



November 23, 2010

Attn: ACF Reports Clearance Officer
Administration for Children and Families
Office of Administration
Office of Information Services
370 L'Enfant Promenade, SW
Washington, DC 20447

From: Center for Law and Social Policy Child Care and Early Education Team (Danielle Ewen, Hannah Matthews, Elizabeth Hoffmann, Christine Johnson-Staub, consultant)

Subject: CLASP comments on Child Care and Development Fund Plan for States/Territories for FFY 2012–2013 (ACF–118).

The Center for Law and Social Policy (CLASP) is submitting comments on the CCDF Preprint for the state plans to be submitted starting in July 2011. We appreciate this opportunity, and applaud the Office of Child Care for the work that they have done to advance the goals of quality and access to child care assistance through this revision of the preprint.

In the Federal Register announcement of the proposed revisions, the Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. CLASP's comments will touch on each of these areas, but are largely concentrated on (a) and (c).

Overarching Issues

- There is significant attention and funding across the government for the development of data systems, both through HHS and through ED. In order to promote linkages, alignment of data systems across the board, and help ensure that the new kinds of data promoted in the appendix are available, we recommend additional questions that highlight links to existing data systems, or to emerging data systems through LDS, DQC, ECDC, and other federally funded initiatives.

- Throughout the preprint, the changing demographics of the young child population are represented through questions about whether information is provided in multiple languages. Additional information on which languages or how the state decides on which languages, and whether decisions in one agency (i.e., licensing) match those in another (i.e., subsidy) would improve the quality of information collected. For example:
 - P. 16, 2.1.7: We suggest asking states/territories to indicate which languages are represented by each answer in the check boxes.
 - P. 42, 3.2: Add a question asking whether guidelines have been prepared for languages other than English for each age group. In subsequent questions (including 3.2.3, 3.2.4, 3.2.7 and 3.2.8), include information on whether information is disseminated and training is provided on the ELG in languages other than English. At a minimum, the descriptive questions in 3.2.8 used to guide the answer should include a question about reaching limited English proficient (LEP) providers and families.
 - P. 53, 3.4.2 (c): We suggest clarifying whether the specific credential/specializations in the career ladder are for training/education on working with children who are dual language learners, or whether there is a specific area of the career ladder/lattice that gives weight to being a bilingual teacher.
- The specific information that was previously asked about the use of the resource and referral, school-age and infant set-asides is absent, but is important information for research. To promote this and other information (at a minimum) it might be useful to move the chart on page 69 to the beginning of Part 3.
- As some of the questions in Part 3 reflect, the quality continuum begins with licensing and for many states moves into additional standards. However, the preprint does not include basic information on licensing that would be useful to promote the same aspirational goals reflected in the sections on quality standards. We recommend that states be asked to provide information on licensing standards in a core set of areas that include ratios and group size by age, teacher qualifications, and pre- and in-service hour requirements for each type of provider (possibly drawing on *Stepping Stones*, or *Indicators of Quality Child Care: Research Update* by Richard Fiene, prepared for ASPE at <http://aspe.hhs.gov/hsp/ccquality-ind02/>). We believe that this could be achieved with a grid similar to those in 3.1.3 on pages 37-41.
- The child assessment information on page 47 (3.3.4 (c)) should be removed from the preprint. Given the relationship of the plan to how states are spending their funds on subsidy, it has the potential to provide misinformation about children, families and providers. The section does not define assessment or best practice, does not include specific language around assessments that include the full range of developmental domains, does not include specific questions around screening and diagnostic assessment, and does not differentiate by age group. The specific choices seem to point to high stakes testing, such as the option of “child assessment activities are linked with program accountability initiatives (e.g. QRIS, Head Start).”

