

Administration on Children and Families  
Response to Tribal Comments  
ACF Tribal Consultation, September 14, 2015

**Administration for Children, Youth and Families**

**Tribe: Osage Nation**

**Issue:** Tribal title IV-B service population counts

**Summary:** Osage Nation Social Services recommends that the Administration on Children, Youth and Children (ACYF) consider continuing to allow tribal enrollment offices to be one of the approved sources that provides tribal population information for title IV-B grantees

**Response:**

ACYF's Children's Bureau, issued Program Instruction PI-16-04 on April 14, 2016. This Program Instruction provides guidance to Indian tribes, tribal organizations, and tribal consortia (tribes) on actions they are required to take in order to receive their allotments for fiscal year (FY) 2017 (subject to the availability of appropriations) authorized under title IV-B, subparts 1 and/or 2, the Chafee Foster Care Independence Program, and the Education and Training Vouchers program. On page 12 and in Attachment C of PI016-04, ACYF provides information and the opportunity for tribes to identify the data and source that offers the most accurate IV-B service population count. See <http://www.acf.hhs.gov/programs/cb/resource/pi1604>.

**Tribe: Navajo Nation**

ACYF is engaged with Navajo Nation on an ongoing basis, including participating in face-to-face meetings at the Department of Health and Human Services' (HHS) Tribal Budget Consultation (March 2016) and the HHS Navajo Nation Regional Consultation (May 2016).

**Issue: Tribal Title IV-B service population**

**Summary:** ACYF requested feedback and recommendations from tribes related to national datasets or tribal self-certification for determining tribal IV-B service population counts.

**Response:**

In FY 2015, Navajo Nation received title IV-B child welfare funds based on a child population count of 85,465. In FFY 2016, all tribes were offered the opportunity to either accept the 2010 Census count of child population or certify to a different number. The 2010 Census child population count for Navajo Nation is 65,313. The Navajo Nation submitted a certification showing 56,235 children living on the reservation but is unable to break out the population by state as required by title IV-B. Children's Bureau continues to work in partnership with Navajo Nation to determine a population number that meets title IV-B statutory requirements and is the best approximation of the entire service population.

**Issue: Single IV-E eligibility rate**

**Summary:** Navajo asks that for title IV-E eligibility they be treated as a single nation rather than calculating eligibility for each of the three states that surround their land.

**Response:**

ACYF understands that some Navajo homes are on state borders, which cause confusion for determining title IV-E eligibility where the two states have differing Aid to Families with Dependent Children (AFDC) eligibility rates. For homes that fall into this category, ACYF made a Policy Manual change on 12/18/2015:

[https://www.acf.hhs.gov/cwpm/programs/cb/laws\\_policies/laws/cwpm/policy\\_dsp.jsp?citID=145](https://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=145)

Question 13

If a tribal title IV-E agency's service area spans more than one state, how should the agency determine whether the child is AFDC eligible?

Answer

The tribal title IV-E agency must use the AFDC plan (as it was in effect on July 16, 1996) of the state where the child resides (479B(c)(1)(C)(ii)(II) of the Act). However, the tribal title IV-E agency may determine the state in which a child resides in accordance with tribal law or policy.

In addition, Heather Zenone (Senior Policy Advisor, Tribal Children) and the HHS Office of General Counsel worked together to provide the Navajo Nation with the legal reasoning behind the multi-state tribal IV-E eligibility criteria. Direct tribal title IV-E child eligibility for foster care reimbursement is governed by 42 USC 679(c)(C), which states:

**(i) In general**

Subject to clause (ii) of this subparagraph, an assurance that the plan will provide-

(I) foster care maintenance payments under section 672 of this title only on behalf of children who satisfy the eligibility requirements of section 672(a) of this title;

(II) adoption assistance payments under section 673 of this title pursuant to adoption assistance agreements only on behalf of children who satisfy the eligibility requirements for such payments under that section; and

(III) at the option of the tribe, organization, or consortium, kinship guardianship assistance payments in accordance with section 673(d) of this title only on behalf of children who meet the requirements of section 673(d)(3) of this title.

