

August 25, 2023

Submitted via infocollection@acf.hhs.gov.

U.S. Department of Health and Human Services
Administration for Children and Families
330 C Street, S.W.
Washington, D.C. 20201

Re: Proposed Information Collection Activity; Child Care and Development Fund Plan Preprint for States/Territories for FFY 2025-2027 (ACF-118) and Extension of Child Care and Development Fund Plan Preprint for States/Territories for FFY 2022-2024 (OMB #0970-0114; 88 FR 41962)

To Whom It May Concern:

Start Early appreciates the opportunity to offer information to the Administration for Children and Families (ACF) regarding the FY 2025-2027 Child Care and Development Fund (CCDF) Plan Preprint for states/territories and Extension of Child Care and Development Fund Plan Preprint for states/territories for FY 2022-2024. **Start Early applauds ACF's updated, detailed guidance and focus on equity. Below we offer feedback on the proposed CCDF Plan Preprint based on our experiences as early childhood advocates, program operators, and researchers in our home states of Illinois and Washington.**

About Start Early

Start Early is a non-profit, public-private partnership that works to advance quality early learning for families with children, before birth through their earliest years, to close the opportunity gap. Thousands of young children, parents, and members of the early childhood workforce are reached each year through our programs, training, evaluation, and advocacy efforts. We do this work with a recognition that advancing equity in early childhood access, use, participation, and outcomes for young children and their families is inextricably tied to advancing equity and justice for people of color and communities that have been under-resourced and divested from.

Overall Feedback

Start Early appreciates ACF's emphasis on collaboration among state agency partners and recommend that ACF use the preprint revision process to ask states for additional detail on how they are using state agency partnerships to make early learning settings more inclusive for children with disabilities. We recommend asking states to move beyond sharing whether they have a plan for elevating inclusion by asking about the state partner agencies involved and what their specific roles and activities are in this work. We also offer that including additional required information in CCDF state plans related to inclusion of children with disabilities will help ACF monitor and evaluate how the agency's recently-proposed rules on child care access and affordability (Docket Number: ACF-2023-0003 / RIN Number: 0970-AD02), fulfill the goal of increasing access to this high-priority population. Required information should also include questions on whether states are eliminating child care co-pays for children with disabilities and, if so, what state funding sources are being used to do so. Particularly successful strategies should be shared across states via technical assistance or peer learning opportunities.

We also recommend that ACF require states to share how they have incorporated parent and provider input in their state plan. Particularly successful strategies should be shared across states via technical assistance or peer learning opportunities.

Additional Considerations on Specific Preprint Sections

1. Define CCDF Leadership and Coordination with Relevant Systems and Funding Sources

1.2 CCDF Policy Decision Authority: If administration of responsibilities is undertaken by multiple agencies, the written agreement should be available to the public, alongside the CCDF plan. This helps clarify agency roles and responsibilities for families, providers, and advocates.

1.2.4 Availability of Code/Software and 1.2.5 Use and Disclosure of Confidential Information: We recommend that ACF align these information requests with its proposed rules in *Improving Child Care Access, Affordability, and Stability in the Child Care and Development Fund (CCDF)* (Docket Number: ACF–2023–0003 / RIN Number: 0970–AD02) related to prospective payments and paying providers based on enrollment rather than attendance (which will require new information technology systems in many states) and using eligibility from other public benefit programs to determine eligibility for child care subsidies (which will require programs to share online applications/application management systems and applicants’ personal information).

1.3 Consultation in the Development of the CCDF Plan: We encourage ACF to ask CCDF Administrators how stakeholders are included in the development of the plan (1.3), before the required public comment period (1.3.2), and different from the role(s) stakeholders play in delivering on the plan (1.4). The law does not require stakeholders to be included in plan development, and engagement with provider associations and parent organizations is only considered optional (1.4.1 b) in delivery of services. Nevertheless, involvement of provider associations (including both family child care and family friend and neighbor-led organizations), families, CACFP administrators, and pre-K administrators could provide rich insights to the development of the State’s CCDF Plan and contribute significantly to its effectiveness.

