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The Paperwork Reduction Act of 1995 (Public Law 104-13)

Through this information collection, ACF is gathering data on the Tribal Lead Agency's grant program to understand the design and effectiveness of the program and to inform technical assistance needs. Public reporting burden for this collection of information is estimated to average 120 hours per response for Part I (for all Tribal Lead Agencies) and 24 hours per response for Part II (for medium and large Tribal Lead Agencies), including the time for reviewing instructions, gathering and maintaining the data needed, reviewing the collection of information. This collection of information is required to retain a benefit (Pub. L. 105-285, section 680(b) as amended). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995, unless it displays a currently valid Office of Management and Budget (OMB) control number. The OMB # is 0970-0198 and the expiration date is 01/31/2023. If you have any comments on this collection of information, please contact Meryl Barofsky, Office of Child Care, by email at Meryl.Barofsky@acf.hhs.gov.

# Child Care and Development Fund

# for

# Tribal Lead Agency: _____

***FFY 2023–2025***

This Plan describes the Child Care and Development Fund (CCDF) program to be administered by the Tribal Lead Agency for the period from 10/1/2022 to 9/30/2025. As provided for in the applicable statutes and regulations, the Tribal Lead Agency has the flexibility to modify this program at any time, including amending the options selected or described herein.

For purposes of simplicity and clarity, the specific provisions printed herein of applicable laws and regulations are sometimes paraphrases of, or excerpts and incomplete quotations from, the full text. The Tribal Lead Agency acknowledges its responsibility to adhere to them regardless of these modifications.

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## Introduction and How To Approach Plan Development

The Child Care and Development Fund (CCDF) program provides resources to state, territory, and Tribal Lead Agencies that enable low-income parents to work or pursue education and training so that they can better support their families and can promote the learning and development of their children. The CCDF program also provides funding to enhance the quality of child care for all children. On November 19, 2014, the Child Care and Development Block Grant (CCDBG) Act of 2014 was signed into law (Public Law [P.L.] 113-186). The law reauthorizes and significantly revises the purposes of the CCDF program and requirements for states and territories, but Congress left discretion to the U.S. Department of Health and Human Services (HHS) to determine how the new provisions would apply to Tribes.

In September 2016, the CCDF Final Rule was released outlining the regulatory requirements for the CCDF program based on the CCDBG Act of 2014. The CCDF program requirements protect the health and safety of children in child care; help families make informed consumer choices and access information to support child development; provide equal access to stable child care for low-income children; and enhance the quality of child care and the early childhood workforce.

Tribal flexibility includes tiered requirements based on the size of their allocation: Tribal Lead Agencies with small, medium, and large allocations. The CCDF Final Rule exempts *Tribal Lead Agencies with small allocations* (less than $250,000 in fiscal year [FY] 2016) from the majority of the CCDF program requirements, allowing those Tribal Lead Agencies more flexibility in how to spend their CCDF program funds and how to focus those funds on health and safety and quality activities. *Tribal Lead Agencies with small allocations* must spend their CCDF program funds in alignment with the goals and purposes of the CCDF program and must comply with the health and safety, monitoring, background checks, and quality spending requirements. To align with these limited CCDF program requirements, *Tribal Lead Agencies with small allocations* will complete an abbreviated CCDF Plan. This approach balances increased flexibility with accountability, and allows *Tribal Lead Agencies with small allocations* to spend their CCDF program funds in ways that would most benefit their communities.

The CCDF Plan developed by Tribal Lead Agencies is the primary mechanism that the Administration for Children and Families (ACF) uses to determine Tribal Lead Agency compliance with the requirements of the law and Final Rule. This CCDF Plan Preprint consists of two parts, which are aligned with the flexibilities that Tribal Lead Agencies have based on the size of their CCDF allocation.

Part I (*for Tribal Lead Agencies with small, medium, and large allocations*):

1) Define CCDF Leadership and Coordination With Relevant Systems
2) Establish Standards and Monitoring Processes To Ensure the Health and Safety of Child Care Settings
3) Supporting Continuous Quality Improvement
4) *Tribal Lead Agencies With Small Allocations*: Direct Services.

Part II (*for Tribal Lead Agencies with medium and large allocations only*):

5) Provide Stable Child Care Financial Assistance to Families
6) Ensure Equal Access to Quality Child Care for Low-Income Children
7) Promote Family Engagement Through Outreach and Consumