

Legal Update



CHILD
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REDUCING TURNOVER: BAY AREA PROGRAMS TARGET LOW CHILD CARE WAGES

BY DANIELA KRAIEM

Members of the child care community have long been aware that high levels of teacher turnover lowers the quality of child care. With wages stagnant for many years, child care programs are having a more difficult time than ever recruiting and retaining highly qualified, skilled teachers and providers in this booming employment market. However, financially strapped centers cannot afford to increase wages, and many families cannot afford to have the higher cost passed on to them in the form of higher fees. Many communities are seeking innovative ways to raise wages, or create other incentives to

remain in the field, including stipend program and wage subsidies.

Stipend Programs

Child care provider stipend programs create incentives to remain in the child care field and attain increased levels of formal education by granting stipends to eligible providers, often ranging from \$500-\$6000. Although each program is unique, providers are generally eligible to participate if they have a minimum level of education and have been at their current job for a specified period of time (for example, one year.) The requirement that a provider remain in a position for a specified period of time is designed to reduce turnover by giving providers an added incentive to remain in their current jobs. The amount of the stipends generally depend on the level of education attained by the provider, which creates an incentive to seek additional training.

Child care worker stipend programs have been implemented in San Francisco and Alameda counties in California. In Alameda county, which encompasses Oakland and Berkeley as well as several other cities, the "Child Development Corps" program received 2,400 applications for stipends. Child Care Law Center board member Rory Darrah, who has worked extensively on the Alameda Child Development Corps program, notes that the program has had several exciting ramifications in addition to supplementing the incomes of child care providers. First, the program has created new leadership in the child

CONTENTS

REDUCING TURNOVER: BAY AREA PROGRAMS TARGET LOW CHILD CARE WAGES	1
CHANGES TO SPECIAL NEEDS RATE LIMITS SUBSIDIES FOR CHILDREN WITH DISABILITIES	2
ASK A LAWYER: FEDERALLY SUBSIDIZED & PUBLIC HOUSING	4
A GUARANTEE? PARENTAL CHOICE? WHEN IS NEEDED CHILD CARE UNAVAILABLE?: AN ANALYSIS OF NEW YORK REGULATIONS	5
BUILDING COLLABORATION AND COMMUNICATION BETWEEN CHILD CARE ADVOCATES AND LEGAL SERVICES ADVOCATES	7
EMILY FRIEDMAN: CHILD CARE ADVOCATE AT THE LEGAL ASSISTANCE FOUNDATION OF CHICAGO.	7
CHILD CARE LAW CENTER BIDS FAREWELL TO ALICE BUSSIÈRE	11

care community, as the child care providers who served as advisors to their peers in the program application process became deeply involved in the program. Second, she notes that the incentive created by the stipends has pushed enrollment up at the community college early childhood education classes. For more information visit the Alameda Child Development Corps program website at www.ackids.org.

San Francisco has launched a similar program called "SF C.A.R.E.S.," funded by the City and County of San Francisco.¹ Since over 1,200 child care providers applied for about 400 available stipends, priority was given to the lowest paid workers who had worked longest in the field and in San Francisco. Next year, an additional priority will be given to providers who participate in a Child Development Corps, which will be formed to promote professional development and advocacy by and for child care providers. Both the San Francisco and Alameda county initiatives will participate in an evaluation process, designed to yield data about the child care workforce and the efficacy of stipend programs in increasing retention and education among providers.

Several other states are also implementing stipend programs to reward retention and training. For more information about these innovative plans to tackle turnover visit the Center for the Childcare Workforce website at www.ccw.org/research/state&comm.html. Stipend programs are a significant first step towards increasing public recognition of the staffing crisis and the need for public investment in the child care workforce.

Wage Subsidies

Publicly funded wage subsidies are

another strategy for increasing provider compensation. For example, San Francisco has committed 4.1 million dollars of city and county funds to subsidize the wages of the lowest paid employees to bring them closer to a living wage. This program, called WAGES Plus, guarantees a wage of at least \$9.00 to all child care center workers who work in a participating center.

The program provides a grant to the center, which passes the funds through to its workers in the form of increased wages. Centers must meet two requirements to participate. First, the center must serve at least 25% children from low income families, defined as those families earning wages at or below 75% of the state median income. Second, the center must pay the affected workers the local median wage for workers in that position.

For example, if a center currently pays its teacher's aides \$6.50 per hour, the center must bring the wage up to the median wage of approximately \$7.10 per hour. The city will make up the difference to bring the worker's wage up to \$9.00, including additional employment taxes.

