



**Comments Re:** Proposed Rules and Regulations for the new Child Care Assistance Program for Child Care Educators and Child Care Staff

218-RICR-20-00-13

**To:** Mary Beth Slinko and Nicole Chiello, Rhode Island Department of Human Services

**From:** Leanne Barrett, Senior Policy Analyst

**Date:** August 16, 2023

**Also Signed By:**

- Beautiful Beginnings
- Genesis Center
- RI Head Start Association
- Senator Alana DiMario, Co-Chair of RI Permanent Legislative Commission on Child Care
- YMCA of Pawtucket

Thank you for the opportunity to review and provide comments on the proposed regulations for the **new Child Care Assistance Program for Child Care Educators and Child Care Staff** that was established in Rhode Island statute in the FY24 state budget bill and is adapted/modeled on a program implemented in Kentucky to address the severe staffing crisis in the child care and early learning sector.

Rhode Island KIDS COUNT and the organizations/individuals signing on to these comments strongly recommend the following changes be made to these newly proposed rules and regulations to better ensure the success of the program in attracting and retaining educators and staff to work in child care and early learning programs by providing them with free child care for their own children.

1. Please remove the following language from 13.3 General Eligibility, 2c Parent Applying for CCAP Services. *~~"If one parent is employed as a child care educator or child care staff working at least twenty (20) hours a week, the other parent must be participating in approved education or training activities or employed for an average of twenty (20) hours per week in a month."~~* **There is no federal requirement or state law that requires DHS to confirm that all biological parents or custodial adults are working or engaged in an approved activity. This is an unnecessary requirement.** Some child care programs in Rhode Island report that some child care staff members with children have partners who are not biologically, legally, or financially responsible for some/any of their child(ren) and others have partners that are undocumented, do not have working papers, and/or are not consistently available to provide free child care.

The Rhode Island program should be designed to match the Kentucky model wherever possible. **Kentucky provides categorical eligibility to children of child care educators and does not require any information on household income or on the activities of other parent(s) or adults in the household.** I understand the federal government may consider child care for child care educators to be a program that falls under the "protected

population” eligibility category which is used for other categorically eligible populations.

2. Please remove the following language from 13.4.3 Reporting Requirements, B1 ~~“Changes to income that exceed three hundred percent (300%) of the Federal Poverty Level.”~~ **First, this requirement is almost impossible for a family to know and report accurately while they are in the middle of a 12-month period which does not align with a calendar year or their employment year.** The Federal Poverty level is determined based on a 12-month period and is updated annually (usually in January). It is not based on an hourly wage, or weekly/monthly income and thus cannot be easily estimated by the average family/household while they are in a 12-month period when changes in employment hours, wages, and/or revenue from self-employed people (including self-employed family child care providers) are often not stable or predictable.

The CCDBG Act of 2014 established a minimum 12-month eligibility period for families receiving child care services through CCDF. Lead Agencies must ensure that families receiving CCDF assistance will be considered eligible and will receive assistance for at least 12 months before their eligibility redetermination. The minimum 12-month eligibility period is regardless of temporary changes in parents’ work or activities, and regardless of changes in family income. The federal government does indicate that family income should be below 85% of State Median Income (SMI) when using federal CCDF funds. **The federal government does not require the state to verify income during any 12-month period, only at recertification.** The federal 85% State Median Income threshold is significantly higher than 300% FPL in Rhode Island. If needed because DHS should randomly discover that a child care educator’s household annual income exceeded the 85% SMI threshold during her qualifying period, DHS could use a small amount of state general fund resources (from the existing CCDF Match or Maintenance of Effort) to cover these child care expenditures for any period when it occurred.

3. Please add language clarifying that **all approved applicants for the Child Care for Child Care Educators/Staff program will receive a 12-month CCAP certificate**, per federal CCDF regulations detailed above. This rule will enable DHS to comply with federal rules and also meet the intention of the state law by approving qualifying applications as they come in during the pilot period (through July 31, 2024). This will also ensure approved educators/staff will get a 12-month certificate for CCAP which all other Rhode Island families receive per federal rule. We know historically that many Rhode Island child care providers have not accepted families that have less than a 12-month CCAP certificate since they need the financial stability and children need the educational stability the 12-month certificates provide. We know that having a 12-month certificate (or longer) gives families more choices and access to more high-quality child care options. A 12-month certificate will also help providers use this program to recruit and retain educators and staff.

Thank you for your commitment to addressing the workforce crisis in child care and early learning and to provide the children of child care educators with access to quality child care and early learning opportunities. Please don't hesitate to contact me with any questions at [lbarrett@rikidscount.org](mailto:lbarrett@rikidscount.org) or 401-742-2772.