

<h1>ACF</h1> <p>Administration for Children and Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families	
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	Flexibility in Spending CCDF Funds in Response to Federal or State Declared Emergency Situations	

TO: State and Territorial Lead Agencies administering child care programs under the Child Care and Development Block Grant Act of 1990 (the CCDBG Act), as amended, and other interested parties.

SUBJECT: Flexibility in Spending Child Care and Development Fund (CCDF) Funds in Response to Federal or State Declared Emergency Situations

REFERENCES: The CCDBG Act; section 418 of the Social Security Act; 45 CFR Parts 98 and 99; 63 FR 39936-39998

PURPOSE: To provide guidance on the use of CCDF funds in responding to Federal or State declared emergency situations.

EFFECTIVE DATE: September 6, 2005

BACKGROUND AND POLICY: States have broad flexibility to operate the CCDF program within some general Federal requirements. Since funds are awarded to States on a formula basis, there are no CCDF funds available for distribution in the event of a Federal or State declared emergency. However, the Federal CCDF statute and rules may provide States affected by such emergency situations with options to continue providing child care services despite disruptions to families and providers. Some of these options (described below) would require the State to submit a CCDF State Plan amendment to the Administration for Children and Families (ACF). Under 45 CFR 98.18(b), the State has up to 60 days after the effective date of a change to submit a plan amendment. Therefore, States desiring to take advantage of options afforded by CCDF statute and regulations may act immediately.

We note that these options for using CCDF funds are not limited only to States and Territories directly affected by emergencies, but are also available to States and Territories coming to the aid of other States and Territories affected by emergencies.

USE OF CCDF FUNDS IN RESPONDING TO FEDERAL OR STATE DECLARED EMERGENCY SITUATIONS

The following is a list of options available to States and Territories for using CCDF funds to respond to Federal or State declared emergency situations. This list is not exhaustive. States and Territories are encouraged to consult with their Regional Offices concerning other options that may be available in emergency situations.

Option A: Use quality dollars to provide immediate assistance to displaced families.

Section 658G of the CCDBG Act directs States to spend at least four percent of CCDF funds on quality activities, including “activities designed to improve the quality and availability of child care.” In the short-term, CCDF quality dollars may be used to provide emergency child care to displaced families, particularly in areas where existing child care facilities are not operating or have been rendered unsafe.

Option B: Change the State’s eligibility or priority criteria to permit uninterrupted child care.

The State can examine its eligibility conditions or priority rules and broaden them if necessary.

- Under 45 CFR 98.16 and 98.20, States have flexibility to define “working” to include families seeking employment, participating in community service, or a similar activity.
- States are free to add additional eligibility conditions or priority rules, as a method of targeting their programs, as long as the Federal eligibility criteria at 45 CFR 98.20 are met [e.g., family income is under the income limit, parent(s) are working (as defined by the State) or are in a training or education program] and the additional conditions or rules do not discriminate, limit parental rights, or violate 45 CFR 98.44 or the State Plan. “Homelessness”, for example, could be added as a condition for receiving higher priority for child care services.
- State discretion could result in different eligibility conditions or priority rules in effect in different parts of the State (e.g., to target resources to areas most affected by a Federal or State declared emergency). There is no “statewideness” requirement for eligibility or priority criteria in the law.

Option C: Broaden the State’s definition of protective services to permit emergency eligibility.

States have the option to waive the income eligibility requirements for children who receive or need to receive protective services if determined to be necessary on a case-by-case basis. Furthermore, a child in a family that is receiving, or needs to receive, protective intervention is eligible for child care subsidies even if the parent is not working or in education or training. Therefore, children affected by a Federal or State declared emergency could be deemed to be in need of protective services and therefore, the eligibility requirements (income threshold, work/training requirement) could be waived. These provisions, at State option, could also apply to children in foster care.

Option D: Examine the State’s income eligibility threshold and what the State counts as income.

The State has the flexibility to define income and to set the income threshold for purposes of CCDF eligibility. For example, the State could exclude disaster relief or other forms of temporary assistance from counting as income.

Option E: Use quality dollars to provide supply-building grants to providers.

The State could use existing quality improvement dollars to provide supply-building grants to providers—perhaps targeting providers that experience a disruption in subsidy receipt due to an emergency. This could provide ongoing financial assistance for child care providers while they are rebuilding. In addition, as noted below, some child care funds may be able to be used for minor repair or remodeling, particularly if necessary to meet applicable standards for healthy and safety.

Section 658F(b) of the CCDBG Act specifies that CCDF funds cannot be expended for the purchase or improvement of land, or for the purchase, construction, or permanent improvement (other than minor remodeling) of any building or facility. However, the implementing Federal regulations (at 45 CFR 98.2 and 98.54) provide additional guidance regarding the use of CCDF funds for renovation. Specifically, CCDF funds cannot be used for major renovation, but can be used for minor remodeling, and for upgrading child care facilities to assure that providers meet State and local child care standards, including applicable health and safety standards. Major renovation is defined as: (1) structural changes to the foundation, roof, floor, exterior or load-bearing walls of a facility, or the extension of a facility to increase its floor area; or (2) extensive alteration of a facility such as to significantly change its function and purpose, even if such renovation does not include any structural change. Any improvement or upgrade to a facility which is not specified under this definition of major renovation may be considered a minor renovation and may be allowable under applicable regulations and cost principles. For sectarian agencies and organizations, in

addition to the requirements described above, funds may be expended for minor remodeling only if necessary to bring the facility into compliance with health and safety requirements.

Option F: Increase resources available for child care, for example by using Temporary Assistance for Needy Families (TANF) dollars.

