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February 20, 2024

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

RE: Health and Human Services Department: 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) Federal Register Vol. 88, No. 123, Page 41962

To Whom it May Concern:

The New Jersey Division of Family Development (DFD), in its role as Lead Agency for the Child Care and Development Fund (CCDF), appreciates the opportunity to provide comments on the U.S. Department of Health and Human Services' Administration for Children and Families (ACF) proposed Fiscal Year 2025-2027 CCDF Preprint.

New Jersey understands the need for ACF to collect required information and data, and to utilize the standardized instrument ("Preprint") to assess compliance and approval with respect to the "Child Care and Development Block Grant Act of 1990" (CCDBG Act). New Jersey also recognizes that the State Plan provides ACF with the ability to capture trends and best practices, as well as to note areas that may need improvement and to assist in determining if the States and Territories are administering the program in accordance with the CCDBG Act and applicable regulations.

Given the importance of the State Plan, New Jersey would like to highlight certain areas of the Preprint document, as well as the fulfillment process, that pose unduly burdensome administrative impacts, necessitate an increase in resource allocation, and require dedicated additional time for ACF's consideration and awareness.

New Jersey would note the following areas of concern regarding the Preprint:

1) **Late Release of Draft Preprint**

The Preprint is a comprehensive document consisting of well over 100 pages, divided into several sections with multi-part questions, and in many instances requires in-depth explanations. The governance of New Jersey's early education and child care system requires the Lead Agency to begin the planning and drafting process before the Preprint public comment period and final publication. The thoroughness of completing the Plan necessitates time, planning, coordination, and collaboration with multiple internal and external partners.

Although a draft Preprint is provided, multiple versions are subsequently issued and the templates are not user friendly. Having to cross-walk multiple documents is time consuming and requires the Lead Agency to dedicate additional resources to track and monitor the various versions. States would greatly benefit if the final form of the draft Preprint was released a minimum of nine (9) months prior to the submission due date of the State Plans.

On a related note, the Preprint's Paperwork Reduction Act burden statement provides that the "Public reporting burden for this collection of information is estimated to average 150 hours per response, including the time for reviewing instructions, gathering, and maintaining the data needed, and completing the form." The Lead Agency would note that New Jersey spends well in excess of 150 hours completing this document. Consideration should be given to providing states a user-friendly Preprint template that allows for uploading or linking to documents, as well as providing states sufficient time to complete it.

New Jersey maintains that the period of time given to review and comment on the Preprint, specifically with the assertion from ACF that only minimal changes are anticipated prior to the Final Plan, should be extended to allow for more meaningful input from Lead Agencies in the plan drafting process. In addition, New Jersey asserts that the burden hours estimated to complete the Plan does not accurately reflect actual time spent and should be adjusted upwards. Finally, a more condensed Plan that allows for more user-friendly tools should be provided.

2) Replacement of Narrative Questions with Self-Certifications

The Preprint has replaced narrative questions with self-certifications to indicate whether a Lead Agency is meeting compliance requirements. However, the self-certification requires the state to be implementing the full requirements of the current NPRM. This may not be possible as the final rules have yet to be promulgated and are not anticipated to be issued prior to the final Plan print. While focus on the compliance action is important, states should be given the opportunity to set forth their anticipated compliance processes that align with the Final Rule along with the requirements that have been implemented.

New Jersey suggests that, in light of no Final Rule yet being available, the Preprint be amended to allow narrative options, particularly for portions where compliance with new or amended rules may align with specific implementation timelines or deadlines. While self-certification may seem a simpler process for insuring compliance, it is also a more constrained process for Lead Agencies who have significantly complied but have not yet met all requirements in the time for Plan assessment.

3) Redundancy, Duplicative Information, and Data Collection

In addition to completing the State Plan, states are required to submit and, in some instances, publicly post other types of plans and reports such as an Emergency Preparedness Plan, Quality Performance Report, Market Rate Survey (MRS), and Narrow Cost Analysis in addition to submitting the annual ACF-800, monthly 801 and spending and fiscal reports. In instances where information is already collected and submitted or posted, the State Plan should not require this information to be captured again. Rather, the states should be permitted to upload supporting documents and/or reports.

For example, states post income eligibility and co-payment charts are generally on their consumer website. However, the State Plan requires states to complete a chart which provides the exact same information detailed on the co-payment charts. This process is both time consuming and duplicative.

The State Plan asks several questions already captured and provided in the MRS, which is another redundancy. Again, the ability to reference or upload the document would reduce states' time answering questions when data is already captured through another required document. Specifically noted are items in Section 4.2: Assess Market Rates and Analyze the Cost of Child Care (beginning on page 63 of the

Preprint PDF). Providing the link to the website where the document is provided should be sufficient, and would be preferable in lieu of answering questions already detailed in the MRS.

Section 4.3: Establish Adequate Payment Rates (beginning on page 67 of the Preprint PDF) is another example of redundancy which poses questions that are already answered in detail within the MRS. In this section, states are required to complete a chart listing information for each age group – information that is already required and captured in the MRS report, as well as surveys sponsored by ACF. Rates charts are generally posted on states' websites to inform the public of rates, yet the questions within the State Plan ask for the same information.

To reduce redundancy and duplication of efforts, uploading documents and/or providing a website link should be permitted to respond to questions rather than requiring detailed narratives. Additionally, if existing charts or websites display data, submitting the same information by completing a chart is duplicative. New Jersey suggests the ability to upload and link be added to this Preprint, or in the future, to reduce administrative burden and to embrace the efficiency of technology.

4) Section 6: Support for a Skilled, Qualified, and Compensated Child Care Workforce

While New Jersey commends ACF's support for the child care workforce, several portions of Section 6, beginning on page 129 of the Preprint PDF, focus on ongoing efforts and future plans to expand access for child care workers to benefits including health care, paid sick, personal, and parental leave, student loan debt relief, and retirement. Outside of small pilot programs, CCDBG is a block grant with limited funds and the State is unsure why accountability is placed upon the Lead Agency to fulfill these support structures. The items within this Section all but ensure that the State will be found in noncompliance. Therefore, New Jersey would caution against the scope of the Preprint extending so far beyond what are permissible uses of CCDBG funds.

Thank you for your consideration.

Sincerely,

Natasha Johnson
Assistant Commissioner