

Smith, Ashleigh, ECECD

From: [REDACTED]
Sent: Friday, May 28, 2021 10:42 AM
To: ECECD-ECS-PublicComment
Subject: [EXT] CCDF State Plan Public Comment
Attachments: June 4, 2021 CCDF Plan Comments.pdf

Hello,

Please find our state plan public comments attached.

Thank you,

Teague

[REDACTED]
She/Her/Ella
Attorney - Abogada
[REDACTED] Public Benefits
[NM Center on Law and Poverty](#)



May 28, 2021

Clair Dudley Chavez, Division Director
And
Kimberly Brown, Child Cares Services Bureau Chief
Early Childhood Education and Care Department
P.O. Drawer 5619
Santa Fe, NM 87502-5169
Sent Via Email: ECECD-ECS-PublicComment@state.nm.us

Re: CCDF Plan Public Comment

Ms. Dudley Chavez and Ms. Brown:

Please accept the following comments on the New Mexico Early Childhood Education and Care Department's (the Department) Child Care and Development Fund (CCDF) plan.

The undersigned organizations, the New Mexico Center on Law and Poverty and Organizing in the Land of Enchantment (OLÉ), have extensive experience working with families in New Mexico to ensure they have access to opportunities that improve the lives of children, particularly low-income families that face the largest barriers. We also have first-hand experience assisting families in accessing child care assistance in New Mexico. We have seen the benefits to families who are able to access affordable child care and are aware of administrative barriers that prevent eligible families from receiving assistance.

Making Child Care Assistance More Affordable

We applaud the Department for increasing the eligibility allowance up to 200% of the FPL and for allowing families to remain on child care assistance with income up to 250% of the FPL.

Prohibit Providers from Passing along Gross Receipts Tax (GRT) to Families

8.15.2.15(E)(3) NMAC states "Child care providers are allowed to charge child care assistance families the applicable gross receipts tax (GRT) for the sum of the child care assistance benefit and co-payment." These costs are excessive and difficult for families that are low income. The federal government found that child care is not affordable when it exceeds 7% of a families' household income. The U.S. Department Health and Human Services recommends that states require family co-payments to be no more than 7% of family income in order to be affordable. *See Federal Register*, Vol. 81, No. 190, at p. 67467, issued September 30, 2016. GRT can add upwards of 10% a month to a family's child care costs, diverting funds needed for diapers, food, housing and other basic needs. We urge the Department to prohibit providers from passing along GRT to families.

Strategies for Creating Family-Friendly Policies

The CCDF reauthorization includes important policy changes designed to reduce burdens for families trying to get and keep child care assistance. Eliminating barriers and unnecessary program complexities encourages families to apply and prevents them from unduly losing their assistance. We submit the following recommendations for achieving greater accessibility in the ECECD child care assistance program.

Language Access (2.1.1)

The Department must translate the application, brochures, and notices into languages other than Spanish. As a recipient of federal funding, the Department must provide meaningful access to services for individuals with limited English proficiency.¹ This means that ECECD must translate documents into languages spoken by “ five percent or 1,000, **whichever is less**, of the population of persons eligible to be served or likely to be affected or encountered...”² The most recent census data, shows that the Department must translate documents into the following languages: Spanish, Arabic, Persian, Hindi, German, French, Italian, Russian, Hindi, Vietnamese, Chinese, Tagalog, Japanese, Korean, Navajo, Keres, Zuni, Tewa, Tiwa, Towa, and Apache.³ We strongly encourage the Department to have these important documents translated into multiple languages and make them readily available to applicants. Doing so is legally required and will remove unnecessary barriers for LEP participants and will promote informed participation in the program in accordance with federal and state law.

Temporary Assistance for Needy Families (1.4.1.a.xii)

We applaud the Department’s collaboration with Human Services Division (HSD) on the data integration project to fully integrate the health and human service agencies’ child and family data by the proposed completion date of 2024. According to Data published by HHS, only 6.4 percent of families who receive TANF also receive child care assistance, yet 70 percent of children who receive TANF are under 11 years old.⁴ At the same time, TANF is terminated at the highest rate (31% of the time) because families cannot meet “work requirements.”⁵ Automatic enrollment for families who receive TANF into child care assistance would help eliminate this problem. We encourage the

¹ U.S. Department of Health and Human Services, *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, <http://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/guidance-federal-financial-assistance-recipients-title-vi/index.html>

² See 65 FR 50123 (*Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination Against Persons With Limited English Proficiency; Policy Guidance*); See also 67 FR 41455 (*Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*) and 79 FR 70771 (*Guidance from USDA Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Persons With Limited English Proficiency*).