1.3.2 and 1.3.3 Making State Plan Information Accessible to the Public: We recommend inquiring about states’ efforts to make public forums and state plan information accessible to people with disabilities and asking states to document any specific efforts to gather input from priority populations such as families of children with disabilities, families involved in the child welfare system, families experiencing homelessness, or families experiencing parental incarceration.

1.4.1.a Cross-Agency Coordination:

We recommend that ACF leverage this section of the state plans to gather information specifically about how cross-agency coordination supports children with disabilities in receiving IFSP/IEP services in their preferred setting that best meets their families’ needs.

We also recommend additionally asking states to identify the state agencies charged with sharing weather, air quality, and water quality information. Though this section and section 1.8

support states in preparing for “high-attention disasters” in which emergency procedures and emergency management agencies would be activated, “low-attention disasters” (e.g. dangerous air quality, extreme heat events) will become increasingly common as climate change progresses. Fostering collaboration with weather and air and water quality agencies can support child care providers as they navigate these safety challenges, which will be new to providers in areas of the country previously unaffected by these types of climate and weather patterns.

2. Promote Family Engagement Through Outreach and Consumer Education

2.1 State Outreach to Families with Limited English Proficiency and Persons with Disabilities:

The Lead Agency is required to develop policies to communicate information to families with limited English proficiency. If the Lead Agency shares CCDF responsibilities with another state agency, we ask that they too be required to describe their communication and language accessibility efforts, in detail, to families and child care providers. This could be another component of the written agreement between the agencies, as described in section 1.2.

2.2 Parental Complaint Process: We encourage ACF to align with sections 2.1 and 2.3.2 by asking states to indicate how they ensure the parental complaint process and follow-up are made accessible to families who speak languages other than English. We encourage ACF to align with section 2.3.3 and by asking states to indicate how the parental complaint process and follow up is made accessible to individuals with disabilities.

2.3 Consumer Education Website: We recommend integrating throughout this section questions regarding states’ efforts to provide consumer education information in ways that meet the needs of those with limited English proficiency and those with disabilities. This includes accessibility of child care provider monitoring reports, eligibility for other public benefit programs, and publicly accessible information about what language needs are supported by individual CCR&R agencies.

2.4.6 Describe the Lead Agency’s policies to prevent suspension and expulsion of children: We request that suspension and expulsion data be collected from early learning programs and be made available publicly. We encourage ACF to inquire in this section of the state plan about what state agencies are responsible for collecting and publishing suspension and expulsion data and what agencies and other partners work together to analyze and provide technical assistance in response to that data, and what specific technical assistance supports are provided.

3. Provide Stable Child Care Financial Assistance to Families

3.1.6.d Using cross-enrollment or referrals to other public benefits: We recommend updating this in light of the proposed rules in *Improving Child Care Access, Affordability, and Stability in the Child Care and Development Fund (CCDF)* (Docket Number: ACF–2023–0003 / RIN Number: 0970–AD02) regarding using eligibility for other public assistance programs to determine child care subsidy eligibility.

3.1.8 Eligibility Determination and Redetermination: We recommend updating this section to reflect the newly-proposed requirement in *Improving Child Care Access, Affordability, and Stability in the Child Care and Development Fund (CCDF)* (Docket Number: ACF–2023–0003 / RIN Number: 0970–AD02) related to presumptive eligibility (i.e. inquiring how states are tracking and implementing presumed eligibility for a period of three months while eligibility is being determined, leveraging eligibility from other public assistance programs, and coordinating eligibility determinations for children in the same household).

3.2 Family Contribution to Payments: We recommend aligning this section with states’ responsibilities under the 7% family co-payment cap proposed in *Improving Child Care Access, Affordability, and Stability in the Child Care and Development Fund (CCDF)* (Docket Number: ACF–2023–0003 / RIN Number: 0970–AD02). We recommend that ACF integrate a data request related to the 7% copayment cap into this section to track how many providers in each state are charging families the difference between program fees and the 7% cap.

3.3.5 Eligibility Grace Period for Children Experiencing Homelessness and Children in Foster Care: We recommend clarifying this section to reflect the three month presumptive eligibility period proposed for all children eligible for child care subsidies in *Improving Child Care Access, Affordability, and Stability in the Child Care and Development Fund (CCDF)* (Docket Number: ACF–2023–0003 / RIN Number: 0970–AD02) (i.e. Would states be permitted/encouraged to create grace periods of longer than three months for these populations? Does a grace period for immunization and health/safety requirements also automatically accompany the three month presumptive eligibility period for all children?)