The program will also offer some level of wage subsidy for workers already earning above \$9.00, thereby avoiding situations in which entry level workers earn nearly as much as longer term workers with higher qualifications. WAGES Plus program administrators hope that the wage subsidy program will open the door to addressing the compensation crisis in child care, and will improve the quality of child care in by stabilizing the workforce.

Daniela Kraiem is a staff attorney at CCLC.

CHANGES TO SPECIAL NEEDS RATE LIMITS SUBSIDIES FOR CHILDREN WITH DISABILITIES

BY CYNTHIA GODSOE

The California state agencies administering CalWORKs and other subsidized child care programs recently issued new guidelines for the augmented rate available for providers caring for children with disabilities.¹ The new guidelines change the rate from the "special needs" rate to the "severely handicapped" rate.² In so doing, they greatly reduce the number of children who are eligible for such a rate, and implement a more restrictive definition of special needs care than most states.³

Payments for subsidized child care are based upon the rates a provider charges unsubsidized families, up to the Regional Market Rate Ceiling.⁴ The Regional Market Rate Ceiling is determined by an annual survey, taking into account factors such as the age of the children, the county, and the type of provider. Certain kinds of child care, however, may be supplemented by an additional factor, including child care for children with disabilities and evening/weekend care. The "severely handicapped" rate supplements the regular child care reimbursement rate by an "adjustment factor" of 1.5 to determine a rate ceiling, up to which providers of eligible children may be paid.⁵

The 2000-01 reimbursement rates for subsidized child care providers have changed the "special needs rate," which formerly included both "excep-

¹ See articles on San Francisco CARES Program in *September 1999 Legal Update*.

tional” children,⁶ i.e. children eligible for special education services, and “severely handicapped” children, to the “severely handicapped rate,” which only applies to children who are severely handicapped.⁷ Severely handicapped children are defined as children who are “mentally or physically incapable of self-care and [who] require[] that separate accommodations beyond reasonable accommodations be provided with basic child care services.”⁸ It includes children defined as “severely handicapped” under the California Education Code, such as those with autism, blindness, deafness, severe orthopedic impairments, serious emotional disturbance, or a severe developmental disability.⁹ The disability must be verified by a physician or licensed psychologist.¹⁰

The revised rate instructions also state clearly that child care providers can only receive the increased rate to make “more than reasonable” accommodations to care for children with disabilities. The CDSS and CDE directives base this policy on their mistaken belief that the Americans with Disabilities Act prohibits child care facilities from charging a higher subsidy rate for special needs care.¹¹ However, there are no legal prohibitions to paying a higher rate for subsidized child care for children with disabilities.¹² Some states in fact pay the higher special needs rate for care that would qualify as a “reasonable accommodation” under the ADA.¹³ Moreover, provisions of the federal welfare reform law prohibiting the payment of special needs rates were repealed, in recognition of the rationales for a higher rate outlined above.

The new guidelines limit the number of children who are covered and thus undermine the purpose of the increased rate, which is to expand the capacity of child care providers to care for children with disabilities and to ensure that these families have access to child care. They also limit the increased rate to the care of children who are severely disabled, and thus certainly eligible for other programs such as special education, SSI or Regional Center services. Thus, child care providers are left with no support in accommodating children with less severe disabilities who require reasonable accommodations. Although required under the ADA, such accommodations are not always easy, especially for smaller family child care providers, and the special needs rate was a positive incentive to compliance which has now been removed.

The Child Care Law Center and other advocates are investigating ways to make the rate more inclusive and effective. We are interested in hearing from families and providers who are having problems accessing the increased rate for severely handicapped children, or for other children with disabilities who were previously eligible and are now being told that they are now ineligible.

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¹ The Regional Market Rate applies to CalWORKs child care, administered by California Department of Social Services (CDSS) and California Department of Education (CDE), and various other subsidized voucher programs administered by CDE. Some other subsidized child care center-based programs administered by CDE are governed by the special needs rate provisions outlined in California Education Code §§ 8265.5(d), (e) (West Supp. 2000).

² A.C.L. No. 00-42 (June 26, 2000), at 1. Although the ACL and similar letter from CDE make no mention of these categories, the California state plan required by Child Care and Development Fund regulations, 45 C.F.R. § 98.16(f), includes children who are limited-English-proficient, and who are receiving child protective services, in its definition of “special needs child[ren].” See National Child Care Information Center (hereinafter NCCIC), *Definitions of “Special Needs Child” from Child Care and Development Fund State Plans (for the period 10/01/99-9/30/01)* (June 2000) (on file with author).