³ Data was downloaded from the Department of Justice Civil Rights Division, *available here* <https://www.lep.gov/maps/lma2014/Final>

⁴ https://www.acf.hhs.gov/sites/default/files/documents/ofa/fy19_characteristics_final.pdf

⁵ Id. at Table 43.

Department to automatically enroll families in need of child care assistance that also receive other benefits and continuously measure and report on co-enrollment to identify barriers for eligible families accessing SNAP, TANF, Medicaid, GA, and LI-HEAP.

Eliminate the Work or School Requirement for Grandparents

Section 8.15.2.11(C) NMAC – ECECD should add provisions that ensure grandparents are exempt from the work or education requirement and can receive child care assistance without having to apply for TANF.

Grandparents who are retired should not be subject to the work or educational requirements for child care. Current New Mexico law for the TANF cash assistance recognizes this and does not impose a work requirement on participants who are 60 or older.⁶ In its final CCDF Plan, we ask the Department to allow for waiving the work or educational requirement for grandparents raising grandchildren, and in a future rulemaking, the Department should amend its rules to reflect this change.

Additionally, when grandparents do work, their income should not be counted towards the eligibility limit. Again, the TANF cash assistance program also provides that grandparents can participate in that program regardless of income level.⁷ Current child care assistance regulations provide that TANF families are eligible for child care regardless of income level.⁸ However, we should not ask grandparents to apply for and participate in TANF to qualify for child care assistance. Instead, the Department should mirror the child care regulations to reflect the TANF program, and qualify children being raised by grandparents without regard to income.

Allow Community Based Providers to Determine Families Presumptively Eligible

We encourage the Department to implement presumptive eligibility for applicants for childcare assistance to streamline the application process and allow community-based providers to facilitate enrollment. The state already uses community based presumptive eligibility in Medicaid and other healthcare programs to streamline the enrollment process. The Department can provide immediate child care assistance to families who trained screeners determine to be eligible for the program rather than delaying child care assistance benefits until a full eligibility decision is made.

Work Activities (3.1.3)

The Department’s plan defines “working” to include, amongst other things, any activity that meets the TANF work requirement.⁹ NMAC 8.15.2.10 provides that an applicant can demonstrate employment with current proof of earned income or participation TANF or the supplemental nutrition assistance program. The State Plan must be revised to be consistent with the State regulations on

⁶ NMSA 1978 §27-2B-5(l)(2); 8.102.420.11(A)(1) NMAC

⁷ 8.102.400.11 NMAC

⁸ 8.15.2.9(A) NMAC

⁹ NMCCDF Plan, Page 51, Section 3.1.2

child care assistance. While there are not any SNAP related work requirements at this time, they do exist in federal law and could be implemented in New Mexico in the future.

Fluctuating Work Schedules

We applaud the Department's favoring eligibility when income fluctuates, averaging the family's income over twelve months, and deducting temporary and irregular wages (3.1.3.a. and 3.1.7.). We also applaud the Department for adding 3 months of job search as an eligible activity to qualify for child care assistance.

Many parents receiving child care assistance work in jobs with irregular hours or unpredictable schedules.¹⁰ However, despite a great need, there is often an inadequate supply of licensed care available during non-traditional hours. To address this barrier for families working non-traditional hours, we encourage the State to do the following:

