

CLASP and NWLC Comments on Child Care and Development Fund Plan Preprint for States/Territories for FFY 2025-2027 (ACF-118) and Extension of Child Care and Development Fund Plan Preprint for States/Territories for FFY 2022-2024 (OMB #0970-0114)

February 21, 2024

Thank you for the opportunity to provide comments on the Child Care and Development Fund (CCDF) Plan Preprint for 2025-2027. The Plan Preprint is an important document that allows the Office of Child Care to convey guidance to states/territories on implementing the Child Care and Development Block Grant Program; enables Lead Agencies to carefully consider and lay out their policies, practices, and plans for their CCDBG programs; gives families, child care providers, and other child care advocates an opportunity to offer input through the state's/territory's process of developing the plan; and allows the public to better understand states'/territories' approaches to their CCDBG programs. State and territory CCDF plans are particularly crucial given how much discretion states/territories are permitted in their CCDBG programs and activities.

Our comments below on the revised draft Plan Preprint reflect our organizations' deep expertise in the various challenges of existing child care policy and the solutions to improve it. The Center for Law and Social Policy (CLASP) is a national, non-partisan, anti-poverty organization that has advocated for policy solutions that support the needs of people with low incomes for over 50 years. CLASP develops practical yet visionary strategies for reducing poverty, promoting economic security, and advancing racial equity. The National Women's Law Center (NWLC) fights for gender justice—in the courts, in public policy, and in our society—working across the issues that are central to the lives of women and girls. NWLC uses the law in all its forms to change culture and drive solutions to the gender inequity that shapes our society and to break down the barriers that harm all of us—especially women of color, LGBTQ people, and low-income women and families.

We appreciate the alignment of the revised Plan Preprint to the proposed CCDF rule, as demonstrated through new language that encourages the adoption of presumptive eligibility, copayment waivers for families with low incomes, and a broad definition of “work” for family eligibility. Specifically, we applaud the addition of sections 2.1.1 and 2.1.2, which encourages Lead Agencies to reduce barriers to enrollment through strategies such as presumptive eligibility. Presumptive eligibility¹ facilitates timely access to child care assistance by lowering barriers in the application process for families with low incomes and for Black, immigrant, and other families of color who are disproportionately affected by racism in public benefit programs. Furthermore, we support the options in 2.2.2 signaling flexibility in the definition of work—for example, to include travel time—for family eligibility. In addition, we appreciate the inclusion of 3.1.2 to ensure that Lead Agencies work towards making copayments more affordable.

We appreciate that, like the earlier draft of the 2025-2027 Plan Preprint, this draft includes an item in section 6.1.1 where states/territories can indicate the supports that they are providing for the child care workforce, including strategies to boost wages and offer health care and/or other benefits. We recommend that, for each type of support, states/territories are asked to indicate whether that support is provided to early educators across all types of providers—licensed child care centers, licensed family child care homes, license-exempt family child care homes, school-age programs, and/or relative care—or only certain types of providers. Furthermore, as a possible addition to item 6.1.1, we suggest including an option where states/territories could indicate they are supporting the child care workforce by allowing categorical eligibility for child care assistance for children of the child care workforce—an innovative approach first developed by Kentucky that is being adopted in an increasing number of states.

States/territories could also be given the opportunity to indicate if they include the children of the child care workforce among priority groups in section 2.3.3.

We appreciate the ways this revised Plan Preprint highlights provider voice in several sections—for example, by allowing states/territories to indicate if they make the State/Territory Plan and Plan amendments available to the public through direct communication with the child care workforce (1.3.3 (b), vii); by including “provider feedback” as an option for helping to identify barriers to subsidy participation (4.1.2); and by prompting states/territories to describe how the needs assessments on quality activities is informed by consulting with different subgroups of providers (7.1.1).

