

November xx, 2019

Office of Child Care  
Administration for Children and Families  
Department of Health and Human Services  
Attention: Request for Information  
330 C Street SW  
Washington, DC 20201  
<<Sent via Federal eRulemaking Portal: <https://www.regulations.gov>>>>

Docket No.: HHS-ACF-2019-0005  
RIN 0970-ZA15

Thank you for the opportunity to comment on the Administration for Children and Families' (ACF) 2019 Request for Information on Improving Access to Affordable, High Quality Child Care (Docket No.: HHS-ACF-2019-0005 RIN 0970-ZA15). The Afterschool Alliance is a non-profit organization that works to ensure that all children and youth have access to quality afterschool and summer learning opportunities.

We acknowledge the continued need for thoughtful childcare regulations at the state and local level. Regulations, such as ratios, class sizes, and teacher qualifications, are essential for the health and safety of children in care and for ensuring the experiences are high-quality. While maintaining high standards for all providers, we recommend that regulatory frameworks be required to distinguish the appropriate needs for school-age programs and providers and not impose standards developed for infant and toddler care on programs serving children who are school-aged. We believe our recommendations below will help the field achieve the level of quality that leads to positive daily experiences as well as life outcomes as cited in your RFI. These recommendations will also contribute to more efficient use of funding by providing appropriate training, tailoring regulations to the specific service environment, and ultimately helping keep doors open and minimize staff turnover. We need public investments to achieve the goal of expanding access to high-quality, affordable child care. Child care costs are straining families' budgets, and workers and providers make so little that they struggle to support their own families. We need public investments to fill the gap between what families can afford to pay and what workers need to make to support themselves and provide the high-quality care children need. Business investment or tax credits are not the solution to our nation's child care crisis. There are no short cuts to caring appropriately for children and families.

Please see specific comments below that address the questions posed by the Request for Information. In summary however, we would like to make the following key points:

- **Supporting Quality (A.1.a,b):** Research shows that youth require different types of care at different stages in development. CCDF funds serve students 0-13 and in the past, a specific set aside for school age quality ensured the services for older children (ages 5-13) met their distinct

needs and staff received the available training specific to school age standards and positive youth development. However, in current policy, this school-age quality set aside has been overlooked, leaving the 45% of children in school age care under the law without an assurance of a proportional or even significant amount of quality funds being spent on their behalf.

**Recommendation:** ACF and the Office of Child Care should track and report what activities states are spending their quality set-aside dollars on, and should clarify for state and territory child care agencies that these funds can and should still be used to improve quality of school-age child care.

- **Child Care Workforce (A.3.b)** In consideration of the professional development of early educators, it is essential to consider that early education under CCDF extends into adolescence (age 12). Adolescence is considered the second most important time of brain development after infancy. Training for the workforce serving school age youth workforce, must recognize the importance of age-appropriate skills. Additionally, the school-age workforce will have more part-time workers (from 3-6 PM) than the early care workforce, which again should be a consideration in thinking about the training of the field. Training should only be conjoined with 0-5 when appropriate, not simply when convenient. Resources such as The Core Competencies for Child and Youth Professionals and Quality Standards for Afterschool and Youth Development Programs are more appropriate for professionals working solely with older youth.

**Recommendation:** School-age specific standards and credentials are available across all 50 states and should be supported, promoted, and used for professional development. Areas of professional development for older children and adolescents might include: trauma informed care and how to enable youth to make informed decisions, build healthy relationships, and express their voice and choice. This training provided to school-age programs staff should be conducted by professional trainers that have expertise in school-age care and school-age child and youth development. Training should be widely affordable and available. Additionally as a result of this age-appropriate training, state agencies that implement quality ratings systems should also ensure that quality standards take into account school-age providers either through separate quality systems or provisions within broader quality frameworks that are appropriate for school-age programs.

- **Regulations, Monitoring, and Licensing (A.2. a,b)** States need systems capable of developing and implementing school-age child care regulations that reflect the unique challenges and opportunities of school-age care providers like afterschool and summer learning providers. The developmental needs of the more than 600,000 children ages 5 through 12 receiving CCDF funds are distinct from those of infants and toddlers. Many programs will choose not to open or will close if they must invest their limited time and resources to meet standards not designed to support the children they are serving: such as bathroom requirements meant for toddlers being applied to 10 year olds such that all 10 year olds must go to the bathroom at once, or a physical space requirement meant for infants that disqualifies an elementary aged program from being in the same school the children have been safely in all day. Additionally, to implement this properly, licensing professionals responsible for implementing requirements at the state level should have school-age program expertise. If licensors and regulators are looking for infant standards in a middle school afterschool program accepting CCDF vouchers, they may lack the

ability to provide the program the support it needs to be safe and successful for those particular students and families. Age specific training for licensors is essential.

**Recommendation 1:** State and territory licensing and regulatory standards must be responsive to different needs. States can accommodate school-age afterschool and summer learning providers through policies such as separate stand-alone school-age regulations or a chapter in state child care regulations devoted to school-age standards.