- **Provide direct contracts or grants to providers willing to offer care during non-traditional hours.** Providing direct contracts to caregivers who provide care during non-traditional hours offers a predictable income stream to providers that may be otherwise reluctant to provide such care. A direct contract (versus a third party contract with the parent who may be subject to job loss or may experience long periods between work without the need for childcare) provides consistency and reliability for the provider thereby creating greater incentive to provide care during non-traditional hours.
- **Provide data on efficacy of pay differential for non-traditional hour care providers.** In the plan, the Department states that it pays a differential rate to providers who provide care during non-traditional hours as follows: 5% for 1-10 hours per week; 10% for 11-20 hours per week; and 15% for 21 or more hours per week.¹¹ The state should demonstrate through reported data that its 5/10/15 percent increase is a large enough differential to serve as incentive for caregivers to provide care during non-traditional hours.
- **Use contracts to extend the Headstart or pre-k services.** By using CCDF funds to fund contractual agreements to extend the day or year of Head Start, Early Headstart or pre-k services, parents can rely on having sufficient childcare without having to create a piecemeal care plan amongst several different providers. We encourage ECECD to enter into contracts with these providers to provide continuity of care for program participants.
- **Provide support for family/friend/neighbor (FFN) caregivers.** We applaud the Department for updating the provision of temporary child care services after a disaster to reflect the implementation of the Family, Friend and Neighbor child care home provider to increase access to child care. FFN caregivers often serve as critical support systems to working

¹⁰ Liz Watson, Lauren Frohlich, and Elizabeth Johnston, *Collateral Damage: Scheduling Challenges for Workers in Low-Wage Jobs and Their Consequences*, NWLC, 2014,

http://www.nwlc.org/sites/default/files/pdfs/collateral_damage_scheduling_fact_sheet.pdf

¹¹ NMCCDF Plan, Page 92, Section 4.3.2.

families. In order to meet the broad goals of the CCDF, ECECD should foster FFN caregiving by providing training on early childhood development and appropriate care as well as, materials, books and supplies that support healthy development to FFN providers.

Create Strong Partnerships and Coordination Strategies

Under the CCDF, ECECD is required to efficiently coordinate its services and programs in order to expand accessibility and continuity of care. We encourage ECECD to re-assess its plan to make sure that it is meeting this objective and provide the following suggestions for implementation:

Meaningful Public Comment (1.3.2)

Twenty-day public comment period is not sufficient to collect input from the large number of communities and stakeholders who are impacted by the Department's administration of the Child Care Assistance program. A 60-day comment period would provide opportunity for more public participation in the process and posting notices in ECECD offices would reach families and providers in our state that do not have regular internet access.

Public-Private Partnerships (1.6)

The Department must demonstrate in the plan how it will meet the CCDF's goal of leveraging existing resources for child care and development services through partnerships.¹² We applaud the Department for partnering with public and private entities to build public awareness and political will for investments in early childhood education and care. We urge the Department to support community-based organizations to actively promote early childcare and education and to identify barriers families are experiencing in accessing the high-quality care and the assistance to which they are entitled. The Department should provide the community with an opportunity to review what developments arise from these partnerships.

Child Care Resource and Referral System (1.7)

The State should broaden the New Mexico Kids Child Care Resource & Referral system for resource and referral services beyond child care assistance to include referrals to other early learning programs. For example, more than half of children served in CCDBG-funded childcare live in households with incomes below the federal poverty level. This makes a large share of the children eligible for Head Start/Early Head Start as well as child care assistance.¹³ CYFD should provide eligible families applying for or receiving child care assistance with a referral to a Head Start or Early Head Start program. Connecting families with other early learning programs increases educational opportunities for children and economic success of families. This is because it allows parents to combine programs that operate on part-day schedule- as is the case with many Head Start programs- with CCDBG funds to cover the remaining hours of the day while parents work.

¹² Child Care and Development Fund (CCDF) Program, 80 FR 80466-01 (658E(c)(2)(P))

¹³ U.S. Department of Health and Human Services, Administration for Children and Families, 101: Early Head Start-Child Care Partnerships, 2014, https://www.acf.hhs.gov/sites/default/files/ece/ece_101_final_hhsacf_logo_2014.pdf

Coordinate with Home Visiting and Ensure that Families Know about Child Care Assistance Upon the Birth of New Child

We encourage the Department to work with the Home Visiting program to ensure that families learn about child care assistance upon the birth of a new child in the home. HSD has been operating a statewide pilot program for Medicaid funding home visiting and this presents a strong opportunity to coordinate services.

Increasing access for Vulnerable Children and Families (3.2)

We applaud the Department for ending Child Support Enforcement compliance as a requirement for participation in child care assistance. This will dramatically increase the well-being and financial stability of families in New Mexico.