3.4.3.c Notifying Families of Changes to Reporting Requirements: We encourage ACF to inquire about states’ plans for notifying families experiencing homelessness and housing instability of changes to reporting requirements to avoid an impact on continued eligibility between redeterminations.

4. Ensure Equal Access to Child Care for Low-Income Children

Section 4 prompts a variety of strategies for investment in an effective subsidy system. Currently, the State Administrators select “yes” or “no” when asked about investments, without reporting the type of child care setting(s) are receiving resources. State Administrators should be asked to differentiate their chosen approaches by child care setting, including simple checkboxes for the breadth of their options.

4.1.2 Notifying Parents of Variety of Child Care Options Available: We encourage ACF to further support parent choice by inquiring how states intend to support caregivers with diverse linguistic needs when providing information regarding the variety of care options available through a child care certificate.

4.3.2 Base Payment Rates: Table at 4.3.2 is provided for state administrators to communicate payment rates by age of child, for centers, and for family child care. If the state allows subsidy in license-exempt family child care, state administrators should also be asked to report the rates for license-exempt CCDF providers. This is crucial data about the caregiver compensation and well-being.

4.4 Implement Generally Accepted Payment Practices and Ensure Timeliness of Payments: We recommend aligning this section with the proposed requirement in *Improving Child Care Access, Affordability, and Stability in the Child Care and Development Fund (CCDF)* (Docket Number: ACF–2023–0003 / RIN Number: 0970–AD02) that child care providers receiving subsidies be paid prospectively and based on enrollment rather than attendance. We also recommend updating this section to ask states to differentiate for which types of child care settings (e.g. centers, licensed family child care, license exempt family child care) prospective payments are being implemented.

4.5 Establish Affordable Co-Payments: We recommend that ACF leverage these sections of the CCDF state plans to gather additional information about implementation of the 7% family co-payment cap and how it impacts the actual amounts being paid by families (see feedback on section 3.2 above).

5. Establish Standards and Monitoring Processes to Ensure the Health and Safety of Child Care Settings

New – Licensed/Exempt Terminology: Because terminology used to describe licensing types differs from state to state (i.e. licensed, registered family child care, license exempt, etc.), we recommend that state plans inquire about the terminology used and states’ definitions (e.g. *Include all terminology for setting types in the state, and define each*). This would be a strong complement to the data collected in 5.1.1 and 5.1.2.

5.6. Comprehensive Background Check: The child care field in many states has experienced unclear and inconsistent background check procedures for prospective child care providers. We respectfully request that the agency in charge of the background check process be required to include the following information: the process/procedure to submit background check forms, how the agency will accept background check forms for review, contact information for an agency employee(s) or office where a provider may submit questions, the estimated time in which a provider can expect to receive a background check clearance, and what the agency is doing to accelerate the background check process and issuance of clearances.

Finally, we urge ACF to provide additional guidance for state agencies tasked with background checks to support them in processing background check forms in a timely manner. Currently, several of Start Early’s partner states are experiencing very long delays in the processing of background check forms, often exceeding the 45-day limit, leading many prospective employees to search for work elsewhere and further exacerbating the child care workforce crisis.

7. Support Continuous Quality Improvement

7.5 Child Care Resource and Referral: We encourage ACF to inquire CCR&R agencies are identifying diverse language needs in their communities and taking steps to meet those needs to ensure full accessibility of these critical resources to all providers and families.

Dissemination & Peer Learning

We encourage ACF to leverage the state plans to identify opportunities to elevate bright spots, best practices, and peer learning opportunities among states and create continuous quality improvement and technical assistance for states in areas of greatest need.

Conclusion

Thank you for consideration of the above comments. For additional information, please contact Nadia Gronkowski, Program Manager of Advocacy and Policy at Start Early, 33 W. Monroe Street, Suite 1200, Chicago, Illinois 60603, ngronkowski@startearly.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'YSF' or similar, with a stylized, cursive-like flow.

Yvette Sanchez Fuentes
Senior Vice President, National Policy
Start Early