



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: Karen Schulman and Helen Blank, National Women's Law Center

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

We greatly appreciate this opportunity to provide comments on the Child Care and Development Fund Plan Preprint for States and Territories for FFY 2012-2013. The draft preprint includes important new components that will allow for the collection of additional, essential information about states' child care systems and send a signal to states about strategies for strengthening their systems. In many cases, the revisions to the preprint will allow more detailed information to be collected with greater clarity. However, we have some general and specific suggestions for how this preprint could be further improved so that it captures needed information in the most straightforward way possible. Please feel free to contact us if you have any questions about these comments.

General Comment

When there are checkboxes, the preprint sometimes specifically indicates that the state is to check only one, or check all that apply, but sometimes there is no indication either way. There should be a consistent in indicating to states whether or not the categories are mutually exclusive.

Section Comments

1.4. CCDF program integrity and accountability

This section should address the definition of improper payment and add questions about the appeals process and protections for providers.

1.5.1 Lead Agency consultation efforts in development of CCDF plan

The table should include a box to indicate consultation with the agency responsible for child care licensing, since it is often housed in a separate division or department from the agency responsible for the child care subsidy program.

1.6.1 Lead Agency coordination in delivery of child care and early education

This table should also include a box to indicate consultation with the agency responsible for child care licensing.

2.1.4. Supporting CCDF-served children to receive higher quality care

The preprint should include a definition of higher quality care or examples of higher quality standards.

2.1.5. How does the Lead Agency reduce barriers to initial eligibility?

A category for providing information in multiple languages should be added, and states should be asked to indicate which languages are used, describe which strategies are used for communicating in multiple languages (written materials, making translators available, etc.), and which materials are made available in multiple languages.

2.1.7. How does the Lead Agency address language barriers with families and providers?

It would be helpful to ask separate questions about addressing language barriers for families and addressing language barriers for providers.

2.1.8. Describe the Lead Agency documentation requirements.

Under income, child support enforcement records should be removed as a category. We are concerned that including it as a category may suggest to states that they should be requiring involvement with the child support enforcement system for parents to be eligible for child care help. Data on whether child support income is received is gathered more appropriately in 2.2.5.b), a detailed listing of income types that may be deducted or excluded from total family income.

2.2.3. Eligibility criteria based upon work, job training or educational program

This set of questions should include specific questions about whether the state allows parents to initially qualify for child care assistance while searching for a job and whether the state allows parents to continue receiving child care assistance while searching for a job. If the state does allow parents to begin and/or continue receiving child care assistance while searching for a job, it should be asked indicate how long parents may receive child care assistance while searching for a job and under what circumstances.

2.2.5.b) Income eligibility criteria: income deducted or excluded

Child support received is listed twice as an option. One of these should be changed to child support paid out of the household.

2.4. Prioritizing services for eligible children and families

This section should include a question on whether the state prioritizes families transitioning from TANF for child care assistance and, if so, how the state defines this category of families, in terms of the length of time since receiving TANF and/or other criteria, and the ways in which these families are given priority.

2.4.3 Waiting lists

The first two options should be revised by adding the words in italics:

-Lead Agency currently does not have a waiting list and all eligible families *who apply* are served.

-Lead Agency currently does not maintain a waiting list, but is not serving all eligible families *who apply*.

This change is necessary because states are not able to determine if they are serving all eligible families, since many eligible families do not even apply. A state can only indicate whether it is serving those who apply.

States with waiting lists should be asked to report on the number of children and/or families on their waiting list as of a particular date.

2.5.3. Child care services available through grants or contracts

This section should include a question about the amount of payment paid to providers receiving grants or contracts, how this amount is determined, and how it compares to the rate paid to providers receiving child care certificates.

In addition, this section should include questions about how many providers are receiving grants or contracts and how many children are served using grants or contracts.

This section should also include a question about the process by which a family receives services using a grant or contract.