Create a unified application process for all state administered assistance programs

We applaud the Department's plan to provide information about other public benefits when families apply for child care assistance (2.4.2). The Department should work with Human Services Department for a unified application process for all public benefit programs. Breaking down barriers so that applying for benefits is easier and faster for applicants is more effective and less costly for states. Some states have created an integrated benefit application so that families can apply for not only SNAP and Medicaid but also child care assistance and housing support.¹⁴

Serving Families Who Receive TANF

New Mexico law provides that TANF participants shall be considered priority 1 level in receiving child care assistance.¹⁵ Yet HHS reports that only 6.4% of TANF participants in New Mexico receive child care assistance.¹⁶ ECECD can take action to ensure that families who receive TANF have full access to child care assistance, as required by law:

- **Stop Diverting TANF cash assistance funding to Child Care Assistance that does not go to TANF families.** New Mexico spends about 21% of federal and state TANF funds on basic assistance diverting funds away from income support toward other state budget areas.¹⁷ Further, New Mexico spends about 14% of federal and state TANF funds on child care.¹⁸ This analysis is for New Mexico's use of federal or state TANF funds for child care, including federal TANF funds transferred to CCDBG, but not other federal funds, such as those directly

¹⁴ For example, see Minnesota's integrated benefit application site, <https://www.mnbenefits.org/>.

¹⁵ NMAC 8.15.2.9(A).

¹⁶ U.S. Department of Health and Human Services, Administration for Children and Families, Characteristics and Financial Circumstances of TANF Recipients, Fiscal Year 2019 https://www.acf.hhs.gov/sites/default/files/documents/ofa/fy19_characteristics_final.pdf at page 13.

¹⁷ <https://www.cbpp.org/14-states-spent-less-than-10-percent-of-federal-and-state-tanf-funds-on-basic-assistance-in-2019>

¹⁸ <https://www.cbpp.org/21-states-spent-less-than-10-percent-of-federal-and-state-tanf-funds-on-child-care-in-2019>

appropriated to CCDBG. Supporting child care should not come at the expense of providing direct cash assistance to families.

- **Automatically make children who receive TANF eligible for child care assistance.** As stated above, we applaud the data integration project HSD and ECECD collaborate on. SL Start/Creative Work Solutions, HSD's corporate contractor charged with administering the State's TANF program has a pattern and practice of not referring all families who receive TANF to the Department to seek child care assistance. Instead, the contractor determines that only certain families can receive child care assistance and refers them on that basis. This limited referral deters eligible families from seeking assistance at ECECD and conflicts with NMAC 8.102.620.15, which states that the Department must authorize all child care to TANF participants after an initial 30 day period.
- **Ensure families can continue receiving child care despite HSD's unfair use of short TANF Work Participation Agreements.** ECECD should work with HSD to increase the duration of TANF Work Participation Agreements or seek an alternative basis for certifying ECECD child care hours. Child care placement agreements (the child care contract) have historically been issued for the same length of time as the TANF Work Placement Agreement (WPA). Unfortunately, HSD's TANF program issues WPAs for very short periods of time, for as little as one month at a time. This has the unintended consequence of limiting child care contracts to a very short period. Each time a TANF participant receives a new WPA, they have to go to ECECD and request a new child care placement agreement. These overlapping bureaucratic requirements impose serious burdens on families that hinder their ability to achieve financial independence. The time and travel it takes to comply with this process restricts families' ability to meet TANF program requirements and to find work. ECECD could create a 12 month child care contract and impose a reporting requirement on the family to notify ECECD if TANF work hours change. An even better option would be to create an interface between ECECD and NM Works to streamline enrollment and renewal of benefits.

Safeguard Accessibility for Clients with Disabilities

The state plan does recognize children with disabilities throughout, references the Family Education Rights and Privacy Act and IDEA, and encourages staff to be familiar with the Americans with Disabilities Act as it relates to enrolling and caring for children with special needs. Failure to provide program modifications, support services, adequate screening and assessment, and the failure to operate programs so that they are accessible to and usable by people with disabilities may violate Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act (ADA). Non-discriminatory methods of administration can be achieved through training staff to screen for and accommodate people with disabilities, having a clear written policy incorporating accommodations and modifications, and conducting regular oversight of programs and policies. Further, ECECD must take steps to ensure that child care providers do not discriminate against children with disabilities. The state plan should include the Department's intention to provide child care assistance benefits to participants with disabilities in a non-discriminatory manner.