**(ii) Satisfaction of foster care eligibility requirements**

For purposes of determining whether a child whose placement and care are the responsibility of an Indian tribe, tribal organization, or tribal consortium with a plan approved under section 671 of this title in accordance with this section satisfies the requirements of section 672(a) of this title, the following shall apply:

**(I) Use of affidavits, etc.**

Only with respect to the first 12 months for which such plan is in effect, the requirement in paragraph (1) of section 672(a) of this title shall not be interpreted so as to prohibit the use of affidavits or nunc pro tunc orders as verification documents in support of the reasonable efforts and contrary to the welfare of the child judicial determinations required under that paragraph.

**(II) AFDC eligibility requirement**

The State plan approved under section 602 of this title (as in effect on July 16, 1996) of the State in which the child resides at the time of removal from the home shall apply to the determination of whether the child satisfies section 672(a)(3) of this title.

ACYF understands that Navajo Nation's title IV-E population includes children whose residences may be in one of three states. The statute states (at 42 USC 679(c)(C)(ii)(II)) that the state plan approved in 1996 of the state in which the child resides at the time of removal from the home shall apply to the determination of whether the child satisfies eligibility in tribal IV-E programs. It is perplexing that Congress would create a statutory scheme for tribal IV-E eligibility that references the state AFDC rate requirement resulting in multiple eligibility schemes for tribes in multiple states, while the tribal IV-E reimbursement section of the statute (42 U.S.C. 679c(d)) clearly accommodates tribes in multiple states with a process for identifying a single tribal reimbursement rate.

ACYF understands that the Navajo Nation objects to treating persons within their service population differently based on the state in which a Navajo child resides. ACYF also understands that, under the current eligibility scheme, children within the Navajo Nation's service population who are siblings may not all be eligible for reimbursement for out of home placement depending from which home each child was removed. ACYF also understands that the eligibility scheme requires children within the tribe's service population to be treated differently by a federal direct funded, wholly tribally administered program. ACYF continues its work with the Navajo Nation identifying flexibilities and thinking creatively within the law about potential fixes for this issue affecting any tribe with a title IV-E service population in more than one state.

### **Issue: Indian Child Welfare Act Implementation**

**Summary:** Navajo Nation supports state use of the Bureau of Indian Affairs' Indian Child Welfare Act (ICWA) Guidelines. Navajo recommends state ICWA case audits and sanctions for non-compliance.

**Response:** ACYF is working on multiple fronts to improve ICWA implementation including:

#### Interagency ICWA Work Group

ACYF participates in the Interagency ICWA Work Group with the Department of Justice (DOJ), Department of Interior (DOI), and BIA. In 2015, the Interagency ICWA Work Group completed several important tasks. The Interagency Work Group supported the BIA in updating the BIA's ICWA Guidelines. In March, 2015, DOI issued a proposed rule for state courts and child welfare agencies regarding ICWA implementation. The Interagency Work Group collaborates with BIA to support finalization of the rule.

The Work Group planned an Interagency ICWA Summit. During the event, the group presented information on each agency's role in ICWA implementation as well as critical focus areas, including legal issues, training and technical assistance, data collection, and funding. The Summit resulted in interagency agreements to continue collaborative work on ICWA implementation and compliance. In October 2015, senior officials at DOI, DOJ, and HHS

convened its first quarterly meeting to discuss progress on areas of focus identified at the ICWA Summit. In April 2016, the DOI, DOJ, and HHS announced the interagency Memorandum of Understanding solidifying collaboration and actions supporting implementation of and compliance with the ICWA.

Report on Tribal Consultation and ICWA Implementation from Child and Family Services Plans ACYF produced and delivered a report entitled, “*States’ Consultation and Collaboration with Tribes and Reported Compliance with the Indian Child Welfare Act: Information From States’ and Tribes’ 2015–2019 Child and Family Services Plans.*” The report summarizes information related to state implementation of the ICWA, and consultation and collaboration with tribes. The report also includes information reported in a sample of tribes’ Child and Family Services Plans (CFSP) pertaining to ways in which states consulted and collaborated with tribes. The report can be found online at: <http://www.acf.hhs.gov/programs/cb/resource/states-tribes-cfsps-2015-2019>.

