

The Honorable Xavier Becerra
Secretary of Health and Human Services
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

JooYeun Chang
Acting Assistant Secretary, Principal Deputy Assistant
Secretary
Administration for Children & Families
330 C Street, SW
Washington, DC 20201

Dr. Bernadine Futrell
Director of the Office of Head Start
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Dr. Ruth Friedman
Director
Office of Child Care
330 C Street, SW
Washington, DC 20201

July 14, 2021

Re: Child Care Subsidies and Investments in Early Learning

Dear Secretary Becerra:

On behalf of UnidosUS (formerly the National Council of La Raza), I'd like to congratulate you on your appointment as Secretary of Health and Human Services (HHS). We are looking forward to working with you and your office to ensure that all American children, including more than 18 million Latino children, are provided an opportunity to succeed and contribute to this nation.

For more than 50 years, UnidosUS—the nation's largest Hispanic civil rights and advocacy organization—has been committed to building a stronger America by creating opportunities for Latinos. Through its unique combination of expert research, advocacy, programs, and an Affiliate Network of nearly 300 community-based organizations across the United States and Puerto Rico, UnidosUS simultaneously challenges the social, economic, and political barriers at the national and local levels and serves the Latino community in a variety of areas including housing, workforce development, health care, immigration, and education.

The UnidosUS Affiliate Network includes **Centro de la Familia**, which has provided education services in the tri-state area of Colorado, Nevada, and Utah since 1992. Nearly one in five children served through Centro de la Familia's programs has been identified with a disability, and the organization annually serves more than 400 migrant and seasonal farmworker families, who have been essential to the nation's well-being throughout the pandemic.

As you know, access to early learning through Pre-K, Head Start, and early childhood education programs—such as those offered by Centro de la Familia—is essential to building a solid foundation for the educational success of Latino children, Dual Language Learners (DLLs), and

English Learners (ELs). Learning begins at birth, so it is imperative that sufficient resources and access to early learning are provided to all children no matter who they are, how much their parents earn, or their parent's nation of origin. Children with access to early learning and child care are more likely to have the behavioral, cognitive, and language development skills necessary for success both in school and in life. All children must have the opportunity to get a strong start to fully reach their potential and contribute to our nation.

Head Start and Migrant and Seasonal Head Start are two early learning programs that serve a large number of Latino children and their families. While the Consolidated Appropriations Act and the American Rescue Plan Act included \$10.7 billion and \$1 billion respectively for Head Start, this funding falls far short of the investments necessary to fully fund the program. Nationwide, 27% of Head Start students are Latino. Additionally, the Migrant and Seasonal Head Start program accommodates the needs of young children of farmworkers, the majority of whom identify as Hispanic. Correcting inequities in access to early childhood education grows more urgent as the percentage of Latino children is projected to increase to 32% of the three- to four-year-old population by 2060.

Finding affordable, quality child care is a priority for working-class Latino and mixed-status families. However, inequities in education begin at birth, and from birth through the years leading up to kindergarten, the children of many Latino families experience barriers to early care programs. Prior to the pandemic, Latino families were already spending nearly 15% of their monthly income on child care. Statistics on the cost of child care make the assumption that child care support is accessible to every household, but this is not the reality for children in mixed-status families throughout the nation, particularly in Utah.

Utah offers a [child care subsidy](#) to working families earning less than 85% of the state median income using [Child Care and Development Block Grant](#) funds provided by the federal government. Title 45 of the United States Code of Federal Regulations of 1998, §98.20 C (2016) mandates that

*“...a Lead Agency or other administering agency **may not condition a child’s eligibility for services under §98.50 based upon the citizenship or immigration status of their parent or the provision of any information about the citizenship or immigration status of their parent.**”*

Federal law explicitly prohibits Utah from considering parental citizenship or immigration status for eligibility purposes because the child is the primary beneficiary of the child care subsidy. However, through our Affiliate Network, we have received inquiries concerning the implementation of [Utah Administrative Code R986-700-702](#), which improperly treats parents as the receiving client instead of the child and bases eligibility on immigration status, stating, *“...child-care assistance is provided to support employment for U.S. citizens and qualified aliens authorized to work in the U.S.”* Improper implementation of this code can cause the exclusion of more than 42,000 Utah children under the age of six who are U.S. citizens, with one or more foreign-born parent. This means that as many as [95% of these children of mixed-status families](#)

have no access to child care support through the Child Care and Development Fund (CCDF) subsidy program in Utah.

