

August 28, 2023

Ms. Megan Campbell
Office of Child Care
U.S. Department of Health and Human Services
Washington, DC 20201

Dear Ms. Campbell:

We are writing to express our views on specific elements of the notice of proposed rulemaking (NPRM) issued by the Office of Child Care pertaining to Improving Child Care Access, Affordability, and Stability in the Child Care Development Fund (CCDF). As high-quality and accessible child care is critical to Latino families, we very much appreciate the opportunity to provide comments on this important regulatory proposal.

UnidosUS is a nonprofit, nonpartisan organization that serves as the nation's largest Hispanic civil rights and advocacy organization. Since 1968, we have challenged the social, economic, and political barriers that affect Latinos through our unique combination of expert research, advocacy, programs, and an Affiliate Network of nearly 300 community-based organizations across the United States and Puerto Rico. About 50 of them do some form of early childhood education (including Early Head Start, Migrant Head Start, childcare, and state pre-k programs). We believe in an America where economic, political, and social progress is a reality for all Latinos, and we collaborate across communities to achieve it.

Consumer Education

UnidosUS supports the requirement that information on co-payment sliding fee scales be collected and published by Lead Agencies. These requirements will ensure that families are aware of co-payment policies and how such policies impact their ability to afford child care services. Equally important is that families that speak languages other than English can benefit from this information. While the existing section that requires Lead Agencies to provide consumer information requires "the widest possible access to services for families who speak languages other than English," states have struggled to provide child care assistance applications and other information in languages other than English, as documented by a report from the National Research Center on Hispanic Children and Families (the Center) in 2019*.

To ensure that consumer information is accessible to all families, including those that speak languages other than English, we would urge the Office to strengthen the NPRM to more clearly require that all consumer education information provided by Lead Agencies is provided in a language other than English. We would propose that such information be required to be

* How State-level Child Care Development Fund Policies May Shape Access and Utilization among Hispanic Families; Gennetian, Mendez, Hill; 2019

presented in the major languages other than English that are spoken in the State of the Lead Agency. If making such a change is not possible, then at a minimum, the proposed information on co-payment sliding fee scales should be provided in such major languages.

Online Applications and Language Accessibility

UnidosUS also supports the proposed regulatory provisions that will minimize disruptions to parent employment, education, and training opportunities, including by encouraging the use of online applications for child care assistance. As working parents seek to ensure that their children are in safe and enriching child care environments, the process of applying for child care assistance can present a barrier that is difficult to overcome. In its 2019 report, the Center, found that the use of Child Care Development Block Grant (CCDBG) assistance by Latino families was comparatively low, and minimum work hours in some states imposed a higher burden on Latino families. The use of online applications should minimize such barriers in conjunction with other steps the rule is encouraging so that families are not overly burdened with establishing eligibility for their children.

While greater use of online application processes should reduce barriers, an online application written in English is of little use to a parent who only speaks a language other than English. The Center found that approximately half of all states reviewed in 2019 did not offer an online application in Spanish. We urge the Office to modify the rule to both encourage the use of online applications and, where such applications are utilized, ensure that Lead Agencies make the applications accessible in languages other than English, including Spanish. This important step will ensure that language is not a barrier to Latino families and other families whose native language is not English from applying for and receiving child care assistance.

Presumptive Eligibility

As with minimizing disruptions to parent employment, education, and training opportunities and encouraging the use of online applications, easing the ability of states to utilize presumptive eligibility for child care subsidies prior to full documentation and verification are critical to ensuring access to child care assistance*. The Center for Law and Social Policy found in May 2023 that only four states and one U.S. County have a presumptive eligibility policy for child care assistance†. The NPRM's provisions regarding the establishment of minimum presumptive eligibility criteria and allowing up to three months of eligibility while full eligibility determinations are underway are critical first steps to expanding the use of this policy. UnidosUS supports these provisions and urges the Office to maintain them in any final regulations.

Non-Traditional Child Care Hours

As documented in the NPRM, finding child care for non-traditional hours is especially challenging for families. In 2022, UnidosUS conducted focus groups with Latino parents of children under

* Latino Infant Initiative Policy Agenda; UnidosUS; 2023.

† Presumptive Eligibility in Child Care: Frequently Asked Questions; Gomez; 2023

three years old. These discussions highlighted the difficulties in finding suitable programs that match their working hours*, especially when they are also searching for bilingual programs to align with their goal of raising bilingual children†. For these reasons, UnidosUS supports the provisions in the NPRM that would require some child care services through grants and contracts, including grants and contracts for non-traditional hour care. In addition, UnidosUS supports the requirement for Lead Agencies to describe strategies to build, among other aspects, supply for non-traditional hour care. We urge the Office to maintain these provisions in any final regulations.

Strengthening Protections for Verification of Children Citizenship Process

Existing CCDBG regulations prohibit a lead agency or other agency from conditioning a child's eligibility for child care assistance on the citizenship or immigration status of a parent or the provision of any information about a parent's citizenship status. This existing regulation seek to ensure that children who are legally entitled to have access to child care assistance do so. Unfortunately, as documented by the work of the Center, nearly all states from the 2019 survey requested Social Security Numbers for at least some household members when applying for child care assistance. This runs afoul of the intent of this existing regulatory prohibition and can cause a barrier to legitimate receipt of child care assistance. UnidosUS urges the Office to strengthen current regulations to further prohibit Lead Agencies or other administering agencies from requesting or collecting any information that would indicate the citizenship or immigrations.

We firmly believe that these proposed amendments will not only enhance the effectiveness and equity of child care assistance but also reinforce the core values of inclusivity and equal access. By enacting these changes, we can ensure that our nation's child care system truly serves all families, regardless of their linguistic, cultural, or immigration backgrounds. Once again, we appreciate the opportunity to contribute our insights to this pivotal regulatory discourse and remain hopeful that our collective efforts will lead to a more accessible and supportive child care landscape for Latino families and beyond.

Thank you for considering our views on this important regulatory matter.

Sincerely,

Tania Villarroel
Senior Policy Analyst
UnidosUS

* Latino Infant Initiative Policy Agenda; UnidosUS; 2023.

† Crucial Conversations: Discussing Early Dual Language Development with Speech/Language Therapists, UnidosUS, 2023.