Wages and Benefits for Child Care Workers (6.1.3)

The state plan should include an increase in wage supplement amounts for teachers pursuing college certificates and degrees. Currently, the incentive supplement is not adequate for a full time childcare worker to work full time and attend school in their off hours. A robust supplement in wages for childcare workers pursuing higher education benefits the worker but also the children who will have the benefit of a more education workforce.

Diversity and Inclusion (6.2.2,3)

We applaud the Department for committing to a provision of bonuses to teachers who speak additional languages. The state plan should include concrete details for how it plans to support, retain, and recruit early educators who speak languages other than English. The plan should provide details for how the Department will provide access to professional development opportunities for monolingual Spanish speakers. This will provide a clear path to these workers about how to advance their career development within the Department.

Data Reporting

In order to track ECECD's progress in meeting the goals of the CCDF, the Department should track and report data on the following:

- **Churn.** Churn is the term used to describe the process of households losing eligibility for failure to do a required application or renewal procedure, experiencing a short period without benefits only to reapply and regain eligibility.¹⁹ Churn costs the state money in administrative costs to re-process eligibility multiple times for eligible households and families go without critical assistance. The Department should measure and report on churn to identify unnecessary administrative procedures. One of the most accurate measures of churn is to report on the share of participants required to renew eligibility in a given month who lose benefits for not complying with the process and end up returning to the program within a short period of time (90 days).
- **Co-enrollment of families in child care assistance and other public benefit programs.** Tracking co-enrollment will aid the state in identifying barriers for families in receiving assistance that will support child well-being. In order to meet the State's own goal of providing TANF families with high priority, the Department should consistently report on the number of TANF families enrolled in the child care assistance program.
- **Timeliness of Processing.** To ensure that benefits applications and renewals are timely processed, the Department should track the time between initial application/submission of renewal documents and the time benefits are granted are renewed. Tracking this data will

¹⁹Dottie Rosenbaum, *Lessons Churned: Measuring the Impact of Churn in Health and Human Services Programs on Participants and State and Local Agencies*, Center on Budget and Policy Priorities, March 2015

help the Department identify delays in application processing and areas to improve worker training.

Conclusion

We encourage ECECD to use the CCDF plan as an opportunity to streamline administration of child care assistance in New Mexico and improve access to the program for eligible families. Ongoing collaboration with the Department on these improvements is important to the New Mexico Center on Law and Poverty. To maximize the opportunities outlined in this letter, we would like to meet with the Department to discuss these comments. Please contact [REDACTED] or [REDACTED] or [REDACTED] your earliest convenience. Thank you for the opportunity to comment on the Department's proposed plan.

Sincerely,

[REDACTED]
[REDACTED]

And

[REDACTED]
[REDACTED]

Organizing in the Land of Enchantment (OLÉ)

Smith, Ashleigh, ECECD

From: [REDACTED]
Sent: Friday, June 4, 2021 7:04 AM
To: ECECD-ECS-PublicComment
Cc: [REDACTED]
Subject: [EXT] CCDF State Plan Public Comment
Attachments: ECEC Comments - NM CCDF Plan.pdf

Follow Up Flag: Follow up
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Hello,

Please find our state plan public comments attached.

Thank you,

[REDACTED]
Policy Advisor and Associate
Brownstein Hyatt Farber Schreck, LLP

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SENT VIA EMAIL TO: ECECD-ECS-PublicComment@state.nm.us

June 4, 2021

New Mexico Early Childhood Education and Care Department
1120 Paseo de Peralta
Santa Fe, New Mexico 87505

RE: New Mexico Draft CCDF Plan for 2022-2024

On behalf of the Early Care and Education Consortium (ECEC), a national organization of multi-state, multi-site child care providers, including 18 high-quality child care centers in New Mexico, with the capacity to serve more than 1,800 New Mexico children, we write to provide comments on the draft Child Care and Development Fund (CCDF) Plan for 2022-2024.

