November 26, 2019

*Submitted via www.regulations.gov*

Andrew Williams
Office of Child Care
Administration for Children and Families
330 C Street SW
Washington, DC 20201

Re: Docket No. HHS-ACF-2019-0005, RIN 0970-ZA15, Improving Access to Affordable, High Quality Child Care: Request for Information

Dear Mr. Williams:

The National Women's Law Center appreciates the opportunity to comment in response to the Department of Health and Human Services (HHS), Administration for Children and Families (ACF), Office of Child Care (OCC) Request for Information (RFI) published in the Federal Register on October 2, 2019. For over 45 years, the Center has advocated to expand opportunities for women and girls, with a focus on low-income women and their families. The Center leads the Child Care/Early Learning Coalition of nearly 100 national organizations—which includes diverse groups representing the voices of parents, providers, educators, women workers, policy leaders, and others collaborating to advance reforms—and informs and engages a network of more than 400 key state early childhood leaders. As such, we are one of many interested stakeholders.

High-quality, affordable child care is an essential national priority, and it is critical to the success of our children, families, and economy. But right now, our child care system fails to meet the meet the needs of children, families, workers, and businesses. Insufficient public investment in child care leaves families and child care providers to bear the burden of supporting an inadequate system. It strains the budgets of families, particularly low-income families, and it leaves child care workers—who are overwhelmingly women and disproportionately women of color and immigrant women—underpaid and undervalued.

We know what a strong and comprehensive child care system should look like, and with the right substantial public investment, *could* look like: high-quality, accessible, affordable, supportive of the child care workforce, and well-resourced.[1]

When children, regardless of socio-economic status, receive high-quality care, this means that they are being cared for in a safe and nurturing environment that fosters healthy development and learning. Quality care also means that parents are treated as partners and experts in the design and operation of their child's program. This is meant to ensure that diverse experiences and cultures are being incorporated into the child's learning and development.

Ensuring that all families have access to the high-quality child care setting that best meets their needs is another particularly important function of a strong child care system. Families should have options for care that best meets their needs, such as at a center, in a family child care home, or with a family, friend, or neighbor. Having a wide array of child care settings available

[1] *Principles for Child Care: A Vision for Investing in High-Quality, Affordable Child Care* (2019), https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2019/10/Child-Care-Principles-1.pdf (signed by thirty organizations representing a wide variety of interests).

for families not only builds the supply of child care and ensures parental choice, but also reflects the diversity of families' needs.

Because of the high cost of child care, families also must receive the financial support they need to afford high-quality care. And resources should be targeted such that underserved areas are receiving opportunities for high-quality care. Financial support should help families pay their child care bills throughout the year at the time when they are incurring the costs. Additional public investment is essential for making this a reality.

Without a fairly-compensated, well-trained, and diverse early childhood workforce, there can be no high-quality care. Greater public investment in the child care workforce would ensure that early childhood professionals receive at least a living wage (or equivalent income) and benefits combined with a pathway to higher wages equivalent to similarly qualified K-12 educators. It would ensure that educators receive high-quality professional development and access to better training programs. Investing more in the child care workforce ensures that children receive high-quality care and that early childhood educators are fairly compensated and able to support their own families.

Improving our child care system in an impactful way cannot happen without additional public investment. Families are already struggling to afford child care and providers are struggling to make ends meet for their own families and keep their doors open. Public investment is required to fill this gap between what families can afford and what providers need to offer high-quality care that meets families' needs. Our comment below will provide guidance as to how OCC could effectively put the themes presented in these principles into practice.

## Improving Access to Affordable, High-Quality Child Care

**Building the supply of—and expanding access to—high-quality, affordable child care requires significant additional investment to address issues in the market.**

The RFI specifically requests that interested stakeholders provide suggestions on how to "build the supply of child care." This section will highlight the two critical federally-funded programs that do just that—the Child Care and Development Block Grant (CCDBG) and Head Start. These two programs help millions of low- and moderate-income families find and afford high-quality child care and early learning. However, there are significant gaps in coverage and not all children and families have access to the high-quality care that they need.

