

National Association for the Education of Young Children

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The Honorable Barbara Mikuski
United State Senate
Washington, DC 20510

The Honorable Lamar Alexander
United States Senate
Washington, DC 20510

The Honorable Tom Harkin
United States Senate
Washington, DC 20510

The Honorable Richard Burr
United States Senate
Washington, DC 20510

Dear Senators:

On behalf of the National Association for the Education of Young Children (NAEYC), the nation's leading voice in early childhood education for children from birth through age 8, I want to thank you for working together to improve the Child Care & Development Block Grant (CCDBG). Since its last full reauthorization in 1996, the field has gained research and evidence of how to improve both the subsidy system for families and providers and the quality of experiences of children from birth through age 12. We are pleased that this bill seeks to improve health and safety of children in child care and afterschool settings, addresses developmental learning of young children, and improves the efficiency of the subsidy system.

Unfortunately, both quality and access are woefully under-resourced. The last major investment in CCDBG was the American Recovery & Reinvestment Act, which provided temporary funding to states. Even when the national economy was in better shape, too many eligible children were unable to be helped with the costs of child care and too many providers were reimbursed at rates that fell far below the costs of quality services or our nation's future.

This reauthorization of CCDBG must be accompanied with significant additional resources in order to help children have access to child care and to elevate the quality of programs and services. We recognize that these are tight fiscal times, but the return on the investment in child care is significant to the country's economy. When families have child care assistance so they can work, employers have a more stable workforce and families can balance their other basics such as food, housing, and health more dependably. When providers are given a reimbursement rate or contract that meets the real costs of quality, they have better staff and materials that support children's positive development and learning, providing critical foundation for school readiness and success. If additional resources are not provided, then States will be faced with decisions to reduce access or reduce quality – neither of which is a good direction for children and families or our nation's future.

NAEYC is pleased to submit the following comments for strengthening S. 1086:

Section 2(b) Short Title and Purposes (pages 2-3)

We recommend that services for school-age children are included throughout this subsection by replacing the phrase “child care services” with “child care and school-age services” in paragraphs (3), (4), (6), and (7). This revision reflects the eligibility of children up to age 13 for assistance under this subchapter.

Section 5(b) (2) (E) Consumer Education Information (page 5)

We recommend that a provision be added requiring State plans to indicate how they will make the information about licensing and other information available in easy-to-understand language and in languages other than English, to the extent practicable.

Section 5(b) (2) (E) (VII) (ii) (II) Consumer Education—Developmental Screenings (pages 9-10)

We recommend citing all five domains of children’s development in this provision by replacing the current phrase, “...children who receive assistance under this subchapter who may be at risk for cognitive or other development delays,” with “...children who receive assistance under this subchapter who may be at risk for developmental delays, including social, emotional, physical, approaches to learning, and cognitive delays.”

Section 5(b) (2) (F) (ii) Compliance with State Licensing—License Exemption (page 11)

The current language, which requires States to describe how exempt care is comparable in safety and quality to licensed care and why such licensing exemptions do not endanger the health, safety, or development of children, creates a challenge for States, given the difficulty of comparing licensed and license-exempt care and the difficulty of demonstrating that something is not occurring. Therefore, we recommend replacing the current language with the following:

“...the plan shall include a description of how the State will ensure the health and safety of children who receive services from child care providers who are exempt from licensing requirements.”

Section 5(b)(2)(G)(i) Training Requirements—In General (page 11)

There are five essential domains of children’s development and learning: cognitive, social, emotional and physical development and approaches to learning. The current language has omitted “approaches to learning,” and needs to be inserted “The plan shall describe the training requirements that are in effect within the State that are designed to enable child care providers to promote the cognitive, social, emotional, and physical development of children and approaches to learning and that are applicable to child care providers that provide services for which assistance is provided in accordance with this subchapter in the State.”

Section 5(b) (2) (G)(ii)(II) Training Requirements (page 12)

We recommend that the reference to State Advisory Councils on Early Childhood Education and Care here and elsewhere in the bill (Section 5(b)(2)(G)(iv) and Section 5(b)(4)(B)(i)) be followed by the phrase

“if applicable,” since funds are no longer available for the councils and therefore they may not continue to operate in all States.

