

TO: The Board of the Department of Early Education and Care
FROM: Samantha Aigner-Treworgy, Commissioner of the Department of Early Education and Care
DATE: June 28, 2021
RE: Summary of Public Comment Received on the Child Care Development Fund (CCDF) State Plan

This memorandum summarizes the public comment received on the Department of Early Education and Care's (EEC) draft CCDF State Plan.

I. Background

The CCDF State Plan serves as a states' application for federal CCDF funds by providing a description of, and assurance about, the state's child care program and all services available to eligible families. States and territories are required to post their submitted and final approved Plans, any Plan amendments, and any approved waivers on a publicly available website. See 45 CFR 98.14(d)). If the CCDF Plan is approved, funds are awarded for the next federal fiscal year.

Prior to 2014, CCDF Plans reflected a state's plans for a two-year period. However, in 2014, Congress reauthorized the Child Care Development Block Grant (CCDBG), changing the Plan cycle from a biennial to a triennial Plan period. This plan will cover federal fiscal years 2022-2024, meaning a period from October 1, 2021 through September 30, 2024. The CCDF Plan represents the current state of EEC operations; as EEC undertakes additional policy and regulatory changes, the Department will develop and submit CCDF Plan Amendments.

On June 8, 2021, the CCDF Plan was presented to the EEC Board for a vote to approve the process for finalization of the CCDF Plan. At that time, it was determined that EEC would allow an additional two weeks of public comment to generate more feedback on the CCDF Plan. The public comment period officially closed on June 22, 2021.

II. Summary of CCDF Plan Public Comment

During the additional two-week public comment period, EEC received 57 comments from 9 different organizations/individuals. The following memo provides a summary of the additional public comment based on content area and details any proposed revisions to the CCDF Plan that will be made in response. Many comments suggested future changes to the Department's work; EEC is taking all comments under advisement; however, by nature of the CCDF plan requirements, policy initiatives not yet implemented by EEC are not described in the CCDF plan. Thus, only public comment related to current state EEC regulations, policies and practices can be fully detailed in the plan at this time.

1. Section 1: Collaboration/Consultation. Public Private Partnerships, and Disaster Plan

The Department received five comments related to the Collaboration and Consultation around the CCDF State Plan. Two comments were based on clarifying the language on how the CCDF Plan was communicated to the field. In response to these comments, EEC added revised language

clarifying how the CCDF Plan was communicated, the dates of public hearings and engagement sessions, and the process for review, including the Board's role in reviewing/approving the CCDF Plan. EEC also received two comments related to further describing the inclusion of the After and Out of School Time (AOST) networks as statewide partners, as well as recommendations on considering separate regulations for AOST programs. EEC has since enhanced its description of the EEC/AOST partnerships in the CCDF Plan and provided additional language around its exploration of separate regulations for AOST programs during its regulatory review. One comment commended EEC on its increased engagement activities.

The Department received one comment recommending EEC include its current partnership with the Early Care and Education Consortium (ECEC) as a provider group to coordinate with over the Plan implementation period to expand accessibility and continuity of care. EEC has agreed to make this change.

The Department received one comment recommending EEC update its Emergency Preparedness Plan based on lessons learned from the COVID-19 Emergency. EEC intends to update its disaster plan in the future to address any issues identified during the COVID-19 pandemic. EEC will update its CCDF Plan through an amendment when this process has been completed.

2. Section 2: Consumer Education and Supports

The Department received two comments related to translation of forms and language access for parents. In response to these comments, EEC will continue to make efforts to translate forms, subject to available resources, and explore language access alternatives through its regulatory and operational redesign.

The Department received two comments related to increased supports and funding towards mental health supports and supports for children with disabilities. EEC appreciates this feedback and will consider this as it moves through its annual budgetary process.

The Department received one comment commending on modifying its consumer education website to include quality information for childcare providers.