³ State definitions of special needs rate eligibility for subsidized child care vary widely but many include children who are eligible for special education, such as Idaho and D.C., which California now does not, and many include children not eligible for special education, such as Hawaii (explicitly including children not eligible for special education). See NCCIC, *Definitions of “Special Needs Child” from Child Care and Development Fund State Plans (for the period 10/01/99-9/30/01)* (June 2000) (on file with author).

⁴ Cal. Welf. & Inst. Code § 11325.1 (West Supp. 2000); Cal. Educ. Code § 8357(a) (West Supp. 2000).

⁵ A.C.L. No. 00-42 (June 26, 2000); Letter from CDE regarding Alternative Payment Reimbursement (June 2000).

⁶ Cal. Educ. Code § 8208(l).

⁷ A.C.L. No. 00-42 (June 26, 2000), at 1.

⁸ *Id.*, att. 1 at 1; Letter from CDE regarding Alternative Payment Reimbursement (June 2000).

⁹ A.C.L. No. 00-42 (June 26, 2000), att. 1, at 1 (citing Cal. Educ. Code § 8208(y)).

¹⁰ A.C.L. No. 00-42 (June 26, 2000), att. 1, at 1.

¹¹ A.C.L. No. 00-42 (June 26, 2000), att. 1, at 2; Letter from CDE regarding Alternative Payment Reimbursement (June 2000), at 2.

¹² See, Abby Cohen, *Ask a Lawyer: Special Needs Rates* LEGAL UPDATE (September 1999).

¹³ For instance, Kansas pays a higher rate for the care of children with temporary as well as permanent disabilities who are “able to function in a family child care home or center environment without access to other specialized support services.” See NCCIC, *Definitions of “Special Needs Child” from Child Care and Development Fund State Plans (for the period 10/01/99-9/30/01)* (June 2000) (on file with author).

**ASK A LAWYER:
FEDERALLY SUBSIDIZED &
PUBLIC HOUSING**

BY CHRIS PALAMOUNTAIN

In this periodic column, the Child Care Law Center answers legal questions frequently received on our service line. If you need information regarding legal issues in child care, you may call us at (415) 495-5498 Monday through Friday, noon to 3:00 p.m., PST. We welcome suggestions about which legal issues we should cover in future columns.

Question: What are federally subsidized and public housing programs?

Answer: The federal government, through the U.S. Department of Housing and Urban Development (HUD), provides housing assistance to low-income families in a variety of ways. Two common types of assistance are rental subsidy vouchers and housing projects.

The voucher program, commonly referred to as the Section 8 program,¹ provides subsidies to eligible households for use in the private market, thus helping low-income persons secure decent and affordable rental housing by helping to pay for units in the private market. Section 8 vouchers are “portable.” Portable means that a person with a Section 8 voucher may lease a unit anywhere in the country, not just in a specific jurisdiction, though in some communities a Section 8 participant may have to live in an identified jurisdiction for a specific amount of time. Nearly two-thirds of the 1.4 million households enrolled in the Section 8 program are families with children.

The federal government also has invested in housing projects. These

projects provide housing for qualified individuals at a cost much lower than rents on the private housing market.

Question: Some family child care providers have mentioned that a public housing authority gives them housing assistance. What is a public housing authority?

Answer: A public housing authority (PHA) is a unique governmental body that generally administers both public housing and the Section 8 voucher program for the federal government at the local level. For families living in public housing, the PHA serves as the landlord, collecting rents from families and managing the public housing project. For Section 8 families, the PHA provides a family with the voucher that enables the family to seek out suitable housing in the private market. After the family selects a rental unit that will accept the voucher, the PHA enters into a contract with the landlord to provide rental assistance payments on behalf of the family. The family often enters into a separate lease with the landlord for the unit as well. If the landlord fails to meet his/her obligations under the lease, the PHA has the right to terminate assistance payments.

Question: Does federal law prohibit family child care in public housing or the Section 8 program?

Answer: No. In fact, HUD regulations state that members of the household may engage in legal profit-making activities in the unit if those activities are incidental to the primary use as a residence.² In regards to family child care, these regulations would seem to permit such services, as family child care by definition must be offered in the provider’s home, used primarily as a residence. Letters from HUD officials also support the inclusion of family child

care in federally supported housing, stating that “[i]t is our position that using the premises as a private dwelling means using it in ways permitted for private dwellings by local law”³ Most states and local jurisdictions allow family child care in private residences, and some states explicitly define family child care as a use that “do[es] not fundamentally alter the nature of the underlying residential uses.”⁴

Question: Does federal law require that the PHA allow Section 8 recipients and public housing tenants to operate family child care in federally subsidized units?