We also recommend adding “and also developed in consultation with the State Education Agency, 21st Century Community Learning Center directors, if applicable” at the end of subclause (II). This change will encourage collaboration with school-age programs.

Section 5(b)(2)(G)(ii)(III) Training Requirements (page 12)

We recommend that the section be revised to read as follows to reflect appropriate practices for young children:

“(III) are based on research and evidence of the skills and knowledge needed to promote children’s health and safety, effective child-staff interaction and children’s learning and development.”

Section 5(b)(2)(G)(ii)(IV) Training Requirements (page 12)

We recommend deleting the phrase “where applicable” in the provision stating that training requirements should incorporate knowledge and application of the State’s child development and health standards. This requirement to incorporate child development and health standards should not have any such qualification.

Section 5(b)(2)(G)(ii)(V) Training Requirements (page 13)

We recommend deleting the phrase “to the extent practicable” in the provision stating that training requirements should be appropriate for different age groups, English learners, and children with disabilities. Training requirements should be appropriate for these groups in all cases, so this qualification should not be included.

Section 5(b)(2)(G)(ii)(V)(aa) Training Requirements (page 13)

We recommend adding “school-age children” to the different age groups for which training should be appropriate. The Child Care and Development Block Grant serves school-age children up to age 13, and the language throughout this bill should reflect this.

Section 5(b)(2)(G)(iii) Training Requirements—Progression of Professional Development (page 13)

We recommend that the section be revised as follows to provide a more complete and accurate description of a state professional development system:

“In developing the requirements, the State shall develop a statewide professional development system that describes professional standards and competencies; a career lattice; articulation between professional development, credentials and degree programs; workforce data; and financing of professional development opportunities, including compensation initiatives.”

Section 5(b)(2)(G)(iv) Training Requirements—Alignment (pages 13-14)

We recommend that the word “may” be struck from line 22, page 13, so that it is required, not optional, to engage institutions of higher education in aligning training opportunities. In addition, the phrase

“training framework” should be replaced with “professional development system,” as these provisions ought to address not only trainings but also education that leads to credentials and degrees in early education.

Section 5(b)(2)(H)(ii) Child-to-Provider Ratio Standards—Construction (page 15)

We support deleting the provision stating that the Secretary shall not require States to maintain specific child-to-provider ratios. This provision is not necessary because there is no federal standard being set.

Section 5(b)(2)(K) Enforcement of Licensing and Other Regulatory Requirements (page 18)

The language should be clarified to indicate that these requirements for licensing inspections apply to licensed and regulated programs, given that some States use the term “regulated” rather than “licensed” for family child care providers that meet State requirements.

Section 5(b)(2)(M) Meeting the Needs of Certain Populations (page 19)

This provision requires States to describe how they will develop and implement strategies to increase the supply and improve the quality of child care for certain populations. In addition to the populations listed, we suggest listing English learners as well.

Section 5(b)(2)(N) Protection for Working Parents (page 20)

We recommend that the heading of this section be changed to “Protection for Families Receiving Child Care Assistance” to reflect that it provides protections for all parents receiving child care assistance, not just working parents.

Section 5(b)(2)(N)(i) Protection for Working Parents—Redetermination Process (page 20)

We recommend revising this provision to read as follows, in order to make the language clearer and stronger; to eliminate the special emphasis on parents receiving TANF, since these policies should apply to all parents; and to apply the provision to families in education and training programs as well as those who are employed:

“The plan shall describe the procedures and policies in place to ensure that complying with the State’s requirements for redetermination of eligibility for assistance provided in accordance with this subchapter is not disruptive to parents’ employment, education, or training.”

Section 5(b)(2)(N)(ii)(I) Protection for Working Parents—12-Month Period (pages 20-21)

Research shows that consistency of a caregiver is important to young children’s development. We are pleased that the bills extends the eligibility period to 12 months for children whose parents are working or attending training or education programs (and at least 3 months if parents lose a job or discontinue training/education). We believe that the language should be revised for greater clarity. Specifically, we propose revising clause (ii)(I) to read:

“12 MONTH PERIOD.—The plan shall demonstrate that each child who receives assistance under this subchapter in the State will be considered to meet all eligibility requirements for such assistance, and will receive such assistance, for not less than 12 months before the State redetermines the eligibility of

the child under this subchapter, regardless of a change in the status of the child’s parent as working or attending a job training or educational program (except for a factor described in clause (iii)) or a change in family income for the child’s family, if that family income does not exceed 85 percent of the State median income for a family of the same size.”