We appreciate a greater focus on language inclusion in this version of the Plan Preprint, as demonstrated through section 1.3.2 (c). Barriers to accessing child care and early education² have deep roots in racism, and the resulting policies and practices often hinder families’ access to many programs. Prompting states to create and disseminate information in multiple languages³ for the public hearing helps to reduce barriers for immigrant families and for limited English proficient (LEP) families⁴ in accessing child care. We further encourage OCC to adopt this prompt throughout other sections of the Plan Preprint to assist states/territories in strategizing language inclusion policies and practices.

In addition, we support the decision to reduce the emphasis on quality rating and improvement systems (QRIS) in this version of the Plan Preprint. Given concerns raised in recent years about equity in the design and implementation of QRIS⁵, it is important to encourage states/territories to consider a wide range of strategies for strengthening the diverse array of child care providers and programs, rather than steering states/territories to one particular approach.

As part of this concern with ensuring equity in the child care system, we recommend some changes to the Plan Preprint to encourage greater inclusion of home-based child care providers. In Section 4, which addresses strategies for an effective subsidy system, and Section 7, which addresses strategies for supporting quality, states/territories should be prompted to answer separately for each type of child care setting, to allow information to be gathered on whether states/territories are being inclusive of all types of settings in their support strategies. In addition, in section 4.3.2 on base payment rates, states/territories should be asked to report on payment rates for license-exempt family child care/relatives in addition to licensed programs (if the state/territory allows license-exempt family child care/relatives to receive subsidies).

Finally, we recommend that the Office of Child Care take steps to continue to ensure alignment between CCDBG regulations and the CCDF Plan Preprint. Once the new rule is finalized, we encourage the Office of Child Care to release guidance on the rule change and allow adequate time for comment on the revised draft preprint before it is finalized. It is imperative that the timeline for states/territories to comply with the revised rule be set so that states/territories have ample time to meet any new requirements and the Plan Preprint can fully reflect the revised regulations. We encourage ACF to consider a phased-in approach based on engagement with states/territories about what is possible with plenty of time for planning, appropriate legislative and policy changes, notification to relevant parties, and implementation. Careful consideration and generosity in the timeline for implementation will be essential given that many states/territories need significant time to go through the process of enacting legislative and/or administrative changes to comply with the revised rule, and to identify funding to support the more generous policies encouraged or required by the rule—which may be a particular challenge for many states/territories as the majority of additional child care funding provided under the American Rescue Plan Act has expired. Many states did not fully implement the CCDBG rule issued in 2016 until years after it was finalized due to a lack of funding and the need for time to make necessary changes; similarly, it will take time for states/territories to comply with all the new provisions of a revised rule.

Thank you again for your work on the CCDF Plan Preprint and for considering our suggestions. Should you have any additional questions or like to discuss these comments further, please contact Karen Schulman, Director of State Child Care Policy, NWLC, at kschulman@nwlc.org, and Tiffany Ferrette, Senior Policy Analyst, Child Care and Early Education, CLASP, at tferrette@clasp.org.

¹ Alejandra Londono Gomez, *How Presumptive Eligibility Can Help Families Access Child Care*, CLASP, 2023, <https://www.clasp.org/publications/fact-sheet/how-presumptive-eligibility-can-help-families-access-child-care/>

² Rachel Wilensky, Alejandra Londono Gomez, Alyssa Fortner, et al., *Expanding Access to Child Care Assistance: Opportunities in the Child Care and Development Fund*, CLASP, 2023, https://www.clasp.org/wp-content/uploads/2023/06/6.8.2023_Expanding-Access-to-Child-Care-Assistance.pdf

³ *Ten Policies to Improve Access to Quality Child Care for Children in Immigrant Families*, CLASP, 2009, <https://www.clasp.org/sites/default/files/public/resources-and-publications/publication-1/0479.pdf>

⁴ Emily Firgens and Hannah Matthews, *State Child Care Policies for Limited English Proficient Families*, CLASP, 2012, <https://files.eric.ed.gov/fulltext/ED538051.pdf>

⁵ Keisha Nzewi, Mary Ignatius, and Kim Kruckel, "Quality Improvement in California," August 14, 2020, https://docs.google.com/document/d/1onJFj_g5SN3WESe9TLAr78hNdQp-tGTSNc6LTB-NfCE/edit