2.5.3.a) Grants or contracts to increase the supply of specific types of care

In the list of types of care for which a state may be using grants or contracts, the following category should be added: Child care for children in Early Head Start.

2.6.3. Timeliness of payments made to child care providers

Following this question, there should be a question about whether the state makes the payment to any parents, and if so, under what circumstances. While most states pay providers directly, several states still make the payment to parents in at least some situations. If a state does make payments to parents, it should be asked to indicate whether the payment is prospective or retrospective, whether the Lead Agency tracks the timeliness of payments, and, if so, how the timeliness of payments is tracked and the length of time it takes to make a payment to the parent.

2.6.4.b) Market rate survey

States should also be asked to indicate which organization, entity, or individuals developed the market rate survey instrument, conducted the survey, and analyzed the results.

2.6.6. Tiered and differential reimbursement rates

States should be asked to describe in detail the amount by which each tiered or differential rate they use exceeds the basic rate and/or how the tiered/differential reimbursement rates are calculated. They should be asked to submit tables or other materials detailing the tiered and differential rates as an appendix along with their basic rate tables.

Part 3: Health and safety and quality improvement activities

In general, it should be made clear throughout this section when the questions are referring to policies and requirements under the child care subsidy system, and when the questions are referring to policies and requirements for child care beyond the subsidy system.

This section should include questions asking states to describe how they plan to use CCDF quality and other set-asides (infant, resource and referral and school-age) to support quality-related activities as well as how these activities are targeted to increase the number of low-income children in high-quality care.

3.1. Activities to ensure the health and safety of children in child care

This section should include a question on which agency and which individual is responsible for child care licensing and how this agency relates organizationally to the child care subsidy agency (for example, whether it is in a different department, a different division or office within the same department, etc.).

This section should also include a more complete checklist of basic health and safety standards that protect children from harm in child care than is included in the current draft preprint. While it is important to gather data on details related to quality rating and improvement systems, most children's early experiences are still guided by a state's core licensing standards. States should be asked to indicate whether and how their licensing standards address each of the thirteen indicators of quality child care identified in a study by Richard Fiene (<http://aspe.hhs.gov/hsp/ccquality-ind02/#Introduction#Introduction>). These standards are key predictors regarding children's positive outcomes while in child care and are statistical indicators of overall compliance with child care regulations. The thirteen indicators, which condense the health and safety standards for child care found in *Stepping Stones to Using Caring for Our Children*, include: prevention of child abuse, immunizations, staff-child ratio and group size, director qualifications, teacher qualifications, staff training, supervision/discipline, fire drills, medication administration, emergency plan/contact, outdoor playground, inaccessibility of toxic substances, and proper hand washing/diapering. While the current draft addresses some of these areas, it does not address all of them.

3.1.1. Compliance with applicable state/territory and local regulatory requirements

This section should include a place for states to indicate if there are any differences between regulatory requirements for subsidized and non-subsidized centers, group homes, or family child care homes or if certain types of providers are only required to be regulated if receiving child care subsidies.

For the questions about which family child care providers are subject to licensing, states should be asked to provide more details about any exemptions, including the number of children (including related children) a provider may care for and still be exempt, and which relatives are exempt when providing care.

For the questions about in-home child care providers, there should be a checkbox option for states to indicate when they do not subject any of their in-home providers to licensing.

3.1.2. Enforcement of licensing requirements

This section should include additional questions about the process for redressing problems that are identified by monitoring visits, including whether and when there is a return visit and whether there is an appeals process and how that process works.

In-home care should be removed as a category from the box on frequency of announced and unannounced visits since most states do not include these providers as part of their inspection process.

The format used for asking about the types and frequency of background checks should remain the same as in previous years' plan preprints, rather than being revised as in this draft.

Questions should be added about which crimes disqualify an individual from being a child care provider, who in the household must undergo the background checks, and the cost of each background check and who is responsible for paying for the background checks.