#### 2017 Annual Progress and Services Reports Program Instruction

To improve state consultation with tribes and state implementation of ICWA, the Children’s Bureau Program Instruction for 2017 Annual Progress and Services Reports (APSRs) includes prior guidance regarding title IV-B tribal consultation, data related to American Indian and Alaskan Native (AI/AN) children in state systems, and state ICWA implementation. The APSR provides an annual update on the progress made toward accomplishing the goals and objectives in the CFSP and planned activities for the coming year. The 2017 APSRs are due June 2016.

#### Supplemental Notice of Proposed Rule Making, AFCARS ICWA Data Elements.

The Adoption and Foster Care Analysis and Reporting System (AFCARS) Supplemental Notice of Proposed Rulemaking (SNPRM) was published in the Federal Register on April 7, 2016. ACYF will consider the public comments on this SNPRM as well as comments already received on the February 9, 2015, NPRM and issue one final AFCARS rule. ACYF proposes to collect data elements in AFCARS related to identifying children to whom ICWA applies and collecting information about whom ICWA applies. ACYF issued an Information Memorandum ACF-CB-IM-16-01, an overview of the SNPRM, frequently asked questions about the SNPRM. The public comment period closes on May 9, 2016.

#### Court Improvement Program and Capacity Building Center for Courts

Through the Court Improvement Program (CIP), Children’s Bureau is strengthening state court relationships with tribes and improving state ICWA implementation. The Capacity Building Center for Courts provides ongoing individual coaching and project planning technical assistance on ICWA and tribal/state relationship building to state CIPs nationally. There was a nearly 200 percent increase in the number of state CIPs engaged in tribal related work: from 12 states in 2011 to 32 states in 2014. In 2014, 61 percent of CIPs reported projects related to ICWA or tribal and state partnerships, 43 percent of states reported joint training and/or resource development, 29 percent state-tribe collaboration, and 28 percent assessing ICWA compliance or other data collection and analysis. Data from 2015 are currently being analyzed with continued growth expected.

#### **Issue: Decrease in funding for Family Violence Prevention Services Act**

**Summary:** Navajo Nation has experienced successive decreases in funding for Family Violence Prevention and Services Act (FVPSA) and requests that ACYF evaluate and reassess the method used to distribute funds for Tribal Nations.

**Response:**

The FVPSA Grants to Native American Tribes (including Alaska Native Villages) and tribal organizations are formula grants funded through a 10 percent set aside in the FVPSA appropriation. Awards are made through ACYF. FVPSA grants for Indian tribes are non-competitive formula grants and are based on tribal population and the number of tribes applying for funding. Currently, a base allocation is determined by tribal population and the application of a funds allocation schedule. Populations between 1 and 50,000 receive a \$2,500 base allocation for the first 1,500 people. The base allocation is increased by \$1,000 for each additional 1,000 people above the 1,500 person minimum. Populations between 40,001 to 100,000 receive a \$125,000 base allocation. Populations of 100,001 to 150,000 receive a \$175,000 base allocation. Following distribution of the base allocation, the remaining funds are distributed according to a tribal population ratio.

ACYF uses 2010 US Census data for determining the population count in the population-based portions of the allocation (or BIA Indian Population and Labor Force Report where Census counts are unavailable). The population count used for the Navajo Nation FVPSA allocation includes all persons nationally who self-identified as Navajo in the 2010 US Census. A national tribal population count is used because ACYF is aware that AI/AN people are likely to seek on reservation services regardless of residence. ACYF understands that AI/AN people seek on-reservation services because these services are more likely to be culturally grounded.

ACYF is also aware that 42 USC 10406(c)(2) prohibits tribes and states from discriminating in FVPSA-funded programs or services on the basis of age, disability, sex, race, color, or national origin. Thus, just as tribes serve all persons in their service area, states should be using their FVPSA allocations to serve their entire population, including tribal persons seeking state-administered services or program participation.

There are a number of reasons why Navajo Nation experienced successive decreases in FVPSA funding. In the FVPSA funding formula the tribal population counts and the number of tribes applying impact the annual award amounts. Since ACYF started using 2010 US Census data (FY 2011), there are two more tribes in the same population category as Navajo Nation for determining tribal FVPSA allocations. In addition, the number of tribes applying for FVPSA funds has steadily increased. As a result of these two factors, the FVPSA allocation for Navajo Nation has decreased.