The historic CCDBG funding increase of $2.37 billion in 2018—which was maintained and slightly expanded in 2019—boosted funding for the program to $8.193 billion, which benefited more families, children, and providers.[2] Specifically, states have raised payment rates, shortened waitlists, broadened eligibility limits, and been better able to implement the regulations in the 2014 CCDBG reauthorization.[3] Between February 2018 and February 2019, the total number of children on state waiting lists for child care assistance decreased by over

[2] Nat'l Women's Law Ctr., *States Use New Child Care and Development Block Grant Funds to Help Children and Families: Update* (2019), https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2019/01/STATES-USE-NEW-CHILD-CARE-AND-DEVELOPMENT-BLOCK-GRANT-FUNDS-1.pdf.

[3] *See id.* (state-by-state breakdown of how states used the new CCDBG funding to improve their child care system).

132,000 (55 percent).[4] During that same time period, many states were also able to raise their payment rates for child care providers. Increasing payment rates is crucial for providers as it helps them provide higher quality care, pay adequate compensation to child care educators, and sometimes can even help them afford to stay in business.[5] Twenty-nine states increased payment rates, with an average increase of over $100 per month per child.[6]

Despite the improvements facilitated by the recent increase in CCDBG funding, our child care system is still severely underfunded and existing resources are simply not enough. Because CCDBG is not an entitlement program, all eligible families are not guaranteed assistance.[7] Further, due to significant underfunding, most eligible families do not even receive assistance at all. These realities taken together means that less than one out of six children who are eligible for child care assistance under federal law actually receive assistance.[8] This leaves millions of potentially eligible children—and the families that they are a part of—without help affording high-quality child care.[9] To better illustrate this point, in 13 states a family of three with an income above $31,995 still does not qualify for child care assistance.[10] And though many states have reduced their waiting lists, 15 states still have long waiting lists or have frozen intake altogether.[11] In addition, reimbursement rates paid to providers caring for children receiving child care assistance are far too low, preventing providers from paying educators what they deserve and from supporting higher-quality care. NWLC's research shows that, as of February 2019, only four states paid child care providers at the federally recommended levels.[12]

In order to build on the success of the recent CCDBG funding increase, the Administration and Congress—as well as state governments—must invest significant additional funding in the program to serve more children and families, raise rates to providers, and improve their child care systems so that all families have access to affordable, high-quality child care.

Head Start faces similar barriers as a result of underfunding. As of 2017, only 31 percent of eligible children ages three to five had access to Head Start. And for children under three the access is even worse—only seven percent of eligible children had access to Early Head Start programs. In order to build on the longstanding success of the Head Start program, additional funding is needed in the program.

We know that CCDBG and Head Start work—they help parents, particularly mothers, work or attend school and they help children start school ready to succeed. Studies show that when mothers receive help affording child care assistance, they are more likely to get and keep a job.[13] This enables them to better support their families and establish financial security.

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[4] Karen Schulman, *Early Progress: State Child Care Assistance Policies 2019*, Nat'l Women's Law Ctr. (2019), https://nwlc.org/resources/early-progress-state-child-care-assistance-policies-2019/.

[5] *Id.*

[6] *Id.*

[7] *Id.* at 9.

[8] Karen Schulman & Natasha Camhi, *Strengthening Child Care Assistance Outreach: Strategies for Connecting With All Families*, Nat'l Women's Law Ctr. (2019), https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2019/11/Outreach-Report-19.pdf.

[9] Schulman, *supra* note 8.

[10] *Id.*

[11] *Id.*

[12] *Id.*

[13] Nat'l Women's Law Ctr., *Child Care is Fundamental to America's Children, Families, and Economy* (2016), https://nwlc.org/wp-content/uploads/2017/01/Child-Care-101-1.17.17.pdf.

