



CLASP and NWLC comments on 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)

August 25, 2023

Thank you for the opportunity to provide comments on the Child Care and Development Fund (CCDF) Plan Preprint for 2025-2027. The Plan Preprint is an important document that allows the Office of Child Care to convey guidance to states on implementing the Child Care and Development Grant Program; enables state agencies to carefully consider and lay out their policies, practices, and plans for their CCDBG programs; gives families, child care providers, and other stakeholders an opportunity to offer input through the state's process of developing the plan; and allows the public to better understand states' approaches to their CCDBG programs. State and territory CCDF plans are particularly crucial given how much discretion states/territories are permitted in their CCDBG programs and activities. The Center for Law and Social Policy (CLASP) is a national, non-partisan, anti-poverty organization that has advocated for policy solutions that support the needs of people with low incomes for over 50 years. CLASP develops practical yet visionary strategies for reducing poverty, promoting economic security, and advancing racial equity. The National Women's Law Center (NWLC) fights for gender justice—in the courts, in public policy, and in our society—working across the issues that are central to the lives of women and girls. NWLC uses the law in all its forms to change culture and drive solutions to the gender inequity that shapes our society and to break down the barriers that harm all of us—especially women of color, LGBTQ people, and low-income women and families. We both offer deep expertise in the various challenges of existing child care policy and the solutions to improve it.

The 2025-2027 Plan Preprint, like the previous version, clearly outlines for states the requirements and recommendations under the current CCDBG law and regulations while being designed so that states can report on the wide range of approaches they take in their policies and implementation, within the parameters of federal law. Given that the 2025-2027 Plan Preprint is largely unchanged from the previous version—outside of removing language around COVID-related waivers that are no longer applicable and adding questions around any changes planned by the state/territory after the 2025-2027 plan period, which may give helpful information—we only have a few comments on specific elements of the 2025-2027 Plan Preprint. Those comments are offered below.

However, we do have a general and serious concern about how the 2025-2027 Plan Preprint will align with the proposed CCDBG rule. The 2025-2027 Plan Preprint draft reflects the current rule, not the proposed rule. A discrepancy between the guidance offered in the Plan Preprint and a revised rule will create confusion in implementing the CCDBG program, which already is a very complex program that can be challenging for states to carry out. For the CCDBG program, regulations are only as effective as state/territory implementation, and state/territory implementation will only be effective if state/territory administrators and agency staff are well-informed and clear about the requirements they are expected to follow.

In order to ensure alignment between CCDBG regulations and the CCDBG Plan Preprint, we recommend that, once the new rule is finalized, the Office of Child Care release a new preprint draft that reflects the changes in the new rule and allows adequate time for comment on the revised draft preprint before it is

finalized. It is imperative that the timeline for states/territories to comply with the revised rule be set so that states/territories have ample time to meet any new requirements and the Plan Preprint can fully reflect the revised regulations. We encourage ACF to consider a phased-in approach based on engagement with states about what is possible with plenty of time for planning, appropriate legislative and policy changes, notification to relevant parties, and implementation. Given that many states/territories need significant time to go through the process of enacting legislative and/or administrative changes to comply with the revised rule, and to identify funding to support the more generous policies encouraged or required by the rule—which may be a particular challenge for many states/territories as the additional child care funding provided under the American Rescue Plan Act is expiring—careful consideration and generosity in the timeline for implementation will be necessary. Many states did not fully implement the CCDBG rule issued in 2016 until years after it was finalized due to a lack of funding and the need for time to make necessary changes; similarly, it will take time for states to comply with all of the new provisions of a revised rule.

Aside from this concern, we applaud the new preprint. We appreciate the user-friendly changes in this version designed to make it easier for Lead Agencies to complete. We also appreciate certain additions, such as the inclusion of an optional item where states can indicate that they are using funding other than CCDF to expand eligibility above 85 percent of state median income (3.1.3.c.iii). Including this option in the plan preprint will make it possible to recognize when states are expanding access to child care assistance and potentially encourage more states to take similar actions.

We also appreciate the expansion of the item on strategies to increase the supply and quality of care so that states can indicate not only program-level supports but also supports at the child care staff member level, including strategies to boost wages and offer health care and/or other benefits (4.1.7). It is crucial to recognize and encourage efforts to bolster the child care workforce, especially at this time when it is so challenging to recruit and retain early care and education workers. For this section on building the supply and quality of care, we recommend adding as a check-box item the option of funding community-based agencies that support family, friend, and neighbor (FFN) care; a few states have started to invest or are considering investing in such approaches, given the many families that rely on FFN care and the important role FFN care can play in meeting the need for care that is in short supply, such as nontraditional-hour care.

Finally, we wanted to express our support for the addition of examples in the Professional Development Framework section, which will give states greater clarity and guidance in the information being requested on their frameworks for training and professional development (6.1.1) and on how the framework improves the quality, diversity, stability, and retention of caregivers, teachers, and directors (6.1.3).

Thank you again for your work on the CCDF Plan Preprint and for considering our suggestions. Should you have any additional questions or like to discuss these comments further, please contact Karen Schulman, Director of State Child Care Policy, NWLC, at kschulman@nwlc.org, and Tiffany Ferrette, Senior Policy Analyst, Child Care and Early Education, at tferrette@clasp.org.