ACYF reached out to the US Census Bureau to discuss available geographic and demographic data in order to assess the data used to allocate funding under FVPSA. ACYF anticipates revising the funding formula to ensure awards are equitable.

Additional Sources for Addressing Family Violence:

- **Specialized Services for Abused Parents and Their Children (Demonstration Projects) Funding Opportunity Announcement (FOA) # HHS- 2016-ACF-ACYF-**

**EV-1163** is an opportunity for all domestic violence programs but especially those whose approach places emphasis on serving underserved and/or tribal communities.

- Tribal programs should expect additional technical assistance opportunities through the following FOAs: **Capacity Building and Program Technical Assistance for Family Violence Prevention and Services Act Formula Grantees, FOA # HHS-2016-ACF-ACYF-EV-1165** and the **National Capacity Building Center to Expand Services for Children, Youth, and Abused Parents Impacted by Domestic Violence, FOA# HHS-2016-ACF-ACYF-EV-1157.**

**Tribe: Jamestown S’Klallam**

**Issue: Funding for ICWA**

**Summary:** Despite its importance to so many facets to tribal child welfare, ICWA remains underfunded and tribes are ineligible for other important child welfare funding. Jamestown S’Klallam requests the opportunity to apply for existing funds on the same footing as states and other entities.

**Response:**

FY 2017 Budget

The President’s FY 2017 Budget requests a \$20 million increase in the discretionary Promoting Safe and Stable Families (PSSF, title IV-B Part 2) appropriation from the FY 2016 enacted level to increase the capacity of tribes to administer child welfare services. This proposal aims to address child welfare disproportionality by investing in tribal child welfare systems and, in turn, providing culturally appropriate services to tribal families. The proposal overrides the statutory limitation that says that only tribes qualifying for at least \$10,000 can receive funding while ensuring that no tribe receives less funding than they received in the prior year.

ACYF seeks to improve tribal access to PSSF grants by amending the statute to allow the Secretary to streamline application requirements under PSSF and the Child Welfare Services program authorized by title IV-B, subpart 1 of the Social Security Act, for tribal PSSF grantees receiving less than \$50,000 per year in grant funding under either program and making funding available to all tribes.

To complement the increase in PSSF funding for services, the FY 2017 Budget also proposes to increase funding for Tribal Court Improvement Program (TCIP) by \$2.75 million annually, for a total of \$3.75 million per year. This level of funding would allow ACYF to fund 25 TCIP grants. Expanding the TCIP would continue to strengthen the tribal courts’ capacity to exercise jurisdiction in ICWA cases and to adjudicate child welfare cases in tribal court. This proposal would cost \$22 million over ten years.

Tribal/State ICWA Partnership Funding Opportunity Announcement.

Tribal/State partnerships can apply to develop their partnerships and improve ICWA implementation.

- HHS-2016-ACF-ACYF-CT-1123
- Up to \$500K/year for 5 years
- Applications are due by June 22, 2016.

Through Tribal/State ICWA Partnership Grants, states and tribes will have the opportunity to both improve their partnerships and improve ICWA implementation. After the grant cycle and evaluation, ACYF will learn a) what intergovernmental partnership aspects are needed to improve tribal/state relationships and b) strategies for improving ICWA implementation.

## **Administration for Native Americans**

### **Jamestown S’Klallam Tribe**

#### **Issue:**

Grants provided through the ACF are critically important to our tribe and we urge you to provide both equitable funding opportunities for all tribes within the confines of these programs. We find that grant opportunities often contain criteria and processes that give states and other interest groups preferential opportunities for awards. Small tribes, such as ours, are often further disadvantaged when it comes to these opportunities because the grant process is often complex and rigid. The tribe usually has to expend resources to send our staff to attend trainings just to learn how to write and submit a grant. Grants of this size and complexity make it difficult for smaller tribes or those tribes with less staff and resources the ability to compete on equal footing. It is critical that tribes receive equitable resources and equitable access to funding opportunities that allow tribes to continue to address tribally-determined levels of health and welfare for our communities.

#### **Response:**

ACF is aware of the problem with funding small tribes but some of our programs are limited by statute language requiring a grant award be made to communities who meet a minimum population size. A few ACF offices offer training and technical assistance to help potential applicants respond to a specific funding announcement. Within ACF, only the Administration for Native Americans (ANA) offers training regarding project planning and development to help tribes develop projects regardless of the funding agency and pre-application to help tribes respond to one of ANA’s funding opportunities.