Section 5(b)(2)(N)(iv) Protection for Working Parents—Graduated Phaseout (page 23)

The language in this clause may be confusing to States. The goal of this provision presumably is to ensure that children in families whose income rises modestly over the course of an eligibility period are not abruptly cut off from assistance upon redetermination. A number of States currently achieve this objective through a tiered eligibility structure, in which a family initially becomes eligible for assistance based on a particular income threshold but will not be deemed ineligible until income has reached a second, higher income threshold. We recommend revising this clause to be consistent with both a 12-month eligibility period and a tiered eligibility structure, as follows:

“The plan shall describe the policies and procedures that are in place to allow for provision of continued assistance to carry out this subchapter, at the beginning of a new 12 month eligibility period, for children of parents who are working or participating in education or training activities and have incomes above the State’s income limit to initially qualify for assistance, provided the family’s income does not exceed 85 percent of the State median income for a family of the same size.”

Section 5(b)(2)(O) Coordination with Other Programs (page 24)

The phrase “part-day” should be deleted before “prekindergarten” and before “Head Start” to indicate that, for expanded accessibility and continuity of early care and education, child care should be coordinated not only with part-day programs, but with programs that operate for full school-day hours as well. School-day hours still fall short of covering the work hours of parents working full-time or working non-traditional hours, so it is important to coordinate with both part-day and school-day programs.

Section 5(b)(2)(P) Public-Private Partnerships (page 26)

We recommend deleting the phrase describing the goal of voluntary shared services alliance models – “to allow providers more time and resources to provide higher quality of care at lower cost by realizing small economies of scale” – as it provides a subjective justification and does not seem to belong in the legislation itself.

Section 5(b)(2)(T)(i) Early Learning and Developmental Guidelines (pages 27-28)

We recommend specifying the essential domains of early childhood development that should be included in State early learning and developmental guidelines by inserting the following language after the phrase “essential domains of early childhood education and care and early childhood development” and before the phrase “for use statewide by child care providers”:

“(including cognitive, social, emotional and physical development and approaches to learning)”

Section 5(b)(2)(T)(i)(I and II) Early Learning and Developmental Guidelines (page 28)

The specification of the types of child care providers to which the guidelines should apply (licensed and regulated, and not relatives) should be deleted. This provision does not require providers to use the guidelines, only that the guidelines be available for their use, and there is no reason relatives could not voluntarily use the guidelines. In addition, some States regulate certain relatives, so provisions stating that the guidelines should be for use by regulated providers but not relative providers could be contradictory in those States.

Section 5(b)(2)(T)(ii) Early Learning and Developmental Guidelines—Alignment (page 28)

Early learning standards are not merely scaled-back versions of standards for older children. Instead, the standards are based on research about the processes, sequences, and long-term outcomes of early learning and development. We recommend inserting the phrase “in a forward progression based on development” as follows:

“The guidelines shall be research-based, be developmentally appropriate, and be aligned in a forward progression, based on development with State standards for education in kindergarten through grade 3.”

Section 5(b)(2)(T)(iii) Early Learning and Developmental Guidelines—Prohibition on the Use of Funds (page 28)

We recommend clarifying this section by inserting the phrase “be used in conformity with the recommendations of the National Research Council on assessment of children and shall” after “subchapter will.”

Section 5(b)(2)(T)(iii) Early Learning and Developmental Guidelines—Prohibition on the Use of Funds (pages 28-29)

We recommend ensuring that assessments are not used to deny children eligibility for assistance by adding a subclause as follows after subclause (III):

“(IV) will be used to deny eligibility to participate in a program carried out under this subchapter.”

Section 5(b)(2)(T)(iv) Early Learning and Development Guidelines—Exceptions (page 29)

We recommend adding “if appropriate” after “using a single assessment.”

Section 5(b)(2)(T)(iv)(I) Early Learning and Development Guidelines—Exceptions (page 29)

We recommend that the current language, which refers to improving “instruction,” be replaced with the following language, which we believe to be more appropriate for young children and the way in which they learn:

“(I) improving support for implementing developmentally, linguistically and culturally appropriate curriculum or a classroom environment”

Similarly, we recommend replacing “instructional” with “curriculum implementation” in Section 6(b)(1)(D) and (E) (Activities to Improve the Quality of Care).

