December 30, 2024

U.S. Department of Health and Human Services
Administration for Children and Families
Office of Child Care
Submitted via the Federal eRulemaking infocollection@acf.hhs.gov Portal: http://www.regulations.gov

Re: 89 FR 87880
    89 FR 87881
    Proposed Information Collection Activities; ACF-800 and ACF-801

To Whom This May Concern:

The New York State Office of Children and Family Services (OCFS) appreciates the opportunity to comment on the notice of proposed revised reporting requirements under the Child Care and Development Fund (CCDF) posted in the Federal Register, Volume 89, Number 214 (Tuesday, November 5, 2024), as they relate to the ACF-800 and ACF-801 reports. OCFS recognizes the importance of accurate child care data reporting as a means for the Office of Child Care (OCC) to analyze and evaluate the CCDF program and the extent to which states are assisting families in addressing child care needs.

OCFS has significant concerns related to some of the proposed revised reporting requirements under the CCDF related to the ACF-800 and ACF-801 reports. The CCDF program in NYS is state-supervised and county-administered. The proposed reporting requirements are unduly burdensome to OCFS and local departments of social services (districts). OCFS would incur significant costs and devote significant resources in time and workload to complete changes to multiple automated systems to support data collection and retention of the proposed data elements.

Regarding the proposed reporting changes related to the ACF-800 report on grants and contracts, specifically the number of slots by category as of September 30th (Question 5i-iii, 5a.i-iii), OCFS believes that it would be more appropriate to report this information on the Quality Progress Report (QPR) which includes point in time data as of the end of the federal fiscal year (FFY), as opposed to the ACF-800 report which reports data on annual, unduplicated counts. By reporting this data on the QPR, OCC would still obtain the necessary data while grouping the data with similar point-in-time metrics.

The 2024 CCDF Final Rule encourages lead agencies to use enrollment practices that consider a child presumptively eligible for subsidy prior to full documentation and verification. OCFS has offered local districts the option to implement presumptive eligibility to all families applying for CCAP since October 1, 2023. However, most districts have not yet opted in to use this practice. Further, OCFS does not currently capture the proposed data that would be required under the revised ACF-800 reporting requirements (Questions 16a through 16c). Since presumptive eligibility is not required under CCDF regulation, it is OCFS' position that this data reporting should also not be required at this time. If OCFS were required to implement this revised reporting, OCFS would again incur significant costs and devote significant resources in time and workload to complete changes to multiple data systems to support data collection and retention of the proposed data elements.

OCC has asked lead agencies to comment on whether it is possible to identify and separately report all CCDF children without the need to apply a pooling factor. This would not be feasible for OCFS at this time.

OCFS has fewer concerns with the suggested changes to the ACF-801 report. The addition of the provider's county Federal Information Processing Series (FIPS) code (Question 41) and the change in reporting of hours in child care (Question 28) to authorized hours are reasonable. The change in how to report on family share co-payments (deletion of Question 7 replaced with Question 30a) is a significant change that will require a considerable workload to implement. Further, OCFS suggests the need for clarification on how to report when the family share is applied to a child and the family share exceeds the subsidy amount for that child, in other words there is no subsidy paid to the provider in that month because the family share covers a specific child's child care costs. Currently, such a child would not be included on the ACF-801 report because the subsidy amount paid to the provider is zero dollars.

Lastly, OCFS has concerns related to the new data reporting requirements on the ACF-801 with regard to the change in how race and ethnicity data are collected and reported (Questions 17 through 23). This represents a significant change in reporting which would require extensive changes to our CCAP application and systems. OCFS would also require approval from the NYS Office of Temporary and Disability Assistance as we share a common application with their agency. Given the logistical challenges of implementing such change, OCFS appreciates that OCC proposes that the reported changes will not be required until October of 2026. OCFS will need this time to implement these changes.

On November 22, 2024, OCC approved OCFS' request for certain temporary waivers related to the 2024 Final Rule for the period of April 30, 2024, through August 1, 2026. Given the current burden on many states, including OCFS, to implement the requirements of the 2024 Final Rule, OCFS recommends delaying the implementation of the new ACF-800 reporting requirements (if adopted) until at least the end of the temporary waiver period which ends in August of 2026, if not October 2026 as is the case for the proposed changes to the ACF-801 report. This will allow OCFS, and other states, to concentrate on the extensive policy and system changes that will need to be made in order to fully implement the 2024 Final Rule.

NYS OCFS appreciates the opportunity to provide feedback on proposed changes to the federal child care assistance program and shares the commitment of promoting healthy, safe, accessible, and high-quality child-care programs for families. Should you have any questions or need further clarification of our comments, we would be pleased to provide additional information.

Sincerely,

Dr. DaMia Harris-Madden, MBA, M.S.
Commissioner