Head Start and Early Head Start offers children comprehensive services that make them better prepared for kindergarten and school. Research shows that these children have enhanced physical health, improved social skills, and have better math, literacy, and language skills.[14] Children enrolled in Head Start also have better access to health care and therefore have improved physical health throughout their lifetime.[15] And the family strengthening benefits both Head Start and Early Head Start provide children is critical to their development and ability to thrive.

Finally, because more public investment is the most efficient and successful way to expand access to high-quality, affordable child care, the Administration should include significant additional funding and investments in expanding access to child care in its FY2021 budget and future budgets. Without substantial federal investment, children and their families will continue to endure long waitlists and high costs, and providers will continue to be underpaid for their critical work. Additionally, the lack of full funding for Head Start means less access for key populations, such as foster care children, homeless children, and children with disabilities.

**Regulations are critical to the success and improvement of the child care system.**

As the RFI states, "[c]hild care licensing, regulatory and monitoring frameworks are the basis for ensuring that child care settings are healthy and safe for children."[16] Of the most critical regulations are those that pertain to adult-to-child ratios, class sizes, and teacher qualifications. Class sizes and ratios have a significant impact on the kind of care children receive. Ratios need to be lower and class sizes need to be smaller for early educators who care for very young children. Infants and toddlers need more direct support and engagement from their educators, so it is important that class sizes are limited in order for early educators to be able to provide this support. Low child to staff ratios are particularly important for infants and toddlers, as their development and verbal interactions improve when ratios are smaller.[17] For children ages three to five, low child to staff ratios are also important for them to continue to receive adult support and guidance that encourages "independent self-initiated play and other activities."[18] Additionally, lower child to staff ratios are critical for the general safety of children, for example, in the event of a fire emergency.[19] Regulations that govern teacher qualifications are vital to ensure that children receive high-quality care from their educators. These regulations are baseline protections for children that are essential and must be protected.

The existence of child care regulations—which have long been considered bipartisan—means better health and safety standards that benefit children and educators. And compared to

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[14] Nat'l Head Start Assoc., *The Head Start Advantage: Success in School Readiness* (2019), https://www.nhsa.org/files/resources/hsa_-_school_readiness.pdf; Nat'l Head Start Assoc., Citations: *Head Start's Impact on School Readiness*, https://www.nhsa.org/files/citations-school_readiness.pdf.

[15] Nat'l Head Start Assoc., *The Head Start Advantage: Success in Children's Physical Health* (2019), https://www.nhsa.org/files/resources/hsa_-_physical_health.pdf; Nat'l Head Start Assoc., *Citations: Head Start's Impact on Children's Physical Health*, https://www.nhsa.org/files/citations-physical_health.pdf.

[16] Dept. of Health & Human Serv., *Improving Access to Affordable, High Quality Child Care: Request for Information* 52507, 52509 (2019), https://www.govinfo.gov/content/pkg/FR-2019-10-02/pdf/2019-21530.pdf.

[17] Caring for Our Children, 1.1 Child:Staff Ratio, Group Size, and Minimum Age, https://nrckids.org/CFOC/Database/1.1.1.

[18] *Id.*

[19] *Id.*

other regulated industries customer-based industries, child care standards are considered minimal.[20] These regulatory protections also provide greater transparency, which is key for families trying to make informed decisions over where they want to send their children. For example, CCDBG requires states to make provider information—such as licensing and inspection history, quality information (if available), annual number of deaths, and suspension and expulsion policies—public.[21] Simply put, better regulation means better protection, better quality, and better choices for parents.[22]

But often regulations are wrongfully singled out as the problem with the decline in child care access, despite little evidence to support this claim. According to Child Care Aware of America, family child care providers were exiting the market long before the federal government began enacting significant regulations.[23]And even though in 2014 the largest addition of requirements was added to the CCDBG reauthorization, research shows that the number of family child care providers accepting CCDBG recipients began declining by over 40 percent five years before the reauthorization.[24] Further analysis also shows that five out of six states that permit unlicensed, unregulated care for six or more children have experienced declines in family child care providers larger than the 5.6 percent national yearly average.[25] And in seven states where licensed child care is not permitted, only two experienced declines larger than the national yearly average.[26]