3.1.4.a) Data collected on licensing and health and safety

The line for indicating that a state collects data on the number of programs operating that are legally exempt from licensing should be deleted, given that states will not be able to collect information about providers that are not required to be in the licensing system.

3.2. Establishing early learning guidelines

This section should include a question about whether the state is currently or planning to revise its early learning guidelines, and what if any types of revisions are being made.

3.2.3. To whom are the early learning guidelines disseminated?

Following this question, a question should be added to ask how the guidelines are disseminated.

3.2.5. Are early learning guidelines incorporated into other parts of the child care system?

This response categories for this question include, “Quality rating and improvement standards (or similar quality standards)”, but it is unclear what “similar” standards are. This should be clarified.

3.2.7. Data and performance measures in early learning guidelines

This section should be edited to focus on use of and training on early learning guidelines, rather than child assessment or program outcomes, given that there are concerns about the reliability of data collected on child assessment and program outcomes, given that most child care providers are not required to use early learning guidelines, and given that children may be in multiple settings supported by multiple funding sources during a single day or year, making it extremely difficult to attribute their progress to any one setting, program, or funding source.

The first question in this section should be edited to read as follows (and the second question, on use of performance measures, should be deleted):

What data elements are currently being collected by the Lead Agency on the dissemination and use of the Lead Agency’s early learning guidelines?

3.2.7.a) Data collected on early learning guidelines

The categories should be edited to read as follows (the category on child assessment should be deleted):

- Number/percentage of child care providers trained on all ELGs
- Number of programs implementing ELGs in all domains
- Number of parents trained on or served in family support programs that use ELGs
- Entities providing trainings to providers on ELGs
- Other. Describe

3.2.7.b) Performance measurement on early learning guidelines

The question should be edited to read as follows:

Does the Lead Agency track any performance measures related to dissemination of and training on early learning guidelines? If so, please describe.

3.2.7.c) Evaluation related to early learning guidelines

The question on and explanation of the uses of evaluation should be edited to read as follows:

What are the Lead Agency’s plans for evaluation related to early learning guidelines? Evaluation can include efforts related to monitoring implementation of an initiative, collection of

information on the curricula and instructional assessments used by providers, or dissemination of the ELG for non-English speaking parents and providers.

3.3. Creating pathways to excellence for child care programs

This section should also include a question about how many levels (including the basic level) a state has in its quality rating and improvement system, if it has such a system.

This section should include questions about whether and how the supports provided for quality improvement and other components of the quality rating and improvement system are targeted to programs serving low-income children (with the state asked to indicate how it defines this group), children eligible for subsidies, and/or children receiving subsidies. (States should be asked about targeting to each of these groups, since they overlap, but not necessarily completely.) States should also be asked about whether there are targeted supports for any other groups, such as children with special needs and children who are English language learners.

3.3.1.a) Program standards for quality: quality indicator areas

This list of program standards for quality should be revised so that it does not overlap with the criteria addressed in the section on licensing. For the checkbox on ratios, states should be asked to indicate whether they require lower child-staff ratios under their quality rating and improvement systems than required under the licensing rules.

The checkbox list of areas potentially covered by state quality improvement standards should also include learning environments, teacher-child relationships, instructional practice, cultural competence, and community relationships.

3.3.1.b) Program standards for quality: consideration for specific populations

States should be asked to provide more information about how their standards are adapted for children with special needs and children who are dual language learners. States should also be asked whether their standards are differentiated by age group.

3.3.2. Non-monetary supports in meeting quality standards

Rows should be added to the table for additional areas of support, including understanding observational assessments and understanding appropriate child assessment methods. The list of types of support for meeting the program standards should also align with the program standards listed in 3.3.1.

Columns should be added to the table on non-monetary supports for states to indicate additional types of approaches for delivering the support, including peer-to-peer support groups, credit-based education, non-credit-based professional development, and other strategies.

3.3.3. Financial incentives for quality

“Financial incentives” should be changed to “financial supports” in each instance where it occurs.

