



NATIONAL CONFERENCE *of* STATE LEGISLATURES

*The Forum for America's Ideas*

August 5, 2013

Mr. George H. Sheldon  
Acting Assistant Secretary for Children and Families  
Aerospace 6<sup>th</sup> Floor  
901 D Street, S.W.  
Washington, D.C.

**Terie T. Norelli**  
*Speaker*  
*New Hampshire House*  
*President, NCSL*

**Patsy Spaw**  
*Secretary of the Texas Senate*  
*Staff Chair, NCSL*

**William Pound**  
*Executive Director*

**Attn: Cheryl Vincent, ACF-2013-0001- Child Care and Development Fund (CCDF) Program**

Dear Mr. Sheldon:

On behalf of the National Conference of State Legislatures, I appreciate this opportunity to provide comments on the notice of proposed rulemaking (NRPM) regarding the Child Care and Development Fund (CCDF) Program. Child care is critically important to all families with members in the workforce, but it is particularly important and often challenging for low and middle income families to find quality affordable care for their children. States support the CCDF program and recognize the important role it plays in assisting those families. NCSL looks forward to working with you and your staff to continue to improve the care that we provide to families that receive child care services through the CCDF Program.

It is easy to support the central themes of the proposed rule: (1) health and safety; (2) “family friendly” policies; (3) child care quality; and (4) program integrity. No one can be opposed to any of them. But one can ask at what cost? While every parent and every state wants every child in a child care facility or home to be safe and healthy and to provide developmental supports to the children, they also want it to be affordable and available to parents where they live. If the requirements become too hard to meet or cost more than the provider or the family can afford, we lose that provider and the child care slots that provider contributed to the market and maybe a worker as well.

We believe states should be given a high degree of flexibility to determine what works best for their citizens to meet the delicate balance that keeps child care slots available and provides a safe and healthy and supportive environment for the children. Sec. 98.20(d) provides as an example of a “family friendly” policy, as one that asserts, “Lead Agencies **must** take into consideration the developmental needs of children when authorizing child care services **and are not restricted to limiting authorized child care services based on work, training, or educational schedule of the parent(s).**” NCSL urges you instead to require a balance between the developmental needs of the children and the needs of the children’s parents to provide shelter, food and the intangibles that come from a stable family.

For our economy to flourish we need a strong child care infrastructure for working parents and their children. Child care needs and markets differ from state-to-state and even within states. We believe states are uniquely situated to address these issues. Most of the program improvements proposed in the rule will cost additional money. Appropriations for this program have been stagnant since 2002. Federal policies should reflect this reality. We noticed with interest that you do not believe this proposed rule triggers review under the Unfunded Mandates Reform Act of 1995; Congressional

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August 5, 2013

Page 2

Review as a “major rule”; or the President’s Executive Order 13132 regarding federalism. We disagree and urge you to take a closer look at the potential impact the proposed changes may have on the cost of care and participation in the child care market and ultimately the impact the proposed changes may have on low and moderate income workers and their families.

We thank you for this opportunity to share our perspective on this proposed rule and look forward to working with you to sustain and improve this important program. If you have any questions or need additional information, I can be reached by e-mail at [joy.wilson@ncsl.org](mailto:joy.wilson@ncsl.org) or by phone at 202-624-8689.

Sincerely,

A handwritten signature in cursive script that reads "Joy Johnson Wilson".

Joy Johnson Wilson  
Director, Health and Human Services Policy