- Throughout the preprint, legally exempt providers are included in lists or questions in ways that either create difficult reporting for states, or suggest a policy change that may not be appropriate for providers, states/territories or the children they serve. In addition, OCC should consider standardizing how these providers are referenced (throughout, they are referred to as legally exempt providers and license exempt providers somewhat interchangeably). For example:
 - Pg. 41, 3.1.4: remove legally exempt providers from data collection, as most states/territories have no way to track these providers
 - Pg. 49, 3.3.6 (b) and pg. 51, 3.4.1 (c): remove license exempt provider from the check list or be explicit that it references those providers serving children receiving subsidies.
 - Pg. 63, 1.2.5: remove question. It is unclear how a state would gather this information, nor what it adds without additional information about whether other providers are staying in the licensed system consistently over time.
 - Pg. 66, 3.2.3, 3.2.4 and 3.2.5: remove license-exempt providers from list or specify providers serving children receiving subsidy (consistent with above recommendation re involvement in QRIS)
- Include in Appendix 1, the Quality Performance Report, information that can provide an overview of the funding situation in the state and whether any improvements or plans were impacted by changes in state or federal funding, as well as whether planned changes were slowed or stopped due to regulatory or legislative obstacles.
- Throughout Appendix 1, there are several areas that could lead to confusion without further clarification. For example, several questions refer to the “goals established in 3.3.3” and one refers to 3.5, but there does not seem to be a question about goals in 3.3.3 and 3.5 doesn’t seem to exist (it seems to be in 3.4.7). In addition, given the reliance in the appendix on the goals, it would be useful (either in the Appendix or in the preprint) to give some definitions that differentiate between “goals” and “performance measures,” and which explain how some states have used them for continuous quality improvement. Finally, throughout the Appendix, it would be very useful for states to provide the source of the data they are reporting, especially the licensing information, data on program participation in the QRIS, and the information reported on the workforce.
- We understand that NAEYC is including significant comments on section 3.4. CLASP has reviewed these comments and we concur with their recommendations; to that end, we have not duplicated those concerns in this document.

Additional Suggested Changes

Part 1--Administration

- 1.2.1: Please include information on prior year dollars that the state plans to spend during the period of the plan.
- 1.2.1: It might be helpful to include the definition of allowable administrative costs in this section as well to remind states of the flexibility they have in using the subsidy dollars.
- 1.2.2: Include amount of funds in each area.

- 1.3.2: In the list of agencies that perform each activity, it might be useful to know if the entity serves all eligible families or a subset (i.e., TANF families only, low-income working families, etc.)
- 1.4: This section, which deals with program integrity and accountability, could use some additional information. It might be helpful to include the definition of improper payments, as well as to include questions around protections for providers and families that discuss the appeals process.
- 1.6.1: This section seems to combine several regulatory sections into one reporting document. While CLASP agrees with the idea that we want to know as much as possible about the coordination of services, policies, data collection and other activities, this section seems to place a high reporting burden on state child care administrators, and to go beyond the regulatory requirement in 98.16(d) to report on how the *plan* was developed collaboratively. We recommend that, at a minimum, the chart be limited to those **required** entities and that question 1.6.2 be maintained. We would strongly recommend, however, that the section be re-written to allow states to give a narrative answer that allows them to discuss the required entities and broad goals for collaboration, rather than the very specific, repetitive and burdensome information gathering currently included.
- 1.6.3: Inclusion of school-age programs in the question is not reflected in the available choices, which seem to focus on early childhood entities (for example, the ECAC is required by law to focus on birth to five). We recommend a reformation of the question:

“Does the State/Territory have a designated entity responsible for coordination across programs that child care programs? Yes_____ No_____

“If yes, what age groups does this entity address?” Birth to five____ Birth to three_____ Birth to thirteen___ Other_____

“Provide the name and contact information for this entity:”

“ Indicate whether this entity also operates as the State Early Childhood Advisory Council.” Yes_____ No_____

Part 2—Subsidy Program Administration

- Throughout the plan, but particularly in section 2, states/territories are asked to report on “child care assistance services under CCDF,” yet many states continue to have several programs, often separately funded through TANF and CCDF. While 2.1.10 specifically asks the state to state whether **application** processes are different for TANF families, it would be useful to know whether there are differences throughout the application, search and reapplication processes. We recommend either changing the question to state “child care assistance services for low-income families (including TANF and CCDF funded) or inserting as much specificity as possible into the questions in this section, including:

2.1.1: Do the answers vary depending on how families are eligible or where they apply? How does the state ensure consistency of information?

2.1.2: Is there any variation if families are eligible through TANF v other low-income child care assistance programs?

2.2.5: Is there any variation if families are eligible through TANF v other low-income child care assistance programs?

- 2.1.4: This question may provide the opportunity to begin a detailed analysis of the kinds of activities states are undertaking to help low-income families get better access to high quality programs. It might be useful to include a check box of choices (including those listed in the question) in addition to an “other” category. It might also be useful to have states define “high quality” in this context.

- 2.1.5:
In order to better understand coordination, ask states to name the programs that are included in “coordinate eligibility policies across programs.”

Include “policies related to previous siblings screened for eligibility” as an additional choice.