On March 11, President Biden signed the American Rescue Plan Act (ARPA) of 2021, which provides over \$40 billion in federal funding for the child care industry. For New Mexico, this amounts to approximately \$320 million in dedicated child care funding. Although there is concern that a significant portion of the funding provided by ARPA is short-term, the legislation does increase the Child Care Entitlement to States (CCES) by more than \$500 million. Because CCES is a mandatory allocation, this will be a reoccurring funding stream that can further enable states to make permanent improvements to the child care system. In addition, the Consolidated Appropriations Act of 2021 appropriated \$5.911 billion for CCDBG – an \$85 million increase over FY2020 levels. This marked the 4th consecutive year Congress sustained or increased CCDBG funding since doubling it for FY2018. Therefore, we encourage the New Mexico Early Childhood Education and Care Department (ECECD) to consider both the short and long-term funding opportunities that, in concert, will support our recommendations.

CCDF 2022-2024 Draft Plan and Implementation Comments

- 3.1** ECEC encourages ECECD to reduce barriers for family participation in early childhood education and care services, in particular those barriers faced by low-income families. ECEC also encourages ECECD to promote flexibilities as needed to facilitate access.
- 4.1.3** Expanding access for low-income families requires improving support for providers. **For years, low reimbursement rates and unreliable funding streams have made it difficult for providers to serve families requiring subsidy assistance, ultimately limiting child care options for families in need.** Before the pandemic, fewer than 1 in 6 families eligible for child care financial assistance utilized it, in part due to a lack of participating high-quality providers.¹ Even providers that participate are often forced to raise fees disproportionately for non-subsidized families to make up for the funding gaps for children who are eligible for subsidy.

¹ GAO, “Child Care and Development Fund: Subsidy Receipt and Plans for New Funds.” <https://www.gao.gov/products/gao-19-222r>



Early Care & Education Consortium

Therefore, ECEC strongly urges ECECD to align with the federally recommended rate of 75th percentile. Increasing rates will boost wages and lead directly to an increase in the number of available slots.

4.4.1 ECEC urges ECECD to elevate the importance of meeting the CCDBG Act requirement to establish polices that reflect generally accepted payment practices for child care providers, including (to the extent practicable) delinking provider payments from occasional absence days and paying on a full- or part-time basis versus hourly. This pay structure results in gaps in revenue that ultimately dissuade providers from participating in the subsidy system.

5.5.1 For many child care providers, the biggest barrier to reopening or using available space is the challenge of finding qualified staff. In many cases, existing classrooms remain closed due to a lack of qualified staff, limiting child care options for families.

For this reason, ECEC urges ECECD to reduce the administrative burden to become employed in a child care setting by streamlining fingerprinting and background checks to reduce the wait time for qualified staff to begin employment.

6.3.1 ECEC urges ECECD to incentivize professional development by paying for and rewarding credentials such as CDA credentials and post-secondary degrees. ECEC also urges ECECD to reward longevity in the field through financial incentives at key benchmarks. These initiatives will help recruit and retain a high-quality workforce.

7.3.1 National accreditation and QRIS program standards encourage providers to go beyond licensing regulations to improve the health and safety for Utah's most vulnerable children. However, rates are still too low to cover the cost of quality care, placing a heavy burden on those providers. We encourage ECECD to increase the rates for quality care to help with the high-cost burden.

7.8.1 ECEC encourages ECECD to reward accreditation and consider covering the cost of accreditation fees with the additional CCDBG funding. COVID-19 put an extraordinarily high burden on providers, so support for maintaining quality such as paying for accreditation fees can go a long way.

Thank you for the opportunity to provide comments, and for your dedication to the children and families in New Mexico. We look forward to working with you to provide for the needs of our nation's child care providers, working families, and our youngest citizens.

Sincerely,

The Early Care & Education Consortium

Smith, Ashleigh, ECECD

From: [REDACTED]
Sent: Friday, June 4, 2021 1:09 PM
To: ECECD-ECS-PublicComment
Subject: [EXT] CCDF Plan Public Comment
Attachments: OLÉ CCDF Comments.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear ECECD Colleagues,

Please see our comments, attached.

Sincerely,

[REDACTED]
OLE Education Fund

Secretary Elizabeth Groginsky
Early Childhood Education and Care Department
Via email

June 3, 2021

Dear Secretary Groginsky and ECECD Department Staff,

We are writing to express our support for the ECECD's draft three-year CCDF plan and our belief that the plan would benefit from greater detail and a more explicit rationale for certain elements of the plan. While we strongly support greater compensation and professional development opportunities for early educators, we believe that these goals should be clearly framed as essential elements of ensuring New Mexico's children receive the highest-quality care and education and enter Kindergarten happy, healthy, and equipped for success in school. In mapping out the Department's three-year plan to build a high-quality child care system, every New Mexican should understand the costs associated with this revamped system, which includes professional wages for child care teachers.