**Recommendation 2:** Ensure school-age only programs, such as afterschool and summer, are licensed and evaluated by staff that best understand the setting, age group and specific needs and regulations for that type of care.

**Overall, recommendation:** Due to the essential continuum of care that CCDF offers children and families across periods of critical brain development from infancy into adolescence, **ensure that all decision-making regarding regulation, policy, and funding both at the federal and state level include representatives from the school-age care community such as afterschool and summer programs.** This will ensure that a policy that may seem reasonable in consideration of infants or toddlers will not make entry into the CCDF system unnecessarily prohibitive for school-age providers. As a result, rather than needing to meet the often insurmountable burden of unnecessarily investing resources into meeting the needs of very young children that their programs will not ever serve, these programs will have access to the trainings, resources and environments that help them to serve the school age children that their programs are intended to serve.

## **Comprehensive Section by Section Response to HHS-ACF-2019-005**

RIN 0970-ZA15: Improving Access to Affordable, High Quality Child Care: Request for Information

### *A. Improving Access to Affordable High Quality Child Care*

Access to high quality school-age care (for students age 5 to 12) during the afterschool and before-school hours, as well as during school breaks and summer, continues to be a challenge. Nationally, as of 2014 (most recent data) 10.2 million children participated in afterschool programs while another 19.4 million children would participate if a program were available or affordable. Nationally as well, 45 percent of all children served through Child Care Development Fund subsidies are school-age, 611,378 students in 2016. The need is so prominent that neither the federal 21<sup>st</sup> Century Community Learning Centers funding from the federal Department of Education nor the funding from the Child Care Development Block Grant, nor the limited state afterschool and summer learning funding available, is enough to meet the demand from working parents and families for quality school-age care.

Decades of research prove afterschool programs help students attend school more often, get better grades, and build foundational skills necessary for success in school and life, like communication, teamwork, and problem solving. Quality school-age afterschool and summer learning programs require: goal setting and strong management; planning for long-term sustainability; quality after-school staffing with ongoing training provided; attention to safety, health, and nutrition issues; effective partnerships with schools, local government, business, and community organizations; and strong involvement of families. Increased public and private

funding for afterschool programs is necessary to ensure low income students have access to programming that can both close the opportunity and achievement gaps.

States should consider better utilizing the flexibility within the Child Care Development Block Grant to award grants and contracts to school-age afterschool/summer programs providers in order to better meet the need for quality care.

*a. Barriers to Entering the Market*

- i. Community based organizations, nationally affiliated nonprofit providers, school districts, faith based providers, colleges and universities, local government, and for profit providers are all needed to meet the need for quality school-age care and regulations, while essential to maintaining overall safety and quality, should not be an unintentional barrier for any of these types of providers to enter the market.

*b. Successful Strategies in Underserved Areas*

- i. Contracts and grants enable programs to have consistency of income that improves regular staffing, less staff turnover, and therefore quality programming. States like Utah and others are utilizing this flexibility to provide school-age care during the school year and/or the summer and other states could be encouraged to explore this practice.
- ii. State should be encouraged to emphasize the continuum of care to ensure families have access to quality school-age care once their children enter Pre-K through age 12.

*2. Improving Child Care Regulations*

Regulations need to be age-appropriate. In too many jurisdictions licensing provisions such as playground equipment limitations or the height of sinks which are appropriate for infant and toddler programs are serving as a barrier to school-age programs. While safety must continue to be a focus for school-age programs, quality standards for licensed school-age child care programs should be specific to school-age programs; school-age afterschool programs should not have to conform to quality standards and requirements designed specifically for infant and toddler programs.

*a. Inconsistent regulations or unintentionally reducing availability*

- i. Regulations are essential to high quality, safe and trusted care. However current policy does not clearly distinguish between the needs of health and safety requirements for programs that serve distinct age groups of students. As CCDF funds serve ages 0-12/13, training requirements for licensing may ideally be targeted to the ages of the student the program is licensed to serve. For example recipients of funds serving children who engage in nap times ought to maintain essential trainings in areas such as safe sleeping practices and shaken baby syndrome. However, for programs like afterschool programs serving only school-age children, mandating those trainings comes at the expense of opportunities for potentially more

relevant health and safety trainings such as staff training in trauma informed practice, social emotional and youth development, and resilience trainings to help students up to age 13 avoid risky behaviors and unhealthy habits. We strongly advocate to maintain the health and safety trainings in the law, while providing notice to administrators that school-age trainings can be substituted in specific areas as those mentioned.