3. Section 3: Subsidy

The Department received 15 comments related to its subsidy program, including subsidy eligibility requirements/thresholds, verification procedures, notice requirements for families, and Department contracts. The comments asked the Department to consider less cumbersome eligibility requirements around documentation of paid employment and job training programs, as well as considering aligning eligibility requirements with other agencies including Department of Transitional Assistance (DTA) and Head Start. The comments requested the Department reconsider its reliance on contracted slots to afford parents with greater flexibility and choice. These comments did not necessitate immediate change to the CCDF Plan, as the plan is intended to represent current state operations. However, EEC appreciates this feedback and will take each of these recommendations into consideration as it continues through its subsidy regulation revision, operational redesign, and contract re-bid processes.

4. Section 4: Equal Access

The Department received 10 comments related to Equal Access. These comments requested EEC continue to pay based on enrollment instead of attendance (a policy put in place during COVID-19 that the Department is continuing for the foreseeable future), consider equitable appeals processes for parents, consider administration fees for contracted providers, and consider additional rate increases for subsidized providers. EEC will continue to analyze its contracting structures for subsidy as it overhauls its subsidy regulations. Two comments requested extension of the price limitation clause that will allow subsidy providers to offer discounts to parents. EEC clarified in the CCDF plan that it has secured authority to continue allowing this flexibility. Two comments asked EEC to increase its engagement opportunities during the regulatory overhaul to ensure greater participation, which EEC will certainly consider when developing its engagement calendar. One comment requested EEC to share which data sources it is using for its alternative methodological approach to the Market Rate Survey and how those sources are representative of the field of providers in Massachusetts. EEC added more clarification to its description of the alternative methodological approach in the CCDF Plan, including more information about how the Department is exploring the idea of collecting and utilizing data from its workforce and stabilization grants.

5. Section 5: Licensing and Background Record Checks (BRC)

The Department received seven comments related to licensing and BRC. The BRC comments requested EEC consider operational improvement to decrease lag time, additional flexibility on fingerprint requirements, and consideration of inter-agency and national partnerships to streamline out of state checks. While EEC has some limitations around BRCs due to state and federal law, EEC will consider these items as it continues its regulatory and operational review as part of its strategic plan initiative. EEC is currently involved in an operational review of its BRC processes that will provide a more efficient and streamlined BRC. When that review is complete and BRC processes evolve, EEC will update its CCDF Plan through a Plan Amendment.

The comments related to licensing requested EEC consider changes in its licensing regulations around AOST programs, ratios, and educator trainings. In response to these comments, EEC added additional language to its CCDF Plan to describe the current regulatory revision process that is underway and the intent for robust engagement over the next several months on that revision process. Just as with BRC process improvements, EEC will update its CCDF Plan through a Plan Amendment to reflect its updated licensing regulations when complete.

6. Section 6: Professional Development

The Department received 10 comments related to professional development. The comments requested that EEC consider a number of items as it embarks on its regulatory overhaul, including, committing to building structures that support professional development and coaching for school age providers, encouraging ongoing quality improvement in school age settings, and aligning professional development goals with the Department of Elementary and Secondary Education. The comments requested consideration of career advancement investments, scholarship programs, loan forgiveness programs, and increased recruitment and retention and marketing strategies. One

comment requested a greater focus on AOST programs. Two comments applauded EEC for its development of a new Credentialing IT system. One comment requested EEC relax the regulations for early educator qualifications in center-based programs at the first and last 2 hours of the ten hour program so that agencies can better support qualified staff time and compensation for curriculum development and assessment.

In response to these comments, EEC provided additional language in the CCDF Plan to document the ongoing IT work that is underway, as well as document EEC's engagement with the AOST field. EEC also added language around its various engagements and activities to improve the quality, diversity, stability, and retention of the early education workforce. EEC also adjusted the CCDF Plan language to ensure the continued relaxation of the 10-hour requirement is reflected clearly.

7. Section 7: Quality

The Department received one comment noting that EEC's upcoming development of a new quality support system in Massachusetts to replace the existing Quality Rating Improvement System is an exciting opportunity for programs to focus on continuous quality improvement and thanking EEC for the renewed focus on growth and learning.

III. Conclusion

In addition to the above summary of public comment, the Department is attaching a spreadsheet detailing each comment. Once finalized, the CCDF Plan must be submitted to the federal Administration of Children and Families (ACF) by June 30, 2021, for implementation on September 30, 2021