Checkboxes should be added to the table for states to indicate if they provide financial supports to individual providers for education and retention; states should have the opportunity to indicate whether they offer each of the following: one-time awards or bonuses for attaining specific staff qualifications, scholarships, and reimbursement for books and fees. States should also be asked to indicate whether they provide programs with reimbursement for accreditation fees.

The column in the table for license-exempt providers should be deleted, because licensing should be a minimum requirement for participation in the quality rating and improvement system.

3.3.4.c) Describe how your State/Territory uses child assessment.

If child assessment is addressed in the preprint, it should be done very carefully and with a very clear statement by the Office of Child Care about the appropriate approaches to and uses of child care assessment that is consistent with the recommendations in the National Academy of Science's 2008 report on child assessment, so that states are not encouraged to use assessments that are inappropriate for young children or use assessments in an inappropriate way.

This question should be edited to read as follows:

Describe how your State/Territory uses screening and ongoing child assessment:

- No systematic child assessment is currently being used.
- Ongoing child assessment used to measure and improve the impact of teaching practices or curriculum implementation.
- Screening and child assessment used to identify children eligible for special services, modify curriculum to meet the needs of individual children, and ease the transition for children and families from home to school.
- Other. Describe

(The other checkbox options, on using child assessments to assess the progress of children, for tracking longitudinal child outcome data, or for program accountability, should be deleted.)

This question should also be moved from section 3.3.4. on quality assurance and monitoring, since it does not fit with the definition provided for this category, which focuses on assessment for quality improvement systems. Instead, it should be moved to a new group of questions on curriculum, screening, and instructional assessment, between 3.3.1.a) and 3.3.1.b).

Once moved, this question should be preceded by the following new questions:

Does the state collect information about child care practitioners'/providers' use of written curricula and instructional assessments?

If yes, what types of information are collected (such as the number of providers using a published or a staff-developed curriculum and instructional assessments) and about which types of providers (child care centers, family child care homes, Head Start programs, program receiving state prekindergarten funds, etc.)?

3.3.6.a) Quality Rating and Improvement System

An option should be added to this question for states to indicate if they have some, but not all, of the five elements of a QRIS. States that select this option should be asked to describe which of the five elements they address and if there are concrete plans to incorporate the remaining elements.

3.3.7.a) Data and performance measures on program quality

The option "Program scores on assessment instruments" should be revised as follows: "Program scores on program assessment instruments."

The option, "Qualifications of staff in each program" should be revised to read: "Qualifications, compensation, and retention of staff in each program."

The option, "Number/percentage of children in low-income families receiving CCDF assistance in licensed/quality care" should be replaced with the following: "Number/percentage

of children in low-income families receiving CCDF assistance in programs at each tier of the quality rating system.”

The option, “Child assessment data” should be deleted.

3.3.7.c) Evaluation

The question should be revised to read as follows:

What are the Lead Agency’s plans for evaluation related to program quality? Evaluation can include efforts related to monitoring implementation of an initiative, validation of standards or program assessment tools, or looking at changes in staff qualifications.

3.4. Pathways to excellence for the workforce

For this section, we endorse the recommendations provided separately by the National Association for the Education of Young Children (NAEYC), including recommendations on wording changes, adding questions, and combining the separate sections on higher education capacity and training and technical assistance capacity into one section on professional development capacity. NAEYC’s recommendations will help strengthen this section in order to emphasize the importance of a strong early childhood workforce and of a professional development system that helps strengthen that workforce; to ensure that the most current language and terms are used; to gather more information about the extent to which and how different components within the state’s workforce system are aligned and how the workforce system is aligned with other components of the state’s overall early care and education system; and to focus on those aspects of the system that the state agency can influence, as opposed to those controlled by institutions of higher education.

Appendix 1: Quality Performance Report

Given the challenging fiscal climate in many states, this section should include an opportunity for states to provide a narrative overview of their budget situation and whether any improvements or plans were affected by changes in federal or state funding.