



American Federation
of Teachers, AFL-CIO

AFT Teachers
AFT PSRP
AFT Higher Education
AFT Public Employees
AFT Healthcare

555 New Jersey Ave. N.W.
Washington, DC 20001
202/879-4400
www.aft.org

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November 23, 2010

Administration for Children and Families
Office of Administration
Office of Information Services
370 L'Enfant Promenade S.W.
Washington, DC 20447

Attn: ACF Reports Clearance Officer
Re: Child Care and Development Fund Plan for States/Territories for FFY 2012-2013
(ACF-118)

On behalf of the 1.5 million members of the American Federation of Teachers (AFT), including 80,000 early childhood education professionals, we are pleased to support the proposed rewrite of the Child Care and Development Fund Plan for States and Territories (the Plan) and offer our specific comments.

We applaud the Administration for Children and Families (ACF) and the Office of Child Care for the vast revisions to the proposed Plan, which will encourage Lead Agencies to collect and share more data, monitor sub-recipients, and provide descriptions rather than just checking boxes for review. This new level of transparency will ensure that families and children can access child care programs that offer high-quality, research-based services. The proposed revisions to the Plan also send the message to families, Lead Agencies, sub-recipients, early childhood educators and child care providers, and the community that they are all partners in the process of providing high-quality care and educational opportunities to children.

However, we also believe there are a number of areas that can be clarified or strengthened to better serve families and children. Here are our comments and suggestions below for your review:

Part 1: Administration

We encourage additional transparency measures to section 1.1 Contact Information by ensuring contact information is made available to the public for the Lead Agency, the Lead Agency's Chief Executive Officer, and the Child Care and Development Fund (CCDF) administrator. Not every CCDF program will have a Web address. However, for transparency and general public information, a phone number should be available for CCDF program information. Therefore, we would encourage the Plan to strike "(if any)" next to "Phone Number for CCDF program information (for the public)" under subsection 1.1.2.

The AFT especially appreciates section 1.4 CCDF Program Integrity and Accountability, since it addresses head-on issues of administrative error, fraud, waste and abuse. We

applaud the inclusion of subsection 1.4.2 to encourage States/Territories to monitor sub-recipients to ensure they are playing by the rules. For the first time, under subsection 1.4.2, Lead Agencies will need to describe the process that is used to monitor all the sub-recipients, as well as to outline roles and responsibilities to meet the CCDF requirements. This is a giant step in the right direction, not only to ensure that children are receiving the services to which they are entitled, but also to require the State/Territory to describe the process they are using to monitor for potential fraud.

While we also support the addition of subsection 1.4.5, which discusses the type of sanctions placed on providers for improper payments, the AFT is aware of case after case in which providers were sanctioned without knowing the monitoring system and were unaware there was a problem. For instance, although one of our provider members in Washington filled out all the proper paperwork when a child went from the infant room to the toddler room, the provider failed to notice continued payments for an infant child instead of the lower, adjusted amount for a toddler. When the Lead Agency sanctioned this provider, no appeals process was offered. Providers often don't know that they can ask for clarifying information, and they are not given information about how to make an appeal or develop a payment plan to repay the State/Territory. We suggest that subsection 1.4.5 include data from the Lead Agency on when the provider was made aware of the improper payment. Further, we recommend the Plan ask what procedures are in place for appeals or other due process rights for providers when sanctioned for improper payments. While fraud should never be allowed, we believe that adding this language to the Plan will encourage States/Territories to work more cooperatively with the child care providers to solve these paperwork errors without disrupting their ability to serve children and families.

The revisions to the Plan under sections 1.5 Consultation in the Development of the CCDF Plan and 1.6 Coordination Activities to Support the Implementation of CCDF Services that require Lead Agencies to consult and coordinate with other agencies demonstrate CCDF's commitment to high-quality child care. Under Table 1.5.1, Lead Agency Consultation Efforts, we would suggest adding "Parents" under "Agency/Entity." Also under Table 1.5.1 and Table 1.6.1., Lead Agency Coordination Efforts, we suggest inserting "labor organizations" under "Agency/Entity" in the "Provider groups or associations" box. Thus, the new line would read "Provider groups, associations or labor organizations."