Answer: No. Unlike the laws of states such as California,⁵ which limit landlords’ ability to prohibit family child care in rental units, *federal* law does not require that the PHA allow family child care in federally subsidized units.

However, HUD regulations do look to applicable *state or local laws* on local program management issues. For example, regulations direct the PHA’s to look to state and local law when resolving disputes between the PHA and tenants,⁶ and also direct the PHA to review a Section 8 lease “to determine if the lease complies with State and local law.”⁷ Hence, if a state or local law protects family child care providers against discrimination by landlords, then the PHA should comply with the provisions of that law.

In addition, HUD requires that PHA’s cooperate with local welfare agencies to help Section 8 voucher recipients and public housing residents achieve self-sufficiency. The PHA “must make best efforts” to work with welfare agencies “to target public assistance, benefits and services to families receiving assistance in the public housing program

ROSE V. EASTIN UPDATE

The parents and family child care provider who have sued the California Department of Education (CDE) in *Rose v. Eastin* won the right to continue with their case as a result of a superior court ruling issued in July. The case was filed by the Child Care Law Center, the Western Center on Law and Poverty, and six other legal organizations in January charging that CDE uses underground regulations to operate the CalWORKs child care program. (See, Sujatha Jagadeesh Branch, *Child Care Law Center Clients File CalWORKs Child Care Lawsuit*, LEGAL UPDATE, 10 (March 2000)).

Earlier this year CDE filed a demurrer, a legal motion that challenges the sufficiency of the complaint. The petitioners filed an amended complaint in April making their claims more specific. In May, CDE filed another demurrer, again arguing that the case should not go forward. In July, the Superior Court ruled in favor of the parents and child care providers. A status conference is scheduled for September 22, 2000.

For more information, call Sujatha Jagadeesh Branch at CCLC.

and the Section 8 tenant-based assistance program.”⁸ As child care is a key component of any public policy geared toward self-sufficiency, in order to comply with this mandate, PHAs’ must make efforts to develop child care services for their clients. At a minimum, this would mean removal of barriers to child care within federally subsidized housing programs.

Chris Palamountain is a Staff Attorney at CCLC. Feel free to email cpalamountain@childcarelaw.org or call (415-495-5498) her with questions or concerns about child care policies in your local subsidized housing program.

¹ In the past, eligible families could receive either Section 8 certificates or Section 8 vouchers. Federal housing law passed in 1998 merged these two types of assistance into one program known as the Section 8 Housing Choice Voucher Program.

² See 24 C.F.R. § 966.4(d)(2) (regarding public housing); 24 C.F.R. § 982.551(h)(5) (regarding Section 8 vouchers).

³ Letter from Joseph Schiff, Assistant Secretary to HUD, to Elizabeth A. Silver, Staff Attorney at Western Massachusetts Legal Services, dated November 20, 1990 at 1 (on file with the Child Care Law Center).

⁴ See, e.g., Cal. Health & Safety § 1597.43(a) (West Supp. 2000).

5 Cal. Health & Safety Code § 1597.40 (West Supp. 2000).

6 24 C.F.R. § 966.57(b)(2).

7 24 C.F.R. § 982.308(c).

8 24 C.F.R. § 5.613(b)(1).

A GUARANTEE? PARENTAL CHOICE? WHEN IS NEEDED CHILD CARE UNAVAILABLE?: AN ANALYSIS OF NEW YORK REGULATIONS

BY SUSAN ANTOS¹

Federal TANF law prohibits states from sanctioning single parent families who cannot participate in welfare to work activities because they are unable to obtain needed child care for their young children (under 6). Some states extend this “good cause excuse” to two parent families and families with older children. How states implement this protection is likely to have a significant impact on the type of care that children receive.

The New York State Office of Children and Families filed amendments to state regulations² defining terms that relate to the unavailability

of child care for public assistance recipients, codifying the practice of requiring public assistance recipients to search out informal care providers if they fail to find regulated care, and imposing health and safety standards on informal providers. The regulations have been filed four times on an emergency basis, but no notice of proposed rulemaking has been filed.³

The regulations provide a “guarantee” of child care services to recipients of family assistance who need care to participate in work activities, and provide that public assistance may not be terminated if child care is unavailable or unsuitable. The guarantee is phrased awkwardly, requiring social services districts to provide care when it is needed to enable a parent “to participate in activities *required by a social services official*” (emphasis added).⁴

One very large social services district in New York has made the determination that because a recipient who found work on her own, was not “required,” to take that job by the social services district, the district does not need to pay for child care. Such a position is inconsistent with

New York State Social Services Law 332-a which says “a social services district shall...provide supportive services, including ...child care...to enable an individual to participate...each district shall guarantee child care to each individual participating in a work activity.” Social Services Law 336(1)(a) defines unsubsidized employment as a work activity. A fair hearing is pending on the matter.