Furthermore, [Utah's Child Care and Development Fund](#) vaguely defines "working" as a "job or providing service that pays wages, a salary, or in-kind benefits...obtained **legally**." There is no further explanation provided by the state as to what legal work means in Utah. This eligibility criterion further perpetuates a system of verifying work and income requirements that create barriers based on parental immigration status. Proving income has become the most significant roadblock that mixed-status families face when applying for child care support. Utah can improve early care and education for some of the state's most vulnerable children by removing all barriers to accessing the child care subsidy provided by the [Utah Department of Workforce Services \(DWS\)](#) and [Office of Child Care](#).

Due to the far-reaching implications of these barriers on Latino children and mixed-status families, UnidosUS along with the undersigned organizations urge the U.S. Department of Health and Human Services to use its agency oversight authority to ensure that states are in compliance with federal law and to provide federal guidance to all states, including Utah, regarding child care subsidies by:

- Recommending that states set subsidy rates that reflect the true cost of high-quality care.
- Reinforcing that lead agencies must follow federal law as mandated by Title 45 of the United States Code of Federal Regulations of 1998, §98.20 C (2016) and evaluate all programs and operations to identify and remove any barriers that limit access to resources based on immigration status of parents or caregivers.
- Encouraging states to champion early care and education as a necessary support for all children.

This January, Centro de la Familia released a fact sheet, [Utah Must Remove All Barriers to Access to Child Care Subsidies for Mixed-Status Families](#) and presented to the Office of First Lady Abby Cox on [How Utah Can Support All of Our Youngest Utahns](#). The fact sheet and presentation also provide useful information on the barriers that mixed-status families in need of child care support experience. We request that the new administration issue guidance to Utah and other states that continue to uphold inequitable barriers for mixed-status families and their children.

Furthermore, UnidosUS urges HHS to work with Congress to **triple the funding for Head Start in FY2022 to \$32.1 billion** and advocate for legislation that invests in early education to increase access to and improve the quality of early childhood education programs, helping children acquire the necessary developmental skills to succeed in school and beyond through the Child Care and Development Block Grant (CCDBG), Early Head Start, Head Start, and Migrant and Seasonal Head Start programs.

Additionally, we encourage HHS and Congress to work together to:

- Expand access to child care for infants and toddlers.
- Provide all three- and four-year-old children with access to free, high-quality pre-kindergarten.
- Raise the family income cap on eligibility for Head Start, while making it a priority to serve families and children with the greatest need.
- Expand the number of slots by changing the eligibility requirements for Head Start so more families are eligible.
- Encourage legislators to revise and authorize the Head Start Act to reach families up to 150% of the federal poverty line to help move toward the goal of universal Pre-K.
- Deeply invest in the Child Care and Development Block Grant (CCDBG).

UnidosUS is committed to supporting Latino children and their families, to protect their civil rights and access to a high-quality early learning education throughout the pandemic and beyond. Further guidance and leadership from the U.S. Department of Health and Human Services on child care subsidies would help provide much-needed clarity on a timely issue impacting large segments of the Latino population. It would behoove HHS to impress upon Utah and other states of the downstream effects of not providing children access to early learning due to the immigration status of their parents. Action must be taken now to protect these children and deeply invest in their future. Our prosperity as a nation beyond the pandemic depends on their success.

Should you have any questions regarding this letter, please contact Amalia Chamorro at achamorro@unidosus.org.

Sincerely,



Amalia Chamorro
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UnidosUS

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