

Comments on CCDF State Plan Draft Preprint

1. Factors Beyond Control of the Lead Agency

Throughout the draft Plan, “tangible goals or results” and “Include Examples and Numeric Targets Where Possible” for the next biennium are asked for. Planning, goal-setting, and accountability are all recognized as valuable. Kansas supports those.

However, many states will be experiencing a change in administration during the term of the proposed CCDF Plan. The goals of these new administrations with regards to early childhood under the CCDF are unknown at this time. Planning, goal-setting, and accountability in the form of numeric targets will be extremely difficult for the Lead Agencies.

Related to the item above, the Kansas Early Childhood Coordinating Council, as required by the Improving Head Start Reauthorization Act of 2007, is currently in formation and has not yet met. This newly-created body will impact early childhood planning and goal-setting at the statewide level. Lead Agency plans and actions may require modifications as the council becomes more established.

A second factor beyond the control of the Lead Agency is the economic climate. Because of the difficult Kansas economic climate (which many states share) the state employee workforce has seen increased workloads. The proposed changes to the Plan will again increase the amount of work required by these employees.

There is concern about areas of emphasis in the proposed Plan for which Kansas doesn't have enough funding to adequately address. Examples include family, friend and neighbor policies, the voluntary Early Learning Guidelines and quality rating information systems. Furthermore, “Voluntary Early Learning Guidelines” was terminology used in the current Plan, but in the proposed Plan “voluntary” has been omitted. This gives the impression of implied federal mandates.

2. CCDF/ARRA Clarification

Kansas has a considerable number of new state initiatives now possible due to ARRA, not CCDF, funding. While the reporting requirements of ARRA are being met under ARRA federal requirements, it is unclear in this proposed Plan the boundaries between CCDF projects and initiatives, and ARRA-funded ones. It will be necessary and important for states to distinction in the Plan between CCDF-funded initiatives in child care, and those that were funded through one time ARRA dollars that will not be available after September 30, 2011.

3. Information Collection

There are many questions throughout the preprint that ask for information that is optional/not required in CFR. There needs to be greater distinction between those things mandated by CFR and not mandated. Otherwise, it may appear to legislators, stakeholders, or others reading the document that the lead agency is not doing what it's supposed to be doing with CCDF funds. One example is found in Section 2.6.3 regarding the tracking of timeliness of payments. Kansas's system of issuing child care benefits to families provides for parental payment to providers for services, increasing both timeliness for providers and access for parents. While timeliness is not tracked within this system, it does show the state's desire to allow for timely payments to providers. There is no response choice available for states to reflect this type of answer on the proposed Plan. Solutions might be to create a separate document or an attachment

that asks those questions, or to clearly identify throughout the preprint each question that asks about something that is not required. We would recommend this information be gathered in a separate document. The gathering of this information also implies these may be future mandates.

The increased proposed reporting requirements for quality initiatives (Appendix 1) would require the Lead Agency to establish new reporting systems to track information not presently tracked. In this time of reduced resources, establishing new reporting systems would require staffing, funding and time simply not available. Additional resources would be needed to design systems to meet these newly implied requirements.

4. Online Submission

More details are needed about the potential online submission. For example, there appears to be several questions noted that would require an “other” response. Will space be limited for narrative explanations, such as a certain number of characters allowed per entry? Also, how will a draft document be made available for public review prior to submission? When will access be available to enter information and will a printable draft be part of this on line process and available for states to use for this purpose?

5. Parental Choice

As we have understood it, the intent of section 2.5 in previous years was to ensure parental choice in selection of a provider - so parents were not limited to using a provider with whom the state had contracted or one that received a grant from the state, and certificates were the option that allowed parents the required choice of providers. The statement in section 2.5 regarding Certificates, Grants, and Contracts is reworded in the new proposed Plan. “The parent(s) of each eligible child who receives or is offered financial assistance for child care services has the option of either enrolling such child with a provider that has a grant or contract for the provision of service or receiving a child care certificate.” (658E(c)(2)(A), §98.15(a)) This implies that both certificates and contracts must be offered to parents. It has been previously noted in the Federal Register CCDF Rules and Regulations (pg 39944-39945) that many state programs are totally certificate-based and that this conforms with the provision of the Act. It needs to be clarified that this method of delivery continues to meet the provision of the Act.

6. Greater Clarity and Definition of Terms

One major concern is in the definition of the Family Child Care Home provider. Based upon the definition provided, Relative In Home providers fall into this category. In Kansas Relative In Home providers and Licensed Child Care Home providers meet differing standards. The structure of the questions and available responses in Section 3.1 will make it difficult to accurately report on each of these categories of care. Greater Clarity is needed in this section as well as in other areas of the Plan.

7. Quality Initiatives

In Appendix 1, the proposed selection of quality initiatives is problematic. The former design of the plan gave states greater flexibility to describe their quality initiatives. For example, not all states have, or plan to have, quality rating systems (Component #3). While the proposed Plan indicates states may have an alternate framework for evaluating quality, all questions for states to respond to within the proposed Plan are framed from a QRIS prospective. Component #4, professional development systems and workforce initiatives are not clearly defined or explained how they interact with each other. Appendix 1 also asks for Lead Agencies to describe their future plans for reporting the requested data should the data not be available now. This again implies that this data will become mandated and should be used to drive the quality initiatives

selected by states. This takes away from the flexibility afforded in a federal block grant. Also initiatives occurring within states outside of CCDF funding will not be captured.

8. Clarification on Issues Related to Improper Payments

Section 1.4 refers to reducing improper payments due to administrative error and fraud, waste, and abuse. Throughout this section is the need to better distinguish between client error and provider error. Also, not all client or provider errors are fraud, which is normally defined as an intentional program violation. Client and provider errors can also be non-intentional. There is no place to report on non-intentional client errors. These are not considered administrative errors in Kansas. Additionally, waste and abuse need to be defined. For example, policies one state may consider waste or abuse, another may consider good customer service.

9. Decreased Flexibility and Increased State Burden

Many items requested for and expanded upon within the proposed Plan imply specific requirements must be met or planned for by states in the near future. The first goal identified in 98.1(a)(1) is to “Allow each State maximum flexibility in developing child care programs and policies that best suit the needs of children and parents within the state;”. A loss of flexibility will occur if limited funding must be directed to meet these new requirements.

Also there is nothing in the written draft that indicates states would be “held harmless” if plans, goals, results and numeric targets are not achieved. What is considered optional and what will be required needs to be clarified in the plan. Clarification in these areas will be especially important as we work with our partners to develop our state plan and again when we share our proposed state plan with the public.

And finally, while this proposed Plan provides many new requirements increasing the administrative burden of CCDF funds for states, administrative costs must remain at not more than 5 percent of the states aggregate CCDF funds. We would request that an increase in administrative funding be provided.