- 2.1.6: The information gathered in this question could be more precise and provide useful information for families, advocates and researchers, as follows (each of these could be open ended description or allow states to choose from a series of choices):

What is the length of job search? Does it vary for any families?

Include EHS as one program that allows families to have extended eligibility.

What information must be reported when states minimize interim reporting requirements?

What circumstances allow for suspension of authorization?

- 2.1.8: We recommend removing child support enforcement records from this section, as it seems to suggest that states should be requiring involvement with the CSE system to be eligible for child care help. Several states (NC, VA) are trying to fight this policy change, and advocates in the states that already have it have noted that it has hurt families and kept them from participating in the subsidy program. Further, data on whether child support income is reported is gathered in 2.2.5 (b).
- 2.2.1: Why are states asked to report on the definition of “residing with” both here and in 2.2.3?
- 2.2.6: In order to be as specific as possible, please change choice to read *state-funded* pre-kindergarten.
- 2.4.1: Add an “other” category
- 2.5: This section is very focused on vouchers. It would be useful to gather information about contracts as well, including the amount paid per child in a contract as compared to vouchers, the density of contracts (in addition to percent of funds distributed in contracts, this would give information on how many children, families and providers are reached), and the process for families to choose contracted care v. certificates.
- 2.6: Gina Adams of the Urban Institute has identified a set of policies that states can adopt that make it easier for families to use a subsidy with certain providers (<http://www.urban.org/publications/310614.html>), including the definition of part-day, and

payment for absent days and additional fees. It would be useful to know whether states have adopted these policies.

- 2.6.3: While most states do pay providers directly, there remain several states who pay (some) parents directly. It would be useful to know which states do this, and whether payments are prospective or retrospective, and whether the payments are made in a timely way.
- 2.6.4: Market rate surveys are a key component of the subsidy system and the Office of Child Care has long led the way in defining good practice for the implementation of the surveys. We would like to see those practices reflected in the questions. We recommend the following additions:

Who in the state is responsible for the development and analysis of the MRS?

Data that allows comparison of differential rates to the market rate, including specific information on the amount or percent of the differentials.

Ensure that states are both reporting on information in their current MRS, but also on the MRS *year* of the rates that are in effect.

- 2.6.7: Separate registration and transportation fees into separate choices.
- 2.6.9: We recommend that the equal access information revert to the previous preprint language, as the new questions will likely not result in higher quality information.

Part 3—Health and Safety and Quality Improvement Activities

- 3.1.1 (b-1): Add a check box that includes school-age programs, similar to the box for school-based centers.
- 3.1.2:
 - a. It would be useful to know what triggers an unannounced visit.
 - b. For both announced and unannounced visits, would be useful whether and what kinds of technical assistance are offered, and whether how states and territories work with providers to fix deficiencies or other findings.
 - c. In many states, the resources needed to implement monitoring visits are not available. In order to get some sense of whether states can actually make visits, might be useful to include the question on licenser caseload found in 3.1.4 here.
 - d. The section on background checks seems to combine different types of information without regard to the quality or content of that information or the impact on parents or providers. As written, it is unclear whether useful information will result from this section, and we are concerned that the signal sent from the Office of Child Care to states/territories will result in policies that will create enormous burdens for providers, without creating better protections for families. It is important to note that child abuse registries vary dramatically across states in how a person gets entered, whether they include only substantiated claims and how long the claims are maintained in the system. In addition, we are concerned with the cost and frequency of the checks, due process and appeals protections for providers and family members, consistency of policy across systems, including foster care, clarity of exclusionary activities, time limits on

exclusions, limits on cross-state information, and definitions of included family members. As such, we recommend that the preprint include an open-ended question about background checks such as: “Are providers subject to background checks? If so, please describe which providers and family members (including legally exempt providers, if applicable), which checks apply to which providers, the processes for implementing the checks, how often providers have to update their information, and cost to individual providers.”