Section 5(b)(4)(B)(iii) Payment Rates—Survey (page 37)

We support the provision requiring the State plan to describe how the State will set payment rates for providers “without, to the extent practicable, reducing the number of families in the State receiving such assistance to carry out this subchapter, relative to the number of such families on the date of enactment of the Child Care and Development Block Grant Act of 2013.” This protection, however, should not be limited to the context of rate-setting. To emphasize the importance of maintaining access to child care services for low-income families while improving the safety and quality of those services, we recommend inserting similar language at an appropriate point within each section that is likely to substantially affect costs of program administration for States, including Section 5(b) (Application and Plan—Policies and Procedures), Section 6 (Activities to Improve the Quality of Child Care), and Section 7 (Criminal Background Checks).

Section 6(a)(2)(D) Activities to Improve the Quality of Care (page 40)

We commend the inclusion of a quality set-aside for infants and toddlers. However, we recommend revising the language establishing this set-aside so that it more clearly defines the activities for which the funds may be used. Quality activities that specifically affect infants and toddlers are enumerated in subsection (b)(4), and we therefore recommend replacing “paragraph (1)” with “subsection (b)(4)” as follows:

“(D) 3 percent of such funds in 2014 and each succeeding year to carry out the activities described in subsection (b)(4), relating to improving the quality of care for infants and toddlers.”

Section 6(b)(1)(A) Activities to Improve the Quality of Care (page 41)

We recommend adding “credential or degree in early childhood education” after “certification” to reflect the professional lattice established in the child care workforce.

Section 6(b)(1)(B) Activities to Improve the Quality of Care (page 41)

We recommend adding “education and” after “improve the” to read:

“(B) establishing or supporting programs designed to increase the retention and improve the education and competencies of...”

Section 6(b)(1)(C) Activities to Improve the Quality of Care (page 41)

We recommend revising this language by deleting “scientifically” and substituting the phrase, “research and evidence based.” In addition, “and approaches to learning” should be inserted after “the social, emotional, physical, and cognitive development.”

Section 6(b)(1)(D) Activities to Improve the Quality of Care (pages 41-42)

We recommend addressing a broader range of subjects in child care provider training by revising this provision to begin: “(D) providing training in the State early learning guidelines including in early mathematics...”

Section 6(b)(1)(F) Activities to Improve the Quality of Child Care—Activities (page 42)

We recommend rewording subparagraph (F) as follows, to address a broader range of abilities required for providers to address children’s social and emotional development and the mental health needs and challenging behaviors that place individual children at risk for negative outcomes:

“(F) including training on how to support positive social and emotional development, including ways to promote effective behavior management strategies, positive behavioral interventions, and positive pro-social behaviors, including social skills, self-control, coping skills, and interpersonal relationships.”

Section 6(b)(1)(I) Activities to Improve the Quality of Child Care—Activities (page 42)

We recommend changing the phrase “children with disabilities” to “children with special needs (including those with developmental delays and/or disabilities)” so that the provision applies not only to children who have been diagnosed with a disability but to those children who are at risk of or have been diagnosed with special needs as well.

Section 6(b)(1) Activities to Improve the Quality of Child Care—Activities (page 42)

We recommend adding a subparagraph (J) to include providing training for child care providers in management as one of the types of training and professional development activities that States can fund.

Section 6(b)(2)(I) Activities to Improve the Quality of Child Care—Activities (page 42)

We recommend changing the phrase “children with disabilities” to “children with special needs (including those with developmental delays and/or disabilities)” so that the provision applies not only to children who have been diagnosed with a disability but to those children who are at risk of or have been diagnosed with special needs as well.

Section 6(b)(2)(A) Activities to Improve the Quality of Child Care (page 43)

Just as it is important that the state develop appropriate early learning guidelines for all essential domains, it is important that the training and technical assistance relate to all domains. The current language speaks only to language arts and mathematics. We recommend substituting “the State’s” for “such” and deleting everything that follows “and developmental guidelines” so that this section is not duplicative of Section 658 E which describes the State guidelines in detail.