The regulations also make clear that public assistance recipients do not have a right to a guarantee of regulated care, a policy that eviscerates the parental choice provisions in the federal regulations.⁵ Further, they fail to take a pro-active view of the consumer education requirements, which are intended to “promote informed child care choices.”⁶ Only if a caregiver fails to find child care on his or her own and knows to ask the social services district for assistance will the parent be given any assistance in finding care. In the event that a parent is referred to any provider (regulated or informal) by the social services district, child care resource and referral or any other child care agencies, the recipient must attest why each program is not appropriate, accessible, suitable, affordable or reasonable distance from the work site. The social services district is required to “verify the attestation.”

A social services district must provide two choices of eligible child care providers, one of whom must be regulated, to public assistance recipients who demonstrate the “inability to locate needed care.” However, this provision does not apply (and the recipient will not be excused from work activities for inability to locate needed child care) unless the recipient provides an attestation, that he or she contacted “accessible and suitable friends,

neighbors and relatives... who have the potential to act as informal care providers,” and none were “appropriate or affordable.” This attestation must include the list of the friends, neighbors and relatives that the parent or caretaker relative has contacted, and the reasons why each provider was not appropriate. The regulations do not provide that the person can attest that no friend, neighbors or relatives are appropriate.

A parent who manages to successfully establish the unavailability of care, must submit new attestations on a periodic basis in accordance with a schedule developed by the district based on the parent’s employment plan. An exemption from the work requirements because no appropriate child care is available does not extend the 5 year TANF time limit for public assistance recipients.

When is Child Care Inappropriate?

Federal law requires that the state define appropriate and accessible child care, reasonable distance and unsuitability of informal child care.⁷ New York’s response to this requirement is particularly disappointing. Appropriate means that the child care provider is “open for the hours and days” that the parent needs care and is “able and willing to provide child care...including addressing any special needs of the child.”

Accessible means the parent is able to get the children to and from care by public or private transportation, taking into consideration the age and special needs of the children.” Reasonable distance will be defined by local social service districts “based on locally accepted community standards.” Unsuitability of informal care means that the “physical condition of the home” or the “physical or

mental condition of the informal provider” would be “detrimental to the health, welfare and/or safety of the applicable child(ren).”

These definitions stand in stark contrast to other states which assure that care is not “appropriate” unless it meets all health and safety standards (Arkansas, Delaware, Georgia, Hawaii, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, New Mexico, Oregon, Rhode Island, South Carolina) and/or is strongly guided by parent choice (California, Kentucky, Montana, South Carolina, Utah, Washington). Some states even require that appropriate child care provide “enrichment” (Florida) or “developmentally appropriate practices” (Nevada, South Dakota). New York, having just promulgated new health and safety standards for informal care,⁸ should provide, at a minimum, that care which violates any of the new health and safety standards is unsuitable.

For more information, contact Susan Antos, Greater Upstate Law Project, Inc., 119 Washington Ave., Albany, NY 12210, Telephone: (518) 462-6831, Fax: (518) 462-6687, e-mail: santos@wnylc.com.

1 Susan Antos is an attorney at the Greater Upstate Law Project, Inc.

2 18 NYCRR Part 415.

3 The regulations were filed on an emergency basis on October 1, 1999, again on December 30, 1999, again on March 30, and most recently on June 28, 2000. Since emergency regulations are effective for 90 days, they will expire on September 25, 2000. State law does not permit emergency regulations to be filed more than once unless a notice of proposed rulemaking has been filed. New York State Administrative Procedure Act 202(6)(b). Therefore, the legality of the subsequent filings is questionable.

4 18 NYCRR 415.8.

5 45 CFR 98.30.

6 45 CFR 98.33.

7 45 CFR 98.33.

8 The regulations provide for self certification that the provider meets specified minimal health and safety standards.

***BUILDING COLLABORATION AND COMMUNICATION BETWEEN
CHILD CARE ADVOCATES AND LEGAL SERVICES ADVOCATES***

BY SUJATHA JAGADEESH BRANCH

The Child Care Law Center sponsored a meeting of California child care advocates and legal services advocates on July 26, 2000. The purpose of the meeting was to provide a forum for leaders in both the child care and legal services fields to meet and discuss important child care issues.