- ii. States and the OCC should explore the feasibility of reciprocating background checks for school-age program staff who are also credentialed teachers with current background checks in locales where this is appropriate.
  - iii. Similarly, licensors must be prepared to understand the wide range of environments in which students are served. A licensor with a set of expectations for a center based care facility serving students age 0-3, should not hold the same framework for a center for students in middle school, age 10-12. As mentioned prior, we support strong regulations across all centers and sectors. However, it should be necessary for states to thoroughly explain how their license requirements and their license inspectors will be tailored to distinct spaces. Additionally this can be supported by an advisory board of school-age providers on any committee that sets licensing requirements for the state, and by having specialized inspectors for school-age only care.
  - iv. State agencies at the state level should be encouraged to have a school-age care director or school-age staff specialist to focus on the growing school-age afterschool/summer learning sector of child care.
- b. *Ways licensing requirements need to be tailored to the unique types of different providers*
- i. States should look at the reasons why providers have stopped accepting vouchers over time and look to programs that serve youth currently but do not accept vouchers to provide them with the support to become a voucher-accepting program. However this can only happen if the above recommendations about ensuring age appropriate safety regulations and monitoring standards rather than “poor fit” standards are required. A recent example from Kentucky demonstrates how a new state law exempted public schools with after-school programs from state licensing requirements – allowing a school to offer the after-school program, but not allowing parents that receive state assistance for child care to use their voucher for the newly exempted program. [http://www.news-graphic.com/news/new-law-affects-state-aid-for-after-school-programs/article\\_0974d204-e3c3-11e9-9ff0-67a100b52564.html](http://www.news-graphic.com/news/new-law-affects-state-aid-for-after-school-programs/article_0974d204-e3c3-11e9-9ff0-67a100b52564.html)

### 3. *Cultivating the Child Care Workforce*

Previous to 2014, state child care agencies were required to spend about 1% of CCDBG funds on quality improvement for school-age programs, however that requirements no longer exists. State agencies should be informed that they can still fund school-age specific training for program staff to ensure quality programs are available for all students eligible for child care subsidies. Training should be highly available, affordable and relevant including appropriate training for school-age afterschool/summer program staff. Similar to age-appropriate concerns in licensing, age appropriate professional development ensures resources and time are targeted to the age-group of students served. Staff serving students age 5 to 12 should not be required to take training in Sudden Infant Death Syndrome or Infant CPR; but rather should have access to quality training in trauma informed care for school-age students, positive youth development, and other age appropriate training. Additionally, this training provided to school-age program staff should be provided/delivered by trainers who are experienced and qualified to train school-age staff.

#### *a. Short term training modules, stackable credentialing which support recruitment and professional development*

- i. School-age care credentials are widely available at the national level through the National AfterSchool Association and other entities, the state level wherein many states have developed their own and at the level of local areas including through colleges and universities. These models however require the support of the larger child care systems in order to be successful at developing staff and quality at scale. States receive a quality set aside in CCDF of 9% which they can use for these modules. State can leverage and fund statewide afterschool networks and other statewide school-age networks to provide school-age afterschool training in person and online that count towards licensing requirements. School-age trainers should have school-age background – not necessarily an early childhood care degree.

### 4. *Better child care business models*

Models that train, support and employ older youth in high school to serve as programs staff, volunteers, and mentors to young school-age students should be supported and encouraged. Community based organizations, schools, local government, and/or nonprofit providers could be incentivized to work together to provide quality afterschool and summer learning programs. Regulatory and licensing requirements should not be barriers to school-age afterschool/summer programs that are operated by community based organizations, schools, local government, and/or nonprofit providers

#### *a. Promote private sector including building facility access*

- i. Shared Use agreements between schools and nonprofit school-age afterschool providers could be facilitated through regulations in order to maximize the use of schools other public buildings and facilities to increase access to programs.

*b. Service alliances and consortia to reduce overhead, and improve management and program quality*

- i. A diverse set of partners should be encouraged for school-age programs including non-traditional partners like universities and park and recreation departments.

*B. Transforming Financing of Child Care and Early Education Programs*

- Due to the high need for additional quality programs, it is important to increase federal funding for CCDBG to grow supply of quality school-age afterschool and summer learning programs utilizing the existing infrastructure of support at the state level.
- Align requirements to better facilitate blending and braiding federal school-age afterschool/summer funding streams like CCDF, 21st Century Community Learning Centers (21<sup>st</sup> CCLC), USDA CACFP Afterschool Meals, USDA Summer Food, CNCS AmeriCorps and VISTA, and others. These programs each meet different needs and are not duplicative. Even together they do not approach the tremendous unmet need for quality school-age afterschool/summer programs. In particular, attention at the federal level should be paid to inconsistencies between CCDF and 21<sup>st</sup> CCLC with regard to parent or program fees. CCDF requires a co-pay on the part of parents utilizing subsidies for school-age child care, however 21<sup>st</sup> CCLC discourages parent fees. Coordination between HHS and the Department of Education on this issue, by allowing waivers of co-pays for programs jointly funded by 21<sup>st</sup> CCLC and CCDF, could help increase access to quality school-age programming for more families.

Because we recognize how essential the school-age component of child care is to maintaining early gains and achieving the outcomes above, ***we encourage you to take into account the unique opportunities and challenges of school-age programs wherever possible as you act on future regulations.*** Explicit attention to school-age components throughout the regulatory process will ensure that states are designating their funding based on intentional choices and not a misreading of the allowances of the law. It will also better align the language of the law with its full mission and intent: providing continuity of care for families of children ages birth through twelve.

Sincerely,

Jodi Grant  
Executive Director  
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