain new information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, it does not contain any new or modified “information collection burden for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198. See 47 U.S.C. 3506(c)(4).

#### **Synopsis**

In 2005, the Commission released a Further Notice of Proposed Rulemaking (*Further Notice*), FCC 05–29 published at 70 FR 32258, June 2, 2005, in which the Commission sought comment on whether to require the exchange of customer account information between local exchange carriers (LECs). In response to the *Further Notice*,

BellSouth filed comments urging the Commission to adopt standards for LEC-to-LEC migrations. BellSouth urged the Commission to adopt information exchange requirements for all LECs and require carriers to respond to customer record requests within 24 hours.

Upon a review of the record, the Commission declines to adopt mandatory minimum standards for the exchange of customer account information between LECs. The Commission does not believe mandating the exchange of customer account information between LECs is appropriate at this time for several reasons.

First, a number of commenters note that Alliance for Telecommunications Industry Solutions (ATIS), Ordering and Billing Forum (OBF) has developed Local Service Migration Guidelines that are specifically designed to facilitate the sharing of customer service records among LECs. Because ATIS OBF is an established industry forum that includes representatives of both incumbent LECs and competitive LECs, the Commission encourages carriers to adhere to the industry-established guidelines and, where necessary, to work with the OBF industry forum to further develop and refine them.

Second, the Commission notes that a number of state commissions have addressed issues relating to local service migrations. Unlike LEC-to-inter-exchange carrier (IXC) information sharing requirements, for which states and a broad coalition of carriers supported nationwide standards for the exchange of information, the record here suggests that the problems with LEC-to-LEC exchanges may not be as widespread and, therefore, may be more appropriately addressed by individual state commissions, which are well-suited to address local service matters between LECs operating in their states.

Third, the Commission disagrees with those commenters that maintain LEC-to-LEC information sharing raises the same issues as LEC-to-IXC information sharing. Access to information makes LEC-to-LEC migrations different. In the LEC-to-IXC context, the Commission noted that certain transactions affecting an IXC's ability to provide service and manage customers' accounts, including the execution of customer preferred interexchange carrier (PIC) requests, are carried out, not by the customer's IXC, but by the customer's LEC. Because a

LEC's exclusive control of the local switch could enable a LEC to place a customer on an IXC's network without the IXC's knowledge, the Commission determined that effective communications between LECs and IXCs is critical to an IXC's ability to maintain accurate billing records and to honor customer PIC selections and other customer requests. In the LEC-to-LEC situation, it does not appear that the new LEC is operating in the same information vacuum, or that the information needed could not be obtained from the LEC's new customer.

Finally, to the extent that critical customer account information cannot reasonably be obtained from a LEC's own customer and the customer's former LEC fails to provide such information in a timely manner thus causing unreasonable delay in a local service migration, the Commission notes that such conduct may constitute a violation of the Act and the Commission's rules. The Commission encourages carriers to bring such matters to our attention through the Commission's formal complaint procedures, which allow us to review them on a case-by-case basis to determine the scope and seriousness of the issues presented.

#### **Congressional Review Act**

Because no new rules are adopted in this order, the Commission will not send a copy of the *Report and Order* in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

#### **Ordering Clauses**

Pursuant to the authority contained in sections 1–4, 201, 202, 222, 258, and 303(r) of the Communications Act of 1934, as amended; 47 U.S.C. 151–154, 201, 202, 222, 258, and 303(r), the *Report and Order* is adopted.

The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this *Report and Order* to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

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