The day began with presentations on state policy issues by Pat Dorman of On the Capitol Doorstep, Donita Stromgren of the Child Care Resource and Referral Network, and Nancy Strohl and Sujatha Jagadeesh Branch of the Child Care Law Center. The group then brainstormed policy issues likely to arise in the next few years. The need for increased child care subsidies and a better regulatory process came up most often in this discussion.

The second workshop covered license-exempt care and employment law issues, such as minimum wage. After presentations by Jodie Berger of the Employment Law Center, and Arlyce Currie of Bananas, participants discussed the legal problems that arise in license-exempt care and possible options for resolving these problems.

The day ended with a workshop on collaboration between child care advocates and legal services advocates. Duane Dennis of Child and Family Services and Coleen Jarvis of Legal Services of Northern California presented on their collaboration efforts in Los Angeles and Butte Counties.

Over forty-five advocates from Alternative Payment Programs, Resource and Referral agencies, legal services agencies, and other agencies from around the state who work on child care issues attended the meeting. Many participants recommended that the Child Care Law Center host yearly meetings, covering state policy as well as other topical issues.

The Child Care Law Center will draft a summary of the meeting and chart out next steps to resolve issues that arose over the course of the day. If you did not attend the meeting and you would like to receive this information, please call or e-mail Naomi Boas at nboas@childcarelaw.org.

Our thanks to Arlyce Currie of Bananas for hosting the meeting and sharing her wonderful conference room, to all the presenters and participants who helped make the day a success, and to the David and Lucile Packard Foundation for making the meeting possible.

Sujatha Branch is a senior staff attorney at the Child Care Law Center.

***EMILY FRIEDMAN:
CHILD CARE ADVOCATE AT
THE LEGAL ASSISTANCE
FOUNDATION OF CHICAGO***

BY CYNTHIA GODSOE

Several organizations across the country have legal advocates who specialize in child care issues. Legal Update will highlight the work of these advocates periodically. Contact us if you know someone we should profile.

For the past two years, Emily Friedman has advocated to increase the access of low-income parents to child care and to improve the child care system for all Chicago families. As a Skadden Fellow and staff attorney at the Legal Assistance Foundation of Chicago, Emily represents parents in welfare and child care related matters and works to achieve systemic change on the common problems her clients' experience. Through her efforts, she hopes to enable families to escape the "ACatch-22" that welfare reform has placed them in: parents must work in order to receive welfare, but often cannot access the affordable and appropriate child care necessary to do this.

Emily uses a variety of legal tools to advocate for increased access to quality child care so that low-income parents can achieve self-

sufficiency. She represents parents whose child care subsidy has been wrongfully denied or terminated and parents who are at risk of losing other benefits because of child care issues, such as welfare-to-work participants who should be granted an infant exemption from work requirements. Emily also pairs up with community based organizations to offer community education on child care and welfare-to-work law. Her courses often include a role play to enable clients to best communicate with welfare case workers and others about their rights.

Emily also learns from her clients about problems that plague the Chicago child care system as a whole and engages in broader advocacy efforts to resolve these. For instance, the very complicated application for subsidized child care caused delays and denials in assistance for many of Emily's clients. Emily worked with the child care bureau of the Illinois Department of Human Services to make the application more accessible. She also works with other local advocates, including those at the National Center on Poverty Law, to communicate with the department about problems their clients experience in the implementation of Chicago's welfare-to-work program and to comment on new policies. Recently, for instance, Emily suggested revisions to the definition of "reasonable unavailability" of child care sufficient for a good cause excuse from TANF work requirements that the state welfare department has proposed. As all child care advocates know, this work is both very rewarding and sometimes frustrating. Emily has found one advocacy experience to be both. Last

year, in response to Emily's administrative advocacy on multiple issues, the welfare department asked her to invite some of her clients to discuss their experiences of the welfare-to-work and child care programs. The clients' stories were compelling and revealed the multiple barriers needlessly put in the way of welfare-to-work participants needing child care to accomplish work and educational programs. The participants found the experience empowering and the department is following up on the issues raised at the meeting. Yet, the department had also committed to reimbursing the discussion participants for the child care costs they incurred from attending. It took Emily many months and much advocacy to finally secure the promised child care reimbursements.