The Department repeatedly refers to the need for a "well-compensated" workforce. For PreK instructors, the Department has clearly stated the need to ensure private PreK teachers have pay equity with public PreK teachers; this is a good benchmark that remains relevant even as public schools increase pay over time. We believe that non-PreK child care teachers need the same benchmark since it is not open to interpretation in the way that "well-compensated" is. This will also begin to relieve tensions that have grown in child care workplaces where pay has widened between PreK and 0-3 childcare staff. In the department's three year strategic plan, it states that it will develop a compensation pay scale that is aligned to a teacher's level of education, credentials, training, experience, and language spoken. We believe this is an excellent component of the draft plan, but we recommend that the final CCDF three-year plan define how the Department's wage and career lattice will relate to pay equity between both public and private PreK teachers.

In section 6.2.2.3, we recommend that the Department provide more detail and a more concrete plan on how it plans to support, retain and recruit early educators who speak other languages than English. Since the Department has already made a commitment to provide bonuses to teachers who are proficient in other languages, we believe that should be mentioned in the three-year plan as evidence of the Department's commitment to supporting children who speak a language other than English. Furthermore, in areas of the plan that detail the Department's goals of expanding higher-education professional development opportunities and making them affordable

and accessible, we recommend that the plan make special note of the need to insure that monolingual Spanish speakers have equitable access to the same volume of ECE degree-required courses that English speakers do, so they can move up the Department's career lattice as easily and quickly. We also recommend adding elements of the Department's three-year strategic plan to the three-year CCDF plan to provide additional detail and consistency between the two documents. In the former, for example, the Department outlines ways in which Spanish Speaking teachers can be supported, such as Spanish Language cohorts as well as local communities "growing their own" early childhood workforce to meet the needs of the wide variety of needs.

In section 6.1.3, the Department's plan details its continuing support for scholarships and wage supplements that are intended to provide an incentive to teachers pursuing college certificates and degrees. A criticism that we have routinely heard from early educators is that the wage supplement program does not, in fact, provide an adequate incentive commensurate with the significant effort a teacher expends to work full-time at a poverty wage while also taking college courses. Understandably, this has been a result of the limited resources provided to the Department by the Legislature. Now that the Department is receiving significantly greater resources from dedicated federal and state funding streams, however, we recommend that the Department include in the three-year plan an increase in wage supplement amounts that reflects the recommendations of teachers who find the current supplements inadequate. In this way, the Department can better define an important cost of high-quality child care and education rather than reiterate a plan that has previously been insufficiently funded.

While the draft CCDF certainly does not require the level of detail that we suggest, we believe that adding our recommendations will further strengthen the confidence of New Mexico's early learning workforce as they collaborate with the Department to design and implement reforms that will result in a consistently high-quality early childhood education and care system for New Mexico's children.

Sincerely,

A solid black rectangular box redacting the signature of the sender.

OLÉ Education Fund

Smith, Ashleigh, ECECD

From: [REDACTED]
Sent: Friday, June 4, 2021 1:27 PM
To: ECECD-ECS-PublicComment
Subject: [EXT] CCDF Plan Comment
Attachments: KinderCare NM CCDF2022 Comments.pdf

Hello,
Please find attached our written comments in response to the state's draft CCDF Plan for 2022-2024.
If you have any questions or require additional information, please do not hesitate to contact me.
Thank you,

[REDACTED]
[REDACTED]
KinderCare Education, LLC
[REDACTED]



June 4, 2021

New Mexico Early Childhood Education and Care Department
Submitted via email: ECECD-ECS-PublicComment@state.nm.us

Re: New Mexico's Draft CCDF Plan for 2022-2024

KinderCare Education proudly serves more than 400 children at our four high quality early learning centers across New Mexico. Our world class educators stepped up during the COVID-19 pandemic to provide high quality care to essential workers and we are hopeful for the continuing rise in enrollment as more parents are able to return to work. We are committed to serving all children regardless of background and financial circumstance, and we are proud of the diverse group of children we serve. Approximately 84% of our children in New Mexico are from hardworking families who receive assistance under the Child Care and Development Block Grant (CCDBG). We appreciate the opportunity to provide written comments on the state's draft CCDF Plan for 2022-2024.

