



February 22, 2016

RE: Child Care and Development Fund (CCDF) Program Notice of Proposed Rule Making (NPRM) Comments

Agency/Docket Number: ACF-2015-0011

RIN: 0970-AC67

The Early Care and Education Consortium (ECEC) is a non-profit alliance of high quality private Multi-State/Multi-Site Community Child Care Providers, key State Child Care Associations, and National Educational Services Provider Organizations. Together, ECEC Members represent and directly serve more than 1 million children birth through 8 years-old and their working families in over 9,100 socially, culturally, and economically diverse centers and programs in all 50 states, the District of Columbia, Puerto Rico, and selected international locations. In addition, ECEC Educational Services Providers reach hundreds of thousands of additional children, families, and staff who benefit from their developmentally appropriate evidence-based program and curriculum materials that strengthen the infrastructure of service delivery systems to help ensure high quality and accountability for both child and program outcomes. As Dual Service Community Providers, ECEC Members support the productivity of today's workforce and begin the early education of the workforce of tomorrow. Members are advocates for strong federal and state policies that bring "quality to scale."

ECEC strongly supports and commends the Administration's commitment to further strengthening many of the Child Care and Development Block Grant (CCDBG) Act of 1014 key provisions by providing additional clarification in this NPRM to ensure that children participating in the subsidy program have equitable and continuous access to safe, high-quality, developmentally-appropriate, and affordable early care and learning programs. Members of ECEC wish to particularly thank the Administration for consideration of policies and procedural upgrades that will improve the continuity of care for children and families, stabilize payment practices to ensure providers have the means to invest in continuous program quality improvement, and increase parents' access to high quality programs based on transparent sharing of information related to licensure, accreditation and quality ratings.

ECEC gives voice to a unique perspective within the field because our high-quality program providers operate in multiple states, allowing for a cross-state analysis of policy barriers and solutions. Although ECEC has worked collaboratively with other national advocacy organizations, including the National Women's Law Center (NWLC), the Center for Law and Social Policy (CLASP), the National Association for the Education of Young Children (NAEYC), and Child Care Aware (CCA), our Membership has opted to submit these brief comments separately in order to emphasize areas of the proposed rule that should be subject to further

consideration by the Administration. In order to streamline the comment process, we present a concise listing of provisions within the proposed regulations that we support, and then present several recommendations below.

Thank you for the opportunity to provide our input on the proposed regulations to support states in implementing the CCDBG Act of 2014.

ECEC wishes to express our support of the following provisions within the proposed rule:

- On page 80477, third column, §98.14(d), requiring states to make their State Plan and Plan amendments publicly available.
- On page 80479, third column, §98.21(f), requiring Lead Agencies to take into consideration children's development and learning and promote continuity of care when authorizing child care.
- On page 80483, second column, §98.20: clarification that once eligibility is established, children are to be considered eligible until the next redetermination.
- On page 80483, second column, §98.21: commitment to minimum 12-month eligibility, clarifying the conditions under which eligible families should continue to receive assistance.
- On page 80486, third column, §98.21(b): requiring states to adopt 85 percent of state median income (SMI) for an exit income in order to implement the graduated phase-out provision of the law; object to any provision that allows or encourages states to set arbitrary time limits on child care financial assistance and recommend the removal of the option under §98.21(b)(1)(ii). We believe that income, rather than time spent in the program, is a far better measure of families' need for continued assistance.
- On page 80488, first column, §98.21(e): limiting interim reporting requirements for families and to prohibit acting on changes that would decrease assistance during the eligibility period.
- On page 80489, second column, §98.21(g), clarifying that states are not required to limit child care services based on a parent's work, education, or training schedule or the number of hours the parent spends in work, education, or training.
- On page of 80496, first column, § 98.44(b)(1), adding training in child development to pre-service or orientation training requirements.
- On page 80501, first column, §98.42, permitting the use of differential or risk-based monitoring for annual inspections.
- On page 80508, third column, §98.44, allowing providers three months after they begin caring for children to complete required pre-service or orientation training.
- On page 80509, first column, §98.44(a)(3), establishing the components of a professional development framework.
- On page 80511, first column, §98.45 (preamble), establishing a new federal benchmark of affordability of copayments at 7 percent of a family's income.
- On page 80519, first column, §98.51, improving access to quality child care services for children experiencing homelessness.