Finally, reducing regulations does not create a more "efficient" system. As the next section will point out, child care is a labor-intensive industry and one that cannot be automated.[27] In fact, the workforce is the largest expense, accounting for 60 to 80 percent of total program expenses.[28] Reducing regulations does nothing to address the fact that classrooms will always need fairly- compensated, well-trained educators so that children are able to develop and thrive. Instead, rolling back regulations would limit access to high-quality child care, as there would be a smaller number of regulated, safe providers from which families could choose.[29] And reducing these options means that parents—particularly women—may have to drop out of the workforce, change jobs, or settle for a lower quality child care environment.[30]

Deregulation is not the answer. Instead of trying to deregulate, and therefore encourage, an unsafe, low-quality child care system, OCC should provide additional investment to help

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[20] Leila Schochet, *The Importance of Child Care Safety Protections*, Ctr. For American Progress (2017), https://cdn.americanprogress.org/content/uploads/2017/10/27133918/ChildSafety-brief.pdf.
[21] *Id.*
[22] *Id.*

[23] Child Care Aware of America, *The Child Care Supply Crisis: Why Deregulation Is Not the Answer* (2019), https://cdn2.hubspot.net/hubfs/3957809/CCAoA.Deregulation.OnePager.Updated10-18.pdf?__hstc=122076244.e169e5a13844a6f4a2de9f1db534a847.1574803489422.1574803489422.1574803489422.1&__hssc=122076244.1.1574803489422&__hsfp=163603621&hsCtaTracking=d7500993-fd4a-4952-960f-83b3fa89e02d%7Cc4a2c0c2-6287-4fed-94fd-97cab590d913.

[24] *Id.*
[25] *Id.*
[26] *Id.*
[27] Simon Workman, *Where Does Your Child Care Dollar Go?*, Ctr. for American Progress (2018), https://www.americanprogress.org/issues/early-childhood/reports/2018/02/14/446330/child-care-dollar-go/.
[28] *Id.*
[29] Schochet, *supra* note 20.
[30] *Id.*

states and providers meet these crucial requirements and protections and to support educators in providing high-quality care.

HHS should therefore not re-propose its flawed FY2020 budget proposal, which failed to make sustained investments in addressing families' child care needs and promoted policies that would compromise children's safety. The flat funding for CCDBG and Head Start proposed in that budget would result in fewer children being served and prevent states from sustaining and making additional progress to expand access to high-quality child care and implementing reforms that the 2014 bipartisan CCDBG reauthorization put in place. And for regulations, this budget incentivized states to permanently remove the greatest number of basic protections for children in exchange for temporary new funding. Ultimately, the FY2020 budget did not address the real issues in the child care market—that families need help finding high-quality care and paying for it, and that educators make too little for their essential work.

**The child care workforce cannot be cultivated without ample funding and investment.**

The only way to "cultivate" the child care workforce is to provide additional funding and investment. More funding should be invested in higher wages and better training and professional development opportunities for early educators that foster equity and diversity. This translates to higher quality care for children.

As mentioned above, child care is a labor-intensive industry, and currently, most early childhood educators are making poverty-level wages that make it difficult for them to be able to support their own families.[31] Early educators are generally unable to meet their basic needs and many report food insecurity, housing worry, and even postponement of education and medical treatment.[32] Child care workers are twice as likely as all other workers to participate in public income support programs.[33] For early educators who work with infants and toddlers, there is also a significant wage penalty: 86 percent of these center-based teaching staff are paid less than $15 an hour.[34] And there is even a wage penalty for educators working with preschool-age children: only 33 percent of these workers are paid more than $15 an hour.[35]

When we speak of the child care workforce, it is critically important to name who exactly we are speaking about—women, disproportionately women of color and immigrant women, make up 94 percent of the child care field.[36] More than one in six women who are child care workers live below the poverty line, and poverty rates are even higher for women of color in the child care workforce.[37] These statistics are unacceptable and unsustainable if we want a high-quality child care system in which children, educators, and families can thrive.