## **Office of Child Support Enforcement**

### **Tribe: Confederated Tribes of the Salish and Kootenai (Ms. Stevens)**

#### **Issues:**

- Concern that the noncustodial parent never shows up for a hearing and does not know child support is being enforced
- Allowing in-kind child support payments (salmon and firewood) don’t always help

- Our tribe gives a per capita of \$1,200 a year and they attach their per capita and then it is held forever. And do they assist the custodial parent in locating employment to garnish the wages of the non-custodial parent?
- The first in line gets the money for income withholding

**Response:**

- The Bradley Amendment that required once the order is established and an arrearage has been built, it needs to be paid off.
- The tribe can work with the state to have the state forgive arrears that are owed to the state.
- The child support office will work with the custodial and noncustodial parents on whether in-kind support is appropriate. It must be allowable within the tribal rules and both parties must agree to it.
- Each tribal child support program determines whether per capita payments are available for withholding for purposes of child support. Income is not required until the noncustodial parent is equal to one month in arrears.
- Each order is paid something in income withholding; the money is allocated across all orders and each order receives a payment.

**Tribe: Lac Courte Oreilles Tribe (Susan Smith)**

**Issue:**

- We are having a hard time making our match. We have to provide 20 percent non-federal share.
- The Model Tribal System is extremely expensive; we can't really afford it anymore since we have to meet a 20 percent non-federal share.
- The waiver provision in the regulation isn't very flexible and doesn't provide much opportunity for a waiver.

**Response:**

- The regulation does include a provision for a waiver, but we've only granted one.
- We realize the bar is high and we are re-evaluating the waiver provision.

**ANA Response:**

- We realize that waivers are difficult for a lot of communities to meet. Part of the challenge for us is understanding the barriers to meeting the match rates.
- We have had high level conversations in ACF about waivers.
- Across the board at ACF, if we can figure out a way to make it easier to waive matches and to have the evidence to talk to the right people on the Hill, I think that might be one avenue and I think something we are definitely looking at.

**ADDITIONAL INFORMATION:** The Office of Child Support Enforcement approved requests for waivers of the non-federal share for FY 2016 Tribal Child Support programs.

**Office of Family Assistance**

**Tribe/organization:** Navajo Nation

**Issues:** The Personal Responsibility and Work Opportunities Reconciliation Act of 1996 established the Temporary Assistance for Needy Families (TANF) program and authorized Indian tribes to operate their own TANF Programs.

**RECOMMENDATION:** When Congress initiates efforts to reauthorize TANF, the Navajo Nation strongly advocates that the flexibility provided to tribes, including the Navajo Nation, to design and operate their Tribal TANF program, be maintained, as stated in the Welfare Reform Law, “...*the best welfare solutions come from those closest to the problems, not the federal government.*”

**Response:** The Administration looks forward to working with lawmakers to strengthen the program’s effectiveness in accomplishing its goals. The President’s FY 2017 Budget includes \$10 billion in new funding over 5 years for state and tribal TANF programs, and several proposals designed to strengthen the TANF program, provide states additional resources during economic downturns, and assist families in building economic security. The Administration has stated that Congress should provide flexibility to develop individualized approaches to work with families with the most serious barriers to employment.

**Issue 2:** After lengthy negotiations in the late 1990’s with the State TANF Programs in Arizona, New Mexico, and Utah, the Navajo Nation has been receiving its annual funding from ACF based upon 1994 State TANF caseload data and expenditures. By law, negotiations must be based upon only the 1994 State information.

**RECOMMENDATION:** The Navajo Nation strongly advocates that funding for Tribal TANF Programs, including the Navajo Nation, be maintained at the current level.

**Response:** Changing annual funding levels would require a change to the authorizing legislation. The President’s FY 2017 Budget request calls for \$8 billion in increased funding for family assistance grants over the next 5 years. Each year, a state’s family assistance grant would equal the amount it received in FY 2016 plus its share of the amount of funding above the FY 2016 funding level. One way to distribute these resources would be to base the allocation on the number of poor children in each state. TANF Tribal Family Assistance Grants would increase by the same proportion as the increase in the associated State Family Assistance Grants.

