

A Watershed Moment

by Eric Karolak

Sometimes in public policy you hear the expression ‘watershed moment’ used to define an important turning point, a critical moment that produces profound effects later or after which things are different. Just like in the life of a person, a wedding or the birth of a baby marks a critical juncture.

In a press release issued after the passage of the Child Care and Development Block Grant (CCDBG) Act of 2014 in November, Shannon Rudisill, an official in the Department of Health and Human Services (HHS), saw just such a turning point:

“This new law is a watershed moment in the history of the child care program and will have far-reaching implications for the more than 1.4 million children served by the CCDF program, as well as the children cared for alongside them.”

The law marks the first time the federal child care block grant has been reauthorized since 1996, so there’s no question its passage and the White House signing ceremony are historic events.

Something New

The new CCDBG Act includes major changes in the law. A full summary of

the 90-page bill is beyond our scope, but here are a few of the important changes:

A lot of what’s new relates to health and safety requirements and monitoring. The law requires states to establish health and safety requirements in areas like prevention of sudden infant death syndrome (SIDS), first aid, and CPR. It also mandates that child care providers who serve children whose care is supported by CCDBG funds receive pre-service and ongoing training on such topics.

In addition, states must conduct criminal background checks for all child care staff members, including those who don’t directly care for children, but have unsupervised access to them.

The new law also requires states to conduct pre-licensure and annual, unannounced inspections of licensed providers and annual inspections of license-exempt providers. These monitoring requirements will take effect in November 2016, and states will have to maintain a ratio of inspectors to providers that assures the inspections occur in a timely manner.

The law also requires states to make provider-specific information easily available. This information must detail results of monitoring and inspection

visits, as well as deaths, serious injuries, and substantiated cases of child abuse in programs.

There are new provisions that emphasize quality, too. Importantly, the quality set-aside — the amount of CCDBG funds that states must spend on high-quality activities like quality rating and improvement systems (QRIS) — is increased from 4% to 9% by 2020. And there is a separate 3% set-aside to improve the quality of infant/toddler care. Plus, states must implement early learning and development guidelines and establish professional development and training requirements, including ongoing annual training.

Additionally, there are important provisions intended to make participating in



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a state's child care assistance program more family- and provider-friendly. For example, the law requires a 12-month eligibility redetermination period for families who receive assistance in paying for child care, and assures them three months' eligibility for job searching if they lose their jobs. It also requires states to establish payment policies that reflect generally accepted practices in the market, including payment for absent days.

There's more, and as with any law, the devil is in the details. To explore these further, the National Women's Law Center has created a thorough comparison document showing how new provisions line up against old ones. And HHS has developed a short 'plain language summary' that is hosted on its new CCDBG online resource page at www.acf.hhs.gov/programs/occ/ccdf-reauthorization.¹

Something Old

The new child care law represents a *reform* of child care, rather than a revolutionary change in how the federal government approaches child care and early learning. This is still a voucher-based funding stream with stark contrasts to the way Head Start and many state-funded prekindergarten programs are funded or administered.

How much reform the new law will bring (how significant the watershed) is largely a function of three things that have always been essential factors in the fate of our federal child care program. First, the state-by-state character of our early care and learning landscape will affect how much change is necessary on the ground. Some of you read the summary above and may have thought, "We already do that," while others may have thought, "Wow, that's a big change for us." Hannah Matthews, director of child care and early learning at

the Center for Law and Social Policy (CLASP), says, "Still, it's a big opportunity for states or advocates that are willing to take a chance to move child care forward. It's a stepping off point for exciting work ahead."

Second, how the law is implemented will be critical. HHS will develop guidance, which states will look to in considering changes to their rules and laws. As CLASP's Matthews said, "We're thrilled with the pieces about supporting access and affordability like the 12-month eligibility not being tied to losing a job. But it will take work to ensure that it's implemented well on the ground." Providers and practitioners have valuable experience and insight to offer both when the feds draft guidance and as states develop policies and programs to comply with it.

And third, how well the law is resourced will have a major effect. Many of the new requirements, particularly those dealing with monitoring and inspections and promoting quality, come with a price. New requirements, more set-asides for quality — all good things — stretch existing funding. Matthews shared:

"If we don't secure increased resources, I don't see how we won't be forced to cut the number of children served, which is a big concern. Unless there's a significant infusion of dollars, funding will be drawn to increased licensing and oversight costs and rates will stay where they are."

Something Borrowed

In a sense, the provisions of the new law borrow on the promise of future funding. The CCDBG Act does not include funding; it includes fixed increases in *authorization levels*, essentially funding recommendations. Those increases are subject to Congress' annual appropriations process so we will have to advocate forcefully to make sure the reforms are funded.

The Congressional Budget Office estimated that an additional \$1.3 billion appropriation is needed, but the National Women's Law Center (NWLC) says that figure only included costs to the federal government and did not "capture the costs to the states to meet the requirements of the reauthorization." According to NWLC, significant increases in federal and state child care funding "are critical to avoid undermining access to child care assistance."²

This all means there is an important opportunity for you to make a difference. Already in November and December, national child care and early learning advocacy groups launched grassroots action efforts to focus attention on increasing the necessary funding to meet the promise of the new law. Look for more opportunities as the annual appropriations process returns, and many state budget cycles resume, in 2015.

The new child care law presents a watershed moment, but how much of a turning point it will be is yet to be determined.

Something Blue

November also saw the release of *Worthy Work, STILL Unlivable Wages: The Early Childhood Workforce 25 Years after the National Child Care Staffing Study*. After a quarter century that saw remarkable leaps in public awareness of the importance of early learning and increased expectations stemming from the spread of state quality rating and improvement systems, changes in Head Start, and the expansion of state-funded prekindergarten, there has been no significant change in the wages prevailing in our field. We have much more work to do.³

Endnotes

1 "The Child Care and Development Block Grant Reauthorization:

Changes to Previous Law,” National Women’s Law Center, viewed online November 21, 2014 at www.nwlc.org/resource/child-care-and-development-block-grant-reauthorization-changes-previous-law

2 “Child Care and Development Block Grant: Cost Estimates for Reauthorization,” National Women’s Law Center, November 2014. Viewed online at www.nwlc.org/resource/child-care-and-development-block-grant-cost-estimates-reauthorization-0

3 Marcy Whitebook, Deborah Phillips, and Carollee Howes, “Worthy Work, STILL Unlivable Wages: The Childhood Workforce 25 Years after the National Child Care Staffing Study” (Center for the Study of the Child Care Workforce, 2014). Viewed online at www.irle.berkeley.edu/cscce/2014/report-worthy-work-still-unlivable-wages/