A well-paid, well-trained, and diverse child care workforce is the key to a high-quality child care system. Additional public investment in raising the wages and other supports for the child care workforce is the best way to make that a reality.

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[31] Marcy Whitebook et al., *Early Childhood Workforce Index 2018*, Ctr. for the Study of Child Care Employment (2018), https://cscce.berkeley.edu/files/2018/06/2018-Index-Executive-Summary.pdf.
[32] *Id.*
[33] *Id.*
[34] *Id.*
[35] *Id.*
[36] Julie Vogtman, *Undervalued*, Nat'l Women's Law Ctr. (2017), https://nwlc.org/wp-content/uploads/2017/12/final_nwlc_Undervalued2017.pdf.
[37] *Id.*

**OCC can act right now to help States implement equitable, high-quality child care systems by providing transparent, timely guidance and technical assistance about CCDBG implementation.**

As outlined above, regulations are critical to the health and safety of children in child care and reducing them is not the solution to improve the supply of child care. However, providing more support to states and child care providers with implementation would have a tremendously beneficial impact, which OCC can do within its existing authority.

Two examples of key areas where states would benefit from OCC assistance are corrective action plans and improved federal guidance that reinforces priorities and best practices.[38]

*Corrective action plans*

Every three years, states must submit to OCC a state plan that describes their child care system and the extent to which it meets the requirements of the CCDBG statute and regulations. OCC then determines whether states are in compliance, and if they are not—because they failed to meet one or more of the requirements—OCC may put them on a corrective action plan (CAP). The 2014 law added additional sanctions and penalties for states that were not in compliance with the various regulatory requirements, especially the priority of service and background check requirements. There is a lot at stake with being on a CAP—OCC can choose to withhold funds, disallow misused funds, or even disqualify states from future assistance.[39]

CAPs are a relatively new tool used by OCC to determine compliance, which states must meet with little guidance on how best to do so. Though OCC has long had the authority to determine compliance and any sanctions for non-compliance, the CAPs are new and unfamiliar to states. In particular, states are often unclear on exactly what is required of them to come into compliance and information about the CAPs is generally not being made publicly available, hindering advocates' ability to understand what changes states are required to make and by when. For example, OCC released information on state compliance in spring 2019, nearly halfway through the year in which states were supposed to be taking steps to be in compliance.[40] This information, moreover, was very high-level and did not provide additional insight into the specific issues states must address in their systems. For example, the data showed that 33 states were on CAPs for "equal access," but does not show what specific requirements states failed to meet nor how OCC would determine them to be in compliance.[41] In addition, OCC did not publish—nor require states to publish—state-specific corrective action plan letters. This is a departure from previous practice; in the FY2016-FY2018 Plan Cycle, OCC issued letters of conditional approval for many states and included those letters publicly on the OCC website.

It is also not transparent if and how OCC plans to administer the sanctions and penalty process moving forward because no guidance has been released on this topic nor have the letters

[38] Karen Schulman & Daria Crawford, *Helping Family, Friend, and Neighbor Care Providers Meet New Requirements Under the Child Care and Development Block Grant Reauthorization Law*, Nat'l Women's Law Ctr. (2018), https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2018/10/Helping-FFN-meet-CCDBG.pdf.

[39] 45 C.F.R. § 98.92.

[40] Dept. of Health & Human Serv., Office of Child Care, *Overview of States CCDF Implementation Status by CCDF Requirement* (2016), https://www.acf.hhs.gov/occ/resource/summary-of-implemented-requirements

[41] *Id.*

or OCC sent to states updating their compliance status been published. The lack of publicly available information and clear guidance on the CAPs added—and continues to add—a layer of complication for states and advocates when trying to do their best to improve their systems and ensure that they are meeting the requirements.