States have the flexibility to transfer a portion of TANF dollars to CCDF, or to use TANF funds directly for child care. Some child care businesses may also be eligible for assistance made available through Federal emergency relief.

Option G: Encourage States and Regional Offices to utilize services from the Child Care Technical Assistance Network (CCTAN).

States can tap into the resources of the CCTAN:

Center on the Social and Emotional Foundations for Early Learning (CSEFEL)

Telephone: (217) 333-0260

Internet: www.csefel.uiuc.edu

The goals of the Center are designed to strengthen the capacity of Child Care and Head Start to improve the social and emotional outcomes for young children. CSEFEL staff could be deployed to assist with mental health services for affected families.

Child Care Aware

Telephone: (800) 424-2246

E-mail: Info@childcareaware.org

Internet: <http://www.childcareaware.org/>

The mission of Child Care Aware is to ensure that families have access to accurate, useful information about finding child care. Through Child Care Aware, families are linked to their local, community-based child care resource and referral program, and consumer education materials.

Healthy Child Care America

Telephone: (888) 227-5409

E-mail: childcare@aap.org

Internet: <http://nccic.acf.hhs.gov/hcca>

Healthy Child Care America provides and coordinates the delivery of technical assistance to assist States, territories, tribes, and communities in developing and strengthening linkages between child care providers, health professionals, and families. These partnerships ensure that children are cared for in healthy and nurturing environments and have access to necessary immunizations, health screenings, and other health and social services. Health consultants are available in States to provide technical assistance.

National Child Care Information Center (NCCIC)

Telephone: (800) 616-2242

E-mail: info@nccic.org

Internet: <http://nccic.acf.hhs.gov/>

A network of State technical assistance specialists, working with the ACF regional offices, provides onsite consulting support to State grantees.

Tribal Child Care Technical Assistance Center (TriTAC)

Telephone:(800) 388-7670

E-mail: tritac2@aol.com

Internet: <http://nccic.acf.hhs.gov/tribal>

The Tribal Child Care Technical Assistance Center provides targeted technical assistance services to more than 500 tribes supported by the Child Care and Development Fund. Activities include a toll-free information and referral line; maintenance of a Web-site with information on tribal child care programs, including promising practices and available resources; an annual national tribal child care conference; and cluster trainings.

**ADDITIONAL
QUESTIONS**

Additional questions should be directed to your ACF Regional Office. (See attached list of ACF Regional Administrators.)

/s/ _____
Joan Ohl
Commissioner
Administration on Children,
Youth and Families

Attachment: List of ACF Regional Administrators

List of ACF Regional Administrators

REGION I: Connecticut New Hampshire Maine Rhode Island Massachusetts Vermont	Hugh Galligan, RA JFK Federal Bldg. Rm. 2000 Boston, MA 02203 617 565-1020 (ph) 617 565-2493 (fax) http://www.acf.hhs.gov/programs/region1	REGION VI Arkansas Oklahoma Louisiana Texas New Mexico	Leon R. McCowan, RA. West-Central Regional Hub 1301 Young Street Suite 914 Dallas, Texas 75202 214 767-9648 (ph) 214 767-3743 (fax) http://www.acf.hhs.gov/programs/region6
REGION II: New Jersey Puerto Rico New York Virgin Islands	Mary Ann Higgins, RA 26 Federal Plaza Rm. 4114 New York, NY 10278 212 264-2890 (ph) 212 264-4881 (fax) http://www.acf.hhs.gov/programs/region2	REGION VII Iowa Missouri Kansas Nebraska	Linda Lewis, RA Federal Office Bldg. Rm. 276 601 E. 12th St. Kansas City, MO 64106 816 426-3981 (ph) 816 426-2888 (fax) http://www.acf.hhs.gov/programs/region7
REGION III: Delaware Pennsylvania District of Columbia Virginia Maryland West Virginia	David Lett, RA 150 S. Independence Mall West- Suite 864 Public Ledger Bldg. Philadelphia, PA 19106-3499 215 861-4000 (ph) 215 861-4070 (fax) http://www.acf.hhs.gov/programs/region3	REGION VIII Colorado South Dakota Montana Utah North Dakota Wyoming	Thomas F. Sullivan, RA Federal Office Bldg. 1961 Stout St., Rm. 926 Denver, CO 80294-3538 303 844-3100 (phone) 303 844-2313 (fax) http://www.acf.hhs.gov/programs/region8
REGION IV Alabama Mississippi Florida North Carolina Georgia South Carolina Kentucky Tennessee	Carlis V. Williams, RA Atlanta Fed. Center 61 Forsyth Street, S.W. Suite 4M60 Atlanta, GA 30303 404 562-2900 (ph) 404 562-2981 (fax) http://www.acf.hhs.gov/programs/region4	REGION IX Arizona Nevada California Hawaii American Samoa Guam N. Mariana Islands	Sharon M. Fujii, RA 50 United Nations Plaza Rm. 450 San Francisco, CA 94102 415 437-8400 (ph) 415 437-8444 (fax) http://www.acf.hhs.gov/programs/region9
REGION V Illinois Minnesota Indiana Ohio Michigan Wisconsin	Joyce Thomas, RA 233 N. Michigan Ave. Suite 400 Chicago, IL 60601 312 353-4237 (ph) 312 353-2204 (fax) http://www.acf.hhs.gov/programs/region5	REGION X Alaska Oregon Idaho Washington	Stephen Henigson, RA Blanchard Plaza 2201 Sixth Ave. Rm. 610-M/S RX-70 Seattle, Washington 98121 206 615-2547 (ph) 206 615-2574 (fax) http://www.acf.hhs.gov/programs/region10