We also support subsection 1.5.2, which strengthens the public hearing process for the public to comment on the services. However, we strongly urge ACF and the Office of Child Care to include additional language to subsection 1.5.2 to ensure access to all interested parties. We strongly recommend language that asks states to provide detailed information on the public notification process, including a checklist to determine if the state used many ways and many diverse outlets to increase public participation—not just notices posted on the Web, but also direct mailings, community center bulletin boards, grocery store leafleting, listserv distribution, social networking sites, phone trees, etc. Further, we recommend adding a question on which languages, in addition to

English, were used in the public participation notices. While subsection 1.5.2(b) seems to seek this information, we suggest clarifying the language as follows:

“How was the public notified about the public hearing? Describe which diverse outlets and identify which languages were used to disseminate this information.”

In addition, subsection 1.5.2(d) should clarify that the hearing sites need to be accessible to the community, even if it means that a number of meetings must be held in different regions of the State/Territory. The AFT also encourages the Lead Agency to describe how and when it will hold hearings to accommodate working parents and individuals working in the child care settings. We suggest the following changes to subsection 1.5.2(d):

“List the hearing site(s). Describe how the hearing sites were determined and explain how the sites were chosen to accommodate particular populations of the public, such as working parents and the child care workforce.”

The AFT also recommends that in subsection 1.6.3., the State/Territory be asked to provide information on the State Early Childhood Advisory Council that is required by the Head Start Reauthorization Act. The State/Territory should provide the name of the Council, the members of the Council and current activities of the Council.

Part 2: CCDF Subsidy Program Administration

The AFT strongly supports the new emphasis on high quality and what makes a high-quality program in Part 2.

We applaud the addition of subsection 2.1.4, which will now require the Lead Agency to describe the methods used to encourage and promote high-quality programs to participate in the subsidy program, as well as the addition of subsection 2.1.6, which allows the Lead Agencies to describe their policies regarding continuity of care and stability for children in the program and for their families. We know that disadvantaged children suffer more from lower-quality care. It is a step in the right direction to encourage higher-quality child care programs—which traditionally serve higher-income children and serve few, if any, subsidized children—to open their doors to more disadvantaged children and families. When the whole community is participating, it strengthens the entire child care system. The new language in subsection 2.1.6 openly acknowledges that a disruption in child care is harmful to young children, and that the government values and encourages strategies to ensure continuity for young children and their families, many of whom struggle for stability day after day.

We also support the data collection on family eligibility in subsection 2.1.9. This too shows that government values a system that promotes and encourages stability for young children by encouraging States/Territories to make sure families who are starting to receive the child care subsidy, or whose eligibility needs to be renewed, are not

waiting an inordinate amount of time to find out about their eligibility. Gathering this information will allow the State/Territory and Lead Agency to discover and subsequently address problems with long waits or conflicting information.

Again, we applaud the Office of Child Care for addressing in subsection 2.6.3 issues no one has adequately dealt with. Many child care providers go months without receiving payment from the State/Territory for the subsidized children in their care. It is a travesty when already struggling providers have to try to make ends meet while waiting for their income. Collecting this data will provide an opportunity to fix the system so that doesn't happen anymore. This section also addresses some of the payment issues we raised about subsection 1.4.5.

To better address our concerns about providers receiving improper payments, the AFT suggests inserting "and adjusted payments" to subsection 2.6.3. The new subsection would then read as follows:

"Does the Lead Agency track the timeliness of payments and adjusted payments made to child care providers from the time that the provider has completed and supplied the required documentation?"

We support having the Lead Agency report on tiered reimbursement or differential rates, as described in subsection 2.6.6. One of the differential rates listed is for higher quality. We urge ACF and the Office of Child Care to also have the Lead Agency define "higher quality" as part of the Plan. This will allow for a common understanding of what defines "high quality" and will make it clear what is necessary to obtain this rate. Another differential rate is for children with special needs. We agree that a Lead Agency may want to provide incentives for providers to help children who need additional resources and assistance. However, providers must specify what the disability is, and have access to special services, equipment and resources for those children. Therefore, we recommend asking States/Territories to document what support is given to providers who care for children with special needs.

In subsection 2.6.4., which covers the market rate, we recommend requiring States/Territories to report on the entity that conducted the market survey and the cost to the State/Territory for this service. It is in the interests of all parties—the government, practitioners and families—to ensure that market surveys are scientifically designed and properly conducted. Thus, it is important to know if a particular government agency or a contracted-out private group is conducting the survey. Further, understanding the cost of conducting a market rate survey from state to state, territory to territory, will help guide policy development in the future.