- On page 80532, first column, §98.45(b)(2), requiring states to use the most current market rate survey or alternative methodology to set payment rates.
- On page 80578, first column, §98.53(d), clarifying that quality improvement funds are not limited to activities affecting children receiving CCDBG and may benefit all children.

Eligibility Determination Process: 98.21

ECEC supports provisions within the NPRM that strengthen CCDBG’s eligibility regulations to ensure improved continuity of care for children and their families. Our Membership supports ACF’s proposed regulation to prohibit states from increasing family copayments during the eligibility period (98.21(a)(3))

These provisions will serve to increase service stability for families, decrease the negative impacts of the “cliff effect,” in which subsidy is disrupted for parents based on slight fluctuations in income. In addition, this provision enhances program provider payment consistency within states which may not communicate copayment increases in a timely fashion, causing program providers to seek back copayments from enrolled families.

Parental Choice: 98.30

ECEC believes that parent choice and consumer demand are key drivers of quality in state early care and education systems. Policies that promote parent choice and incentivize parents in choosing high-quality programs benefit families, children and the full provider marketplace by increasing investment in high-quality early care and learning environments. Parent engagement and education are important components of a statewide communications strategy needed to empower parental choice to be a lever for overall system change. ECEC’s Membership believes that licensure, accreditation and ratings within state Quality Rating and Improvement Systems play a key role in demonstrating high-quality in understandable and accessible ways for parents. We urge ACF to add “research-based, nationally-recognized accreditation” to the listing of indicators of high quality (Section 98.30 (g)).

Consumer and Provider Education: 98.33

ECEC believes that licensure serves as a base indicator of quality and a threshold for programs from which to continue to build from in improving quality. Providing parents with transparent, easily accessible and understandable information about program licensure status is an important component of building pathways to quality by promoting strategies to incentivize parent access to high-quality programs. While we understand that the CCDBG Act of 2014 allows states to maintain flexibility in setting license exemption policies, ECEC’s Membership does not endorse this practice and advocates that all child care programs, regardless of setting or funding source, participate in state licensure. To that end, ECEC urges the Administration to include license-exempt providers on state consumer education websites as a lever to encourage increased participation in state licensure. Further, ECEC urges the Administration to mandate that states provide information about serious injuries and deaths that occur in child care programs. This measure serves as an additional means of supporting the CCDBG Act of 2014’s other provisions that strengthen health and safety standards for all child care providers operating in states.

In addition, ECEC supports the proposed regulation requiring states to provide comprehensive information to parents on subsidy providers that includes licensing history, as well as any status within voluntary quality standards that include national accreditation through a research-based, nationally-recognized accrediting entity and QRIS ratings (98.33(a)(2)(ii)). Finally, ECEC supports the proposed regulation requiring states to post a full five years of licensure monitoring reports a full safeguard to maintaining base levels of safety and quality.

Criminal Background Checks: 98.43

ECEC Members strongly support the provisions in the CCDBG Act of 2014 that strengthen the criminal background check process. Further, based on hurdles to hiring high-quality staff on a timely, needed basis, our Membership strongly supports the proposed provisional employment flexibility that allows prospective staff to begin work for a child care employer after a background request has been submitted, as long as certain conditions are met (98.43(d)(4)).

Equal Access: 98.45

ECEC Members do not support the removal of the proposed regulation requiring states that set rates below the 75th market percentile to show how payment rates provide families receiving CCDBG subsidies access to care that is of comparable quality to care that is available to families with incomes above 85 percent of SMI (98.45(b)). While we also acknowledge significant gaps in QRIS data in a number of states, we believe this provision can serve as a lever to continue to drive quality improvement at scale within state systems. To that end, we also recommend that ACF add the use of existing research-based, nationally-recognized accreditation as an indicator of quality, in addition to QRIS ratings.

In addition, ECEC joins with NWLC and CLASP to strongly urge ACF to remove the provision that prohibits providers from charging families additional mandatory fees above the copayment (98.45(1)). Within the current national context of universally low reimbursement rates, we share the concern that this provision would serve as a perverse incentive to discourage high-quality program providers from serving subsidy children and as a barrier to incentivizing parent choice.

Finally, ECEC wishes to recognize that the burden on states to comply with full implementation of the CCDBG Act of 2014 may involve onerous fiscal and administrative adjustments, particularly in meeting new monitoring and inspection requirements. Our Membership fully supports the Administration's efforts to support, encourage and convene states to find solutions that would assist in the development of universal monitoring systems that incorporate innovative strategies tied to the use of technology and differential monitoring.