This child care project grew in part out of Emily's dual interest in children's and youth issues and welfare advocacy. After college, Emily worked for Philadelphia Futures, which provided scholarships and mentoring opportunities for low-income high school students. This experience sparked Emily's interest in women's and children's issues, and inspired Emily to go to law school so that she could achieve change on a larger scale. During law school at Duke University, Emily spent a summer at Knoxville Legal Aid Society in Tennessee, working on welfare and community economic development. In preparation for the incipient implementation of welfare reform, Emily and her colleagues worked with low-income clients trying to set up small businesses which could qualify as welfare-to-work activities. Emily wanted to continue working on welfare issues

after law school, and partnered with the Legal Assistance Foundation of Chicago, which had identified child care as an important issue for advocacy post welfare reform, to create a child care project. Upon the completion of her fellowship, Emily will stay on at the Legal Assistance Foundation as a staff attorney.

Some of the greatest challenges Emily faces are ensuring that welfare-to-work law is implemented appropriately, and that welfare department officials understand the long-term and complex nature of child care issues. Many Illinois laws governing welfare look good on the books, but are problematic in their implementation. For instance, Illinois grants a one-year infant exemption to parents with new babies, but the welfare department frequently requires these parents to attend multiple job training and other activities during the work day. Moreover, many welfare caseworkers perceive a lack of appropriate child care as a one-time or short term problem, whereas parents, especially those who have children with disabilities or many children, know that the problem is long term and requires advocacy to increase the access to, and quality and capacity of, child care to resolve. Emily will continue to work towards these goals, enabling her clients to achieve greater economic self-sufficiency and appropriate care for their children.

You can reach Emily at: efried@lafchicago.org; Legal Assistance Foundation of Chicago, Northwest Office, 1212 North Ashland Avenue, Chicago, Illinois 60622; (773) 489-6800.

Cynthia Godsoe is a staff attorney and Skadden Fellow at CCLC.

CALIFORNIA RURAL LEGAL ASSISTANCE SPONSORS CONFERENCE ON CHILD CARE

On May 16, 2000, California Rural Legal Assistance hosted a conference concerning child care development issues in California's Central Valley. The conference was co-sponsored by Catholic Charities, the California Child Care Resource and Referral Network, Central California Legal Services, the Child Care Law Center, the National Economic Development and Law Center, and Proteus, Inc. Participants included legal service advocates, social service providers, child care administrators, and economic development officials.

The conference involved a combination of presentations and discussions among the participants, starting with a report from the Fresno Child Care Local Planning Council on its Comprehensive Child Care Needs Assessment. Building upon the findings of this Assessment, participants identified what needs described by the Council were most crucial, what additional needs existed, and what additional information was needed. The agenda also included presentations on the economic impact of child care on the local economy and innovative ideas for meeting child care needs, such as cooperative child care models.

Based upon the discussions, it became clear that child care needs in the Central Valley are considerable. To illustrate, participants described troubling capacity problems, including a lack of care during non-traditional hours, after-school care, care in rural areas (particularly for the children of farmworkers), infant care, care of children with special needs, and culturally sensitive child care. Attendees also described that families lacked access to child care related services, such as transportation to after-school care, subsidies for low and moderate income families, and subsidy programs that take into account the intermittent income of migrant and seasonal workers.

Participants also identified a number of ways in which the federal and state agencies charged with administering child care programs could improve services by updating or clarifying policies. Specifically, attendees called for revisions to the outdated definition of "migrant" child care, more expedient licensing procedures, clarification of the rules regarding the provision of parents' social security numbers, changes to the regional market rate system, clarification of income rules for child care providers in government sponsored housing, and coordination among agencies working on child care issues. Finally, participants identified a number of quality concerns, including better outdoor play spaces, and a more intense focus on school readiness and pre-literacy skills.

Conference participants identified several different types of information that would be necessary to address the needs described above. In particular, attendees were interested in finding out about the per pupil costs of high quality child care, the available transportation resources, the economic impact of child care on the local economy, the income necessary to afford high quality care in each community, and how to develop alternative forms of child care, such as parent co-ops. The day ended with participants committing to collaboration across the various professional communities represented and to developing further resources for creating quality child care programs in the Central Valley.

AT THE CENTER:

In the last three months,
CCLC:

- Advocated for a family of a child with Down's Syndrome to obtain an aide from the Regional Center and to enroll the child in a school district preschool program;
- Represented a family of a child with diabetes in order to obtain a waiver from California's Community Care Licensing agency so that the child care provider could administer an insulin pump in child care;
- Helped a parent of a child with a seizure disorder appeal a child care subsidy termination to the California Department of Education;
- Trained fifty city college students working with children on the ADA and IDEA;
- Presented a session on family violence and child care to over forty participants at the statewide Maternal Child-Health conference;
- Trained legal services attorneys, landlords and child care advocates in Chico County on family child care in rental property;
- Educated parents of children with disabilities about the special needs rate for subsidized child care by publishing an article in the San Francisco Support for Families newsletter.

