



Office of Children and Family Services

ANDREW M. CUOMO
Governor

SHEILA J. POOLE
Acting Commissioner

May 17, 2018

Administration for Children and Families
Office of Planning, Research and Evaluation
330 C Street SW
Washington, DC 20201

ATTN: ACF Reports Clearance Officer

Submitted via Email: infocollection@acf.hhs.gov

Re: Proposed Information Collection Activity: Comment Request. FR Doc. 2018-07646

To Whom This May Concern:

The New York State (NYS) Office of Children and Family Services (OCFS) appreciates the opportunity to comment on the necessity, utility, and accuracy of proposed reporting requirements under the Child Care and Development Fund (CCDF). OCFS strongly objects to the proposed addition of two new data elements, related to the additional amount charged to a family when the child care provider's price exceeds the subsidy payment, to the ACF-801 report as posted in the Federal Register, Volume 83, Number 72 (Friday, April 13, 2018).

OCFS believes that the proposed reporting of this data goes beyond the scope of the Child Care and Development Block Act of 2014 (CCDBG). As per Section 658L(b)(3) of the CCDBG, the Secretary of the Department of Health and Human Services is prohibited from requiring data from States beyond that which is specified in the CCDBG Act unless such additional data are related to the purposes and scope of the CCDBG, and are subject to a notice and comment period of no less than 90 days. The proposed data elements for inclusion on the ACF-801 are not included in the specific list of information items required to be collected and reported under Section 658K(a)(1) and (2) of the CCDBG Act. Further, NYS OCFS believes that proposed changes to the ACF-801 that require Lead Agencies to report data on an ongoing, case-by-case basis are duplicative with the additional requirements imposed in the Final Rule for a Lead Agency that allows providers to charge an additional amount.

The Administration for Children and Families (ACF) in the Final Rule for the CCDF gave the Lead Agency the flexibility to prohibit or allow providers receiving CCDF funds from charging parents an additional amount when the child care provider's price exceeds the subsidy payment. However, if it allows child care providers to charge this additional amount, the Lead Agency, in its CCDF Plan, must demonstrate that the policy promotes affordability and access; provide data, including the size and frequency of amounts, on the extent to which CCDF providers charge additional amounts to families; and, provide an analysis of the interaction between any such additional amounts with the required family co-payments and of the ability of subsidy payment rates to provide access to care without additional fees. OCFS believes this required data in the CCDF Plan is more than sufficient for the Secretary of the Department

of Health and Human Services to guide future decision-making and that the proposed new elements reported on a monthly basis on the ACF-801 are not necessary.

The proposed reporting requirements, while seemingly small, are unduly burdensome to OCFS, local departments of social services, child care providers and families seeking assistance under the CCDF. The CCDF program in NYS is state-supervised and county-administered. Data on the amount charged by providers in excess of child care subsidies received is not available. 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 to the ACF-801 Report. In some cases, local departments of social services may have to manually maintain the proposed data. Further, OCFS believes that the proposed data is not likely to be highly reliable or representative of the extent to which providers' rates exceed subsidy payment rates, or the extent to which providers charge families the difference.

Finally, OCFS is concerned that imposing additional paperwork requirements on child care providers to obtain the proposed data may deter child care providers from providing care to families receiving assistance under CCDF and limit the ability of such families to have parental choice among the full range of categories of child care providers and to access high-quality care.

Once again, please know that OCFS appreciates the opportunity to share our comments. We hope that they will be thoughtfully considered. Should you have any questions or need clarification on any of this, we would be pleased to provide additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Janice Molnar", with a stylized, cursive script.

Janice M. Molnar, Ph.D.
Deputy Commissioner
Division of Child Care Services