Section 6(b)(2)(B) Activities to Improve the Quality of Child Care (page 43)

We recommend revising the language on technical assistance to give examples of types of technical assistance that can be provided, and to delete extra language about the purposes of the technical assistance; defining the purpose as “to enhance early learning” is appropriate and sufficient. The provision should read as follows:

“providing technical assistance, including coaching, mentoring, and consultation for quality improvement, to enhance early learning for preschool and school-age children.”

Section 6(b)(3)(D) Tiered Quality Rating System (page 44)

We recommend changing the language stating that the tiered quality rating system shall “describe the quality of early learning facilities” to state that the system shall “describe and be designed to improve the quality of early learning facilities.”

Section 6(b)(3) Activities to Improve the Quality of Child Care—Activities (page 44)

We recommend adding a subparagraph (G) that identifies an additional goal for tiered quality rating systems and that reads, “and lead to nationally recognized, valid and reliable, high standards of program quality.”

Section 6(b) (4) (A) Supply and Quality for Infants and Toddlers (page 44)

We recommend adding more specific language describing the criteria that family and child development centers must meet to be considered “high-quality” (consistent with requirements included in S. 1065, the Infant and Toddler Care Improvement Act). Ensuring that centers funded with quality improvement dollars are of the highest quality is particularly important because of their potential role in serving as a resource to other child care providers to help improve the quality of early care and education in their neighborhoods or communities. Accordingly, we propose revising subparagraph (A) as follows:

“(A) establishing or expanding neighborhood-based high-quality comprehensive family and child development centers that meet the requirements of the top level of a State’s quality improvement system, are accredited by an established national accrediting body with demonstrated, valid and reliable program standards of quality, or are in full compliance with the program performance standards applicable to Early Head Start under the Head Start Act (42 U.S.C. 9831 et seq.), which may serve as resources...”

Section 6(b) (4) (C) Supply and Quality for Infants and Toddlers (page 45)

We suggest revising the language to encourage infant and toddler child care specialist networks to coordinate with early intervention specialists, rather than stating that the networks may include early intervention specialists; the infant-toddler specialist networks themselves generally would not be early intervention providers. We recommend the following language: “(C) supporting statewide networks of infant and toddler child care specialists, including specialists who have knowledge regarding infant and toddler development and curriculum and program implementation as well as ability to coordinate with early intervention specialists who provide services for children with special needs through Part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.)”

Section 6(f) Activities to Improve the Quality of Care—Construction (page 48)

This language (“Nothing in this section shall be construed as providing the Secretary the authority to regulate, monitor, or dictate State child care quality activities or progress in implementing those activities.”) should be revised so that it does not prohibit current activities, including quality performance reports that currently are submitted as part of State plans to indicate their progress on quality benchmarks.

Section 7(b) Criminal Background Checks—Requirements (pages 49-50)

We recommend adding a provision requiring further study to determine if any of the background checks required are redundant and do not result in obtaining any additional information not covered by other background checks; if the study determines that to be the case for any of the background checks, those checks should no longer be required.

Section 7(c) Criminal Background Checks—Prohibitions (pages 50-51)

We recommend revising subsection (c) to allow for the possibility that the lifetime disqualification could be lifted based on individualized assessments in the case of certain crimes and certain circumstances. The individualized assessment would take into account factors such as evidence of rehabilitation, a consistent work history, and educational achievement. This revision would allow flexibility to address situations where the categories of crime are very broad (for example, sex offenses include statutory rape, even between consenting teens only a few years apart), where there is disparate enforcement of drug or other crimes across communities, and where a long time has passed since the crime occurred (for example, a 40-year-old who has a conviction for assault as a result of a fight at age 18).

Section 7(d) Submission of Requests for Background Checks (page 52)

We recommend adding a provision to allow a prospective or current staff member to work as a child care provider while the screening process is being completed if they are supervised.

Section 7(e) (1) Background Check Results (page 54)

We recommend that States be required to carry out and provide the results of criminal background checks within 45 days. This specific timeframe will provide more assurances than the current vague language requiring only States to take action “as expeditiously as possible.”

NAEYC looks forward to discussing these recommendations with you.

Sincerely,

Adele Robinson
Deputy Executive Director, Policy & Public Affairs