***CHILD CARE SUBSIDY
POLICY GUIDE***

The Children's Defense Fund has just published an introduction to state child care subsidy issues. *Child Care Subsidy Policy: An Introduction* discusses a range of child care assistance issues including funding, eligibility criteria, market rates, entitlements, vouchers, and sliding fee scales. The guide details the implications of difficult policy choices and recommends child care subsidy policies to help low income families. The publication is available from the CDF Publications Department, 25 E Street, NW, Washington, DC 20001, Telephone (202) 662-3652, www.childrensdefense.org.

***CHILD CARE AND DEVELOPMENT
FUND OVERVIEW***

The Center for Law and Social Policy (CLASP) has published an overview of the Child Care and Development Fund (CCDF). The CCDF is the principal source of federal funding for child care subsidies for low income families and initiatives to improve the quality of child care in states. *The Child Care and Development Fund: An Overview*, written by Mark Greenberg, Joan Lombardi, and Rachel Schumacher describes the requirements of federal law, including allowable uses of federal funds, child care assistance eligibility, program services, quality expenditures, standards for and monitoring of child care providers, data collection, and collaboration. The publication is available from CLASP, 1616 P Street, NW, Washington, DC 20036, Telephone (202) 328-5140, www.clasp.org.

CHILD CARE LAW CENTER BIDS FAREWELL TO ALICE BUSSIÈRE

BY: STAFF OF THE CHILD CARE LAW CENTER

Saying goodbye is never enjoyable or easy, but saying goodbye to a Managing Attorney and friend who has combined dedicated advocacy on behalf of clients with mentoring less-experienced lawyers as successfully as Alice Bussiere has, is even more difficult. Alice will leave the Child Care Law Center to work with the Youth Law Center on September 15, 2000. Before she does, we would like to spend a few inches of column saying “thank you.”

The imprints of Alice’s work on the child care field are evident to legal advocates, policy makers, families, and child care providers. In her time here, Alice has greatly impacted the field with her thoughtful work on child care subsidy policy, economic development, inclusion of children with special needs in child care, and her advocacy on behalf of low income families. For example, Alice ensured that child care advocates can effectively protect the rights of families to child care subsidies as they make the transition from welfare to work by disseminating information regarding the rights of families to appropriate child care. Alice has encouraged advocates and policy makers to create long term strategies for families, continually emphasizing the need for child care subsidies for low income working families who are not eligible for welfare-linked child care subsidies. She has also been instrumental in facilitating the inclusion of children with disabilities in child care, through CCLC’s participation in the Child Care Inclusion Challenge Project, and has helped build the child care capacity in various communities, as well as developing local leadership on child care issues through her work in the Local Investments in Child Care project.

Alice’s influence also has broadened the scope of work that CCLC and other child care advocates have undertaken. Several examples include her efforts to link the work of child development researchers and child care advocates; her bridging the issues of child welfare and high quality child care; and her focus on TANF issues at the national level. Each of these efforts has led to major new initiatives at CCLC: the PACE Research Dissemination project, the family violence work funded by the Skadden Arps Fellowship Foundation, and the national TANF project.

Most importantly, Alice has had a tremendous impact on the staff at CCLC. Several staff members point to Alice as an influential reason for joining the CCLC team. Staff members have counted on Alice for help in developing litigation strategy, thinking through policy positions, leading the substantive work in new directions, outlining technical assistance materials for both lawyers and laypersons, and undertaking the myriad of details that come with managing our office.

Alice may not approve of this column, as her style is often to divert attention from her considerable presence and skills. However, we have been proud to work at her side, benefited enormously from her tutelage, and enjoyed her friendship. She has helped us develop into strong advocates ready for the challenge of meeting her high standards, and excited about pursuing the work before us. While we will miss her presence in our office, we are pleased for her, look forward to future collaborations, and offer our most heartfelt best wishes in her new adventure.

THANK YOU!

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LEGAL UPDATE

September 2000

LEGAL UPDATE is published quarterly for Legal Services Offices, R & R's, child care programs, and friends and supporters of the Child Care Law Center. CCLC is a national nonprofit legal services organization that uses legal tools to make high quality, affordable child care available to every child of every age, every family and every community.

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