**Issue 3:** Before the passage of American Recovery and Reinvestment Act of 2009 (ARRA), Tribal TANF programs were allowed to place unobligated funds in reserve, without fiscal year limitation, to be used strictly for provision of assistance to needy families. The ARRA legislation expanded the usage of Reserve funds for both assistance to needy families and for administrative costs.

**RECOMMENDATION:** The Navajo Nation strongly advocates maintaining the current allowance for tribal TANF programs to place unobligated funds in reserve without fiscal year limitation.

**Response:** Thank you for sharing your recommendation so that it may be considered when the Administration has opportunities to work with lawmakers to strengthen the TANF program's effectiveness in accomplishing its goals.

**Tribe/Organization:** Karuk Tribe

**Issue:** There is a need to increase TANF funding to meet the current demands of the program. The funding levels for TANF block grants for states and tribes have not been increased from the original 1994 levels causing increased strain on state and tribal offices to meet the demand of higher case load than initially anticipated.

**Response:** Changing annual funding levels would require a change to the authorizing legislation. The Administration is aware that, over the past 20 years, the value of the block grant has eroded by about one-third due to inflation. The President's FY 2017 Budget request calls for \$8 billion in increased funding for family assistance grants over the next 5 years. Each year, a state's family assistance grant would equal the amount it received in FY 2016 plus its share of the amount of funding above the FY 2016 funding level. One way to distribute these resources would be to base the allocation on the number of poor children in each state. The additional funds would not be distributed according to the 1994 caseload levels. TANF Tribal Family Assistance Grants would increase by the same proportion as the increase in the associated State Family Assistance Grants.

**Issue 2: Maintaining Tribal Flexibility in Program Design and Evaluation**

In reauthorizing Tribal TANF, it is imperative that the currently authorized ability for Tribal TANF programs to structure their TANF plans according to the specific needs of their tribe and members, taking into account cultural traditions and values be protected and maintained – including flexibility in determining acceptable work activities to allow cultural participation, substance abuse and mental health counseling, life skills courses, and post-secondary education to count towards work credit. In addition to flexibility of acceptable work activities, an evaluation process that is reflective of the needs of tribal governments and their unique geographic and economic circumstances should be considered. Performance measures in the discussion draft closely align with those in the Workforce Innovation and Opportunity Act, which is problematic for many tribes and has cultivated criticism from tribal entities because these data elements (e.g., median income, retention rate, etc.) do not effectively illustrate the performance of Tribal TANF programs or account for the special challenges and circumstances.

**Response:** The President's FY 2017 Budget includes \$10 billion in new funding over 5 years and several proposals designed to strengthen the TANF program, provide states additional resources during economic downturns, and assist families in building economic security. The Administration has stated that Congress should provide flexibility to develop individualized approaches to work with families with the most serious barriers to employment. Thank you for sharing your recommendation.

**Issue 3: Tribal Leasing rights to TANF Program Buildings**

Under TANF, tribes were granted the right to administer their own tribal TANF programs on their reservations to serve tribal members who would otherwise be served by the state in which they live. However, the law's implementing regulations, imposed by the Office of Management

and Budget's (OMB) Circular A-87, greatly limits expenses allowable under federal grants such as TANF, Section 37 of the OMB Circular is particularly troubling because it prohibits Tribal TANF programs from paying fair market rental value for office space on tribal lands to administer the program when the office is owned by the tribe-effectively violating the authority given to tribes pursuant to the Indian Self Determination and Education Assistance Act of 1975 (ISDEAA). The regulations regarding fair market rental rates for the administration of Tribal TANF on tribal lands are inconsistent with the regulations that govern other HHS programs, namely the Indian Health Service. Other HHS programs operate under provisions in ISDEAA and its subsequent amendments that affirm the right of tribal governments to lease facilities on the reservation that are used for the administration of ISDEAA and as a result tribes are left with a choice to either charge little to nothing for the use of the office space or to use funds to lease office space off the reservation in commercial locations far removed from the target reservation population. While some tribes have chosen to provide a facility space rent-free, not all tribes have the financial resources to make such arrangements.

**Response:** Thank you for sharing your recommendation so that it may be considered when the Administration has opportunities to provide input to the legislative process.