- 3.1.3 (a): This list seems to combine provider requirements (being immunized or having a TB test) with documentation requirements (children being immunized). The data would benefit from having more clarity in the question.
- 3.1.3 (c): The list of training for providers may provide some interesting information, but also seems to be missing critical components, for example information on child development by age group, and working with language minority children and their families.
- 3.1.3 (d): Include training hours as a choice.
- 3.2.6: include accreditation (and list accrediting body(ies))
- 3.3:
 - a. Throughout this section, the questions seem to apply to the entire child care system without specific information on how low-income children in the subsidy system, or providers working in low-income communities, are specifically targeted for services and supports. It would be useful in every section to know whether there are particular benefits or services for those providers and children.
 - b. It would also be useful to know whether states have specific standards by age group, i.e., infants and toddlers, school-age children, etc. Many states have very limited specific standards or activities in their quality improvement plans for infants and toddlers, and few QRIS or quality initiatives address school-age care. This is especially important for 3.3.4, where type and availability of program assessment vary dramatically by age group (i.e., there is no CLASS for infants and toddlers).
 - c. The structure of this section is also confusing. It might be helpful for states to report before 3.1.1 on whether they have a QRIS and if not, what system is in place for answering the questions that follow. Further, it would be useful to have the definition of QRIS reviewed further. For example, we recommend that it be expanded to note that QRIS should have more than two levels.
 - d. While 3.3.3 asks states whether different incentives apply to different types of providers, it would be useful to have this information throughout this section. (For instance, in 3.3.5, a state may have stars, etc for centers only rather than for FCC or group homes.)
- 3.3.1(a): Add cultural competence, community relationships, teacher-child relationships and instructional practice to list of standards.
- 3.3.1(b): Add a question on whether there are specific standards by age group, which providers are included, and how the standards are implemented.
- 3.3.2 and 3.3.3: Where is the support going? To an individual teacher (scholarships, training, mentoring) or to a program (technical assistance, on-site coaching)? Is there a way to link these choices to the standards defined in 3.3.1 or to show how the state choices promote the standards in 3.3.1?
- 3.3.4:
 - a. Need to add clarity about relationship of the assessment to the elements of the system.

- b. Clarify that these are required in regulation or law by the child care assistance agency as part of the program standards, rather than some element of the TA system or individual program choice
- c. Clarify whether some or all programs are required to participate in these assessments (i.e., only those in the formal QRIS? Only programs who meet other standards?)
- 3.3.6 (b): Are any providers **required** to participate?
- 3.3.7: The data on program quality seems to include some performance or evaluation measures, such as the choice around the number/percent of low-income families receiving help who are in higher quality programs (note: delete reference to “licensed” as that is not higher quality), and the choice around financial assistance to programs. As such, it might be useful to make these choices under performance measures, and to also add questions about: whether the state collects information on programs that move down in the system, and why.

Number/percentage of children receiving subsidy in programs at each level

Appendix 1—Quality Performance Report

- 1.1.1: As this refers to the information provided in 3.1.5, it would be useful to states to mirror the language in each. The examples in 3.1.5 are quite different from the areas for measure listed in the question here.
- 1.2.1: Include reporting on number of children in licensed/regulated care settings, aggregated and by age group. For data analysis, it would also be helpful for states to report on the total number of children by age group, and the number of children eligible for CCDF services.
- 1.2.2: Differentiate by number of visits that are announced and those that are unannounced.
- 1.2.4: In some states, there are different rules on program termination in CCDF funded programs and in TANF funded programs. For data analysis, it would be useful to know if the rules are the same and whether the number reported here reflects all programs providing assistance to families.
- 1.2.6: Need to have some definition of “child care” here. CLASP recommends that the phrase “licensed or regulated child care” be used.
- 3.1.1: This question is very broad as it stands. Given the goals of this section, we recommend limiting the question to: “Did the State/Territory implement a Quality Rating and Improvement System that meets the five key elements described in 3.3 of the FY 2012-2013 Plan?”
- 3.1.2: Refers to goals in 3.3.3, which do not exist. Is the instruction meant to reference 3.3.7 and/or 3.3.8?
- 3.2.1: Match the areas for training to those listed in 3.3.2 of the Plan.
- 3.2.2: Separate this into questions for individual providers (stipends, scholarships) and programs (financial incentives, etc)
- 3.2.3: Ask information for each level of the rating system.
- 3.2.3: Include additional questions for states to report on whether and how children receiving subsidies and their providers are included in the higher quality programs. For example, how many children in low-income families are in centers/family child care homes at each level? How many centers/family child care homes serving subsidized children are at each level?
- 3.2.4: Make question more open to reporting whether programs are moving up or down within the rating system.

- 3.2.6: This question needs more clarification. Is high quality care defined as **any** level of the QRIS if a state has one? How does participation vary by age group at each level?

CLASP recognizes that a great deal of work went into these revisions of the preprint, and we think it is extremely insightful of the Office of Child Care to create this framework for change at this time. We hope that our comments will help strengthen the preprint and ensure that the data that states report is broadly useful and contributes to the overall goals of the Child Care and Development Block Grant. We are available to discuss any of the issues mentioned here as needed, and look forward to the final preprint document.