CCDF 2022-2024 Draft Plan and Implementation Comments:

- 1.3.1 KinderCare Education recognizes the strong efforts the Early Childhood Education and Care Department (ECECD) has made to engage childcare providers in the development of the 2022-2024 CCDF Plan and we are thankful for the opportunities to provide input. We recommend ECECD include a written goal of assisting other Lead Agencies in promoting opportunities to involve high-quality childcare providers in the development and implementation of their own state's CCDF Plan.
- 1.3.3 We commend ECECD for sharing the draft CCDF Plan with the public through the Department's Facebook page. We counted no fewer than seven posts about the CCDF Plan - far more than we were able to locate for other states. We recommend ECECD consider assisting other Lead Agencies over the Plan implementation period in supporting the use of social media for widely distributing this critical information.
- 4.3.1 KinderCare Education recommends ECECD provide more transparency into the base payment rate percentiles by referring to them in context of the most recent market rate survey, as required. The most recent market rate survey was conducted in 2018; the base reimbursement rates have not increased since 2016. This highlights the state's lack of commitment to provide adequate payment to childcare providers for more than five years.
- 4.3.3 KinderCare Education urges ECECD to include a statement expressing interest in exploring funding for differential rates paid to childcare programs serving infants and toddlers and children with special needs. This would support the increased costs of lower

child to adult ratios, staff qualifications, and specialized equipment. Implementing this additional funding will target resources in such a way that helps ensure higher quality and greater access to services for families.

4.3.4 We recommend ECECD include a description to work with the Legislature and Governor over the next three years to increase base reimbursement rates to more accurately reflect the cost of care. Low subsidy reimbursement rates do not pay for quality nor provide incentives or support for increasing quality. We would support legislation introduced to address equal access through increased base reimbursement rates.

4.4.1 KinderCare Education strongly recommends ECECD review the statement verifying monthly pay runs are performed and clarify which entity verifies timely and accurate payments. We suggest ECECD add an intent to review this payment practice over the Plan period. Our experience has shown when overpayments are received, they cannot be resolved at the local level; this creates a heavy workload at the state level. On occasion, we have received notice up to nine months after payment. This practice is contrary to ECECD's assurance of providing timely payments and burdens childcare providers with duplicative recordkeeping.

Additionally, we recommend ECECD clarify that (e) the notice of actions which affect services, benefits, or provider payments or status, is provided in writing - through the U.S. Postal Service and requires original signatures. We urge ECECD include in the description their support for state investments in technology over the Plan period to allow for online communication and processing.

5.5.4 KinderCare Education strongly recommends ECECD work with the state to become a "Compact State" and participate in the National Fingerprint File (NFF) program. One of the biggest advantages of becoming an NFF state is that an FBI fingerprint check satisfies the requirement to perform an interstate check of another state's criminal history record repository if the responding state participates in the NFF program.

7.3.5 KinderCare Education commends ECECD and the state legislature for the attention placed on program quality and provider support through the TQRIS standards and the higher reimbursement rate payments established to help meet them. The FOCUS program standards encourage providers to build upon licensing regulations to improve the health and safety of our most vulnerable children.

Meeting increased program standards can be a heavy weight on providers; we urge ECECD to include a statement expressing interest over the Plan period to address ongoing or periodic quality stipends and tax credits for higher quality childcare. Given the state is poised to receive significant federal funding, we support ECECD in reviewing additional ways to support childcare providers in offsetting the cost of providing high-quality childcare in New Mexico.



KinderCare Education commends the state for the current mixed delivery model of early education and care. This system respects and provides for the individual choices and needs of children and families and offers the best environment for creating strong family-provider partnerships and engagement. It also leverages the need for continuous improvement necessary to remain competitive for the benefit of all children.

KinderCare Education is proud to provide high-quality care in New Mexico and appreciates the opportunity to submit comments on the draft CCDF plan. We are encouraged by the state's commitment to ensuring all children have access to affordable, high-quality childcare. If we can be of further assistance in the development or implementation of this plan, please do not hesitate to contact us.

KinderCare Education, LLC

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