### **Office of Head Start**

#### **Issue:**

**Objections to the credential requirements.** Staff can earn more money at other agencies and leave the Head Start program for better paying work. Indian Head Start programs should be able to develop their own culturally appropriate curriculum based on language and knowledge of the communities they serve, and this includes certification of staff. We want to include elders in our classroom.

#### **Response:**

The Head Start Program Performance Standards (HSPPS) and the Head Start Act clearly define the Office of Head Start (OHS) teacher credential/qualifications requirements. The regulations also provide for local implementation of the HSPPS. OHS and Region XI are committed to working with tribal programs to support implementation of services that reflect the practices and traditions of tribal programs. In February 2016, OHS released OHS' Language Revitalization Report. This report provides information about efforts to revitalize tribal languages. The material is based on visits to programs and discussions with tribal leaders, program staff, and parents. The chapters focus on preparing and developing a strategy, implementing language learning for children and adult learners, and building community support. There are program examples and teaching tips, along with a list of resources. The report affirms the value of maintaining tribes' cultural and linguistic heritage. This link will take you to the report - <http://eclkc.ohs.acf.hhs.gov/hslc/states/aian/tlr/lang-revitalize.html>.

#### **Issue:**

**Concerns about Extending Services to full day/full year.** Tribes do not have the resources or the appropriate funding to implement full day/full year programming.

**Response:**

OHS released a Program Instruction on applying for Supplemental Funds Available to Extend Duration of Services in Head Start and Early Head Start. All eligible existing Head Start and Early Head Start programs may apply for funds to provide access to full school year and full school day programming in all Head Start communities, and continuous services for all Early Head Start families, by supporting grantees in extending the program day and/or year for more children.

These funds can be used to support a myriad of center-based program models with varying hours per day and days per year, as long as the program provides services for 1,020 hours of planned class operations over the course of a minimum of 8 months per year for Head Start and 1,380 hours of planned class operations per year for Early Head Start.

Additionally, grantees may increase service duration for their Head Start and Early Head Start family child care slots to 1,380 hours of planned class operations. “Hours of planned class operations” is defined as hours when children are scheduled to attend. Professional development, trainings, orientations, teacher planning, data analysis, parent-teacher conferences, home visits, classroom sanitation, and transportation do not count toward the hours of planned class operations. This link provides information and resources for applying for duration funds - <http://eclkc.ohs.acf.hhs.gov/hslc/grants/duration>.

**Issue:**

The Program standards and the CLASS/DRS are bureaucratic burden on Head Start. OHS should develop a monitoring tool and a scoring system with the tribes.

**Response:**

The Designation Renewal System (DRS) in Region XI differs from the other Regions (Regions I–X and Region XII). When there are findings in other Regions and they meet one of the seven conditions for DRS, the programs go directly into recompetition. In Region XI, OHS works with tribal leaders, training and technical assistance staff, and programs by conducting tribal consultations, which last up to one year. In this case, OHS sends a letter to tribal leaders explaining the conditions leading to the consultation (Classroom Assessment Scoring System™, or CLASS, scores or deficiencies), schedules a meeting with leadership, makes calls or in-person visits, and works with the tribes to develop Plans to Improve Quality, which are training and technical assistance action plans. OHS honored every training and technical assistance request for the first three cohorts of tribes in DRS. Programs have looked at their strengths and challenges and have made progress by collaborating. There have been efforts to reach out to colleges for teacher training as well. As a result, programs have dramatically improved, and they are building a solid foundation. The DRS/CLASS work is done collaboratively with the tribes, and we will continue to work to improve this process.

## **Office of Trafficking in Person**

**Tribe: Karuk Tribe**

**Issue:**

Preventing Sex Trafficking and Strengthening Families Act H.R. 4980

**Summary:**

The Karuk Tribe supports ACF's efforts to determine the primary factors and response to determine if the child is a possible sex trafficking victim and report such related information as required.

**Response:**

Thank you for expressing support for the intent of the Preventing Sex Trafficking and Strengthening Families Act, including screening children for potential sex trafficking and reporting related information as required. The ACF Office on Trafficking in Persons is working closely with the ACF Children's Bureau on implementation of the anti-trafficking provisions under the legislation, including the provision of training and technical assistance and other resources to aid child welfare systems to respond to youth and child trafficking.