Because of this relatively new CAP process and the lack of clarity on next steps, states need more transparency from OCC in terms of penalty assessment and satisfying CAP requirements more generally. To accomplish this, OCC should publish its data on CAPs in a timely manner and as soon as it is sent to the states. This data should include current and past compliance trends and specific data on requirements states have or have not met. This year in particular, OCC should prioritize publishing the current state of progress with compliance now that the September 30, 2019 deadline for getting off a CAP has passed and should clarify in public guidance OCC's process and timeline for assessing any sanctions or penalties this year. OCC should also publish the CAPs letters themselves, any notice of penalty letters, and encourage states to publish their own letters and any other relevant data and information. Moving forward, as part of each State Plan process, OCC should provide clear and public guidance on how compliance will be assessed, including how—and if—penalties will be assessed, in advance of states submitting their State Plans. Such guidance should also include clear and feasible timelines for states to meet the requirements.

*Guidance that reinforces priorities and provides best practices*

OCC should provide guidance to clarify opportunities and best practices for state child care assistance programs to improve quality and access in key areas: ensuring parental choice by supporting home-based care through CCDBG; sharing how states have met the CCDBG background check requirements, including the mechanics of their systems; raising payment rates; and serving the families and communities most in need through effective outreach strategies and utilizing existing CCDBG statutory and regulatory authority.

<u>Background check requirement</u>

In regard to background checks specifically, states have reported varying levels of success in their attempts to meet this requirement. Some have been able to successfully do so, but others have found it more difficult given their states' respective processes and laws. Given this reality, OCC should share best practices and guidance from states that have successfully implemented background check requirements, particularly states that have successfully implemented the interstate background check requirements or are on track to do so and use the existing child care technical assistance (TA) system to share this information with states.

<u>Supporting family, friend, and neighbor providers</u>

Having an ample supply of home-based child care providers, including family, friend, and neighbor (FFN) providers, helps build the supply of child care and meet the needs of families. In 2012, 3.77 million home-based providers cared for over 7 million children under the age of six on a regular basis.[42] This is particularly notable when contrasted with the fact that 1 million center-based providers cared for just under 7 million children under age six.[43] Supporting

[42] Schulman & Crawford, *supra* note 38.
[43] *Id.*

non-center-based care is particularly important in giving families better child care options based on their needs, such as nontraditional work schedules, cultural competency, infant care, or having a child with special needs.

Despite how many families rely on home-based care, particularly FFN care, these providers often face difficulties meeting the CCDBG reauthorization requirements and serving subsidy children. While many of the rules and supports for these providers are determined at the state level, OCC can influence state behavior by issuing guidance that clarifies supporting home-based providers, including FFN caregivers, is a priority and how states can support these providers more effectively in their child care assistance systems.

Payment rates

As discussed above, we know that too many families lack access to child care assistance and payment rates for providers are low. While public investment is ultimately needed to solve these gaps in the market, OCC should use its authority to clarity for states how they can increase equitable access and raise quality using existing authority. This includes, but is not limited to, raising base payment rates, changing eligibility requirements so more families can benefit, and a customer-focused approached with parent-community engagement.

Provider payment rates are set by their respective state and act as a ceiling on the amount that the state will pay the provider.[44] These rates help determine whether providers have sufficient resources to pay their staff, keep child-staff ratios low, maintain safe and suitable facilities, and have adequate materials and supplies for engaging and productive learning activities.[45] When payment rates are low, high-quality child care providers are often discouraged from enrolling families who receive child care assistance such as CCDBG.[46] Given that low payment rates can limit child care options for families receiving child care assistance and deprive child care providers serving these families of the resources they need to support high-quality care, OCC should—in conjunction with the necessary increased investment—issue guidance that reiterates the importance of higher payment rates for providers, including higher base rates, and their impact on access to high-quality care for low-income families.

