



December 1, 2022

Mary B. Jones
ACF/OPRE Certifying Officer
Office of Planning, Research, and Evaluation
Administration for Children and Families
U.S. Department of Health and Human Services
330 C Street SW
Washington, D.C. 20201

RE: Request for Comments: Proposed Information Collection Activity;
The Role of Licensing in Early Care and Education (TRLECE); 87 FR
65775

Dear Ms. Jones:

On behalf of the 75,000 early learning and child care workers represented by the Service Employees International Union (SEIU), we thank you for the opportunity to provide comments as the Administration for Children and Families (ACF) proposes a new information collection for the The Role of Licensing in Early Care and Education (TRLECE) project that will include a nationwide survey of licensed child care providers to strengthen the industry's understanding of the child care and early education licensing system. SEIU strongly supports the goals and projected outcomes of the TRLECE project.

The TRLECE project aims to interview program owners or directors who oversee the day-to-day operations in a licensed center, as well as owners or operators of licensed family child care. Our comments strongly urge the ACF to expand its group of survey participants to include license-exempt care, particularly family, friend, and neighbor providers. We also offer recommendations on survey questions. The inclusion of a broader range of providers will ensure that different perceptions and experiences with licensing systems are captured and will provide valuable insight into the barriers faced by providers to satisfying federal and state requirements.

A. SEIU Supports the Inclusion of License-Exempt Providers as Participants in the TRLECE Survey

Federal law requires states to establish licensing requirements for child care providers who serve families that receive child care subsidies, however, most states allow certain types of providers to be exempt from licensing laws or have different thresholds for requiring providers to become licensed.

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License-exempt care is largely provided by family members, friends, and neighbors who are related to all of the children in care, care for few unrelated children, or provide care for fewer hours than licensing requires. License-exempt care plays an essential role in expanding access to child care for families throughout the country. Often, communities of color prefer family, friend, and neighbor care and it may be the only affordable or accessible care option available to families of children with special needs and parents with non-traditional work schedules.¹

Though states allow license exemptions, license-exempt child care providers must satisfy health and safety standards and training requirements if the children under their care receive child care subsidies.² Thus, many license-exempt providers are impacted by the same or similar licensing standards as licensed child care providers and endure complexities that are prevalent in the industry, such as a lack of knowledge or support in fulfilling license-related requirements. License-exempt providers also often remain unlicensed for various reasons. The TRLECE study can provide a better understanding of how licensing requirements factor into a providers' decision to not become licensed. It is critical that the unique perspectives of license-exempt providers are included in the TRLECE survey to inform licensing standards and pathways that are genuinely achievable and appropriate to each type of care provided.

B. Suggestions for TRLECE Survey Questions

As you finalize survey questions for child care providers, we urge you to consider the following questions to fully capture the experiences and barriers to licensing that child care providers face. The questions are based upon the significant amount of feedback that we have received from child care providers throughout the U.S.

Questions that Address Barriers to Attaining and Maintaining Licensing:

- Are the costs of licensing a significant financial burden?
- Do you spend significant out-of-work time to prepare and fulfill licensing requirements?
- Are you able to meet licensing deadlines?
- Are the licensing requirements appropriate or relevant to the type of care that you provide?
- Has licensing affected your ability to provide care for families that received child care subsidies?
- Are there inclusive options to meet licensure?
 - Virtual and in-person trainings or home-visits

¹ Administration for Children and Families, Supporting License-Exempt Family Child Care, https://childcareta.acf.hhs.gov/sites/default/files/public/supporting_exempt_fcc.pdf

² 45 C.F.R. § 98.41. States have the option of exempting relatives providing care from some or all of federal health and safety requirements

- General information, resources, and trainings offered in multiple languages
 - Trainings offered in close proximity to your residence
 - Trainings offered at various times; morning and evenings, weekday and weekends
- Are you a license-exempt/unlicensed child care provider?
 - Do you plan to become a licensed child care provider?
 - If not, what are reasons why you remain unlicensed or license-exempt?
- Do you experience inconsistencies in how training or licensing requirements are administered or applied?
- Do licensing staff have knowledge of the type of care that you provide?
- Is there a waiver process for providers who have a barrier to accessing trainings and requirements in a timely manner?
- Are you able to demonstrate competency through years of service in order to meet licensing requirements?
- Is there an appeals process for failure to meet licensing standards?
- Is there a process to remove unsubstantiated license complaints from your child care record?
- Are licensing inspections conducted in a fair and respectful manner?

Questions that Address Supports to Attain Licensing:

- Has a state agency or licensing administrator consulted with child care providers or worker organizations on licensing standards, requirements, or procedures?
- Are worker organizations able to provide trainings on licensing systems?
- Is pre-licensing support or guidance accessible to prepare for and meet licensing requirements?
- Are education opportunities or resources available to meet licensing requirements?
- Are there opportunities to engage with other child care providers on licensing and training?

SEIU's 75,000 early learning and child care members thank you for the opportunity to share our comments on the new information collection, particularly the proposed national survey of child care providers. Our members are eager to work with you on ways to deepen the industry's understanding of licensing systems, and to develop resources to support states and workers in evaluating and strengthening licensing systems.

Sincerely,

Garrett Schneider
 Policy Director, Public Services Division
 Service Employees International Union