Part 3: Health and Safety and Quality Improvement Activities

We are encouraged by the inclusion of staff in the Plan, and are pleased to see the workforce regarded as one of the key components of a quality program.

We support the inclusion of subsection 3.1.2, which requires the Lead Agency to provide details about its licensing requirements. However, in addition to tracking the number of visits to a facility, we urge that Lead Agencies also be required to provide information that ensures State/Territory licensers are trained to the same standards for “inter-rater reliability.” It is crucial that licensing regulations are interpreted consistently, without room for individual interpretation. The licensers have a very important role and should be included in the Lead Agency’s team that focuses on issues pertinent to high quality. The licensers and providers should have a relationship based on respect, and State/Territory’s policy should encourage them to work together toward the ultimate goal: a high-quality program. Subsection 3.1.2 is moving in the right direction with its focus on enforcing background-check requirements and making frequent visits, but it should also work on ensuring that licensers are working together with providers and other stakeholders to improve programs.

Thus, in subsection 3.1.2, under “Describe how your State/Territory’s licensing requirements are effectively enforced,” we suggest the following addition:

“This description should also include the type of training licensers receive, as well as the protocol for working with providers toward a high-quality program.”

This part of subsection 3.1.2 would then read:

“Describe how your State/Territory’s licensing requirements are effectively enforced: At a minimum, this description should include information whether and how the State/Territory uses visits (announced and unannounced) and background checks. The Lead Agency should also describe any other enforcement policies and practices. This description should also include the type of training licensers receive, as well as the protocol for working with providers toward a high-quality program.”

Subsection 3.1.4(a), as proposed, asks if the Lead Agency collects information on the “Number of programs whose licenses were suspended or revoked due to non-compliance.” We suggest that the Plan should also have the Lead Agency indicate whether it disaggregates this data based on the “provider type,” and if the Lead Agency collects information on the “cause for the non-compliance.”

Subsection 3.2.7 discusses how the Lead Agency will collect and measure data on early learning guidelines or standards. We are encouraged to see this measurement publicly released by each Lead Agency. However, to ensure teachers, staff and providers are able to use these results effectively and optimally, the Lead Agency should also report how results of the performance measures are used to improve instruction or services, and if teachers and staff are provided with intervention resources, professional development or any other supports.

Subsection 3.3.1 begins to address what is a quality indicator and asks the Lead Agency to check “quality improvement standards.” We suggest including the following changes in subsection 3.3.1(a):

- Add “Staff compensation and benefits,”
- Add “Staff retention rates” and
- Change “Staff qualifications and professional development” to “Staff qualifications, training and professional development.”

Similarly, subsection 3.3.7 asks what data the State/Territory is currently collecting on quality. We suggest including the following:

- “Staff retention rates,”
- “Staff compensation for additional qualifications” and
- “Staff training and professional development.”

We are extremely pleased to see the inclusion of a Career Ladder in subsection 3.4.2. We suggest changing the subsection title from “Workforce Element 2 – Career Ladder” to “Workforce Element 2- Career and Wage Ladder.” The military’s child care model demonstrates that career ladders that include compensation are successful. There is an “up or out” system, where child care teachers are required to participate in ongoing professional development in order to keep their jobs. They also have a career lattice, where with each increase in educational attainment, the child care teacher receives a pay increase. This has been a major factor in reduced turnover, increased professionalism and overall high-quality programs.

The definition of “career ladder” under subsection 3.4.2 should now define “career and wage ladder,” and “with compensation” should be inserted after “mastery of practice.” The definition would then read:

“For purposes of this section, a career and wage ladder defines levels of knowledge and skill mastery for various practitioner roles and identifies steps for advancement for the workforce recognizing and rewarding higher levels of preparation and mastery of practice with compensation to promote higher quality services for children.”

As in subsections 3.3.1 and 3.3.7, subsection 3.4.7 is asking the Lead Agency to provide basic information on the child care workforce. We strongly recommend including the following:

- “Staff retention rates,”
- “Staff compensation for additional qualifications” and
- “Staff training and professional development.”

The AFT is encouraged by this great step forward. We commend ACF and the Office of Child Care for the much-needed modernization of the Plan, and for seeking to collect more pertinent information from States/Territories and Lead Agencies. The data collected will allow for greater transparency, and will provide indicators on what is working in—and what is hindering the development of—high-quality child care programs.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Cowan', with a long horizontal flourish extending to the right.

Kristor W. Cowan
Director, Legislation Department