Eligibility requirements

The 2014 CCDBG reauthorization language makes it clear that the families most in need should be served first, with the decision largely left up to states to determine these priorities. This is particularly true for children who can be categorically eligible if they are determined to be receiving, or in need of receiving, "protective services." The regulations specify that this "may include specific populations of vulnerable children as identified by the Lead Agency."[47] In addition, the reauthorization clarifies that families must – with some exceptions – be working, in training, or in education to qualify for subsidies. Yet student parents in some states and territories are still required to meet work hour requirement minimums in addition to their school

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[44] Schulman, *supra* note 4 at 11.
[45] *Id.*
[46] *Id.*
[47] 45 C.F.R. § 98.20 (a)(3)(ii)

activities.[48] OCC should clarify in guidance that states can utilize the existing flexibility around "protective services" to serve the children and families most in need in their state, such as homeless families, families affected by the opioid crisis, and others. This guidance should also clarify that states should engage parents, providers, and other community stakeholders in identifying which families are most in need and how to best serve them. In addition, this guidance should clarify the eligibility requirements for CCDBG, namely that nothing in CCDBG requires parents to be working if they are in school or in training and to share best practices from states that have facilitated greater participating in the subsidy system for student parents and parents in training.

<u>Customer-focused outreach approach</u>

It is important that child care assistance programs be strengthened to reflect a customer-focused approach with better parent and community engagement so that those most in need are able to receive assistance.[49] To do this, OCC should encourage states to conduct outreach to families about child care assistance, including fostering respectful partnerships with providers and institutions such as health care providers, teachers, public libraries, and community centers. This would help information on child care assistance programs reach families who are the most isolated and underserved.[50] OCC should also encourage states to improve outreach and enrollment infrastructure to better reflect and respond to families' needs. For example, the forms, materials, websites, and technology used to inform families about child care assistance and enroll them should be accessible for all families in regard to the languages they speak, cultural backgrounds, disabilities they may have, and varying education levels.[51] There must be adequate and dedicated funding to ensure that these enrollment and outreach needs are met. OCC should encourage states to hire caseworkers that reflect the communities being served with child care assistance and to provide caseworkers the appropriate guidance and training, including anti-bias and racial equity training, so that they can better support parents navigating the child care assistance process. [52]

**Existing federal and state resources are insufficient to strengthen the delivery of child care and early education and more public investment is needed to fill the gaps in access, quality, affordability, and the workforce.**

These investments should be focused on improving and increasing direct assistance to families, not on policies such as employer child care tax credits that do very little, if anything, to increase the availability of high-quality, affordable child care. When properly crafted with working and low-income families in mind, tax credits and policies can help families make ends meet, though they are generally not a substitute for direct spending programs such as CCDBG. The employer child care tax credit is not one of those policies. Overall, employer child care tax

[48] Victoria Tran, et al., *The CCDF Policies Database Book of Tables: Key Cross-State Variations in CCDF Policies as of October 1, 2017*, Urban Inst. 1, 15 (2018), https://ccdf.urban.org/sites/default/files/CCDF%20Policies%20Database%202017%20Book%20of%20Tables%20%28final%2010%2009%2018%29.pdf.

[49] Schulman & Camhi, *supra* note 8.
[50] *Id.*
[51] *Id.*
[52] *Id.*

credits are ineffective in encouraging employers to make high-quality child care more available or affordable to families.[53] It is not feasible to expect employers, particularly small businesses, to take on helping meet the child care needs of their workforce. Research also shows that employer tax incentives do not work on either the state or federal level as they are generally underutilized. Ultimately, employer tax incentives are ineffective in encouraging more employers to make high-quality child care more available or affordable to families.[54] Rather than pursing failed policies, OCC and policymakers should invest in strategies proven to meet the child care needs of working families, such as significant additional investments in direct spending programs, such as CCDBG.

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Thank you for the opportunity to submit comments on this RFI. Please do not hesitate to contact Catherine White (cwhite@nwlc.org) or Estelle Mitchell (emitchell@nwlc.org) to provide further information.

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[53] Nat'l Women's Law Ctr., *Employer Child Care Tax Credits Are Ineffective at all Levels* (2018), https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2018/03/Employer-Child-Care-Tax-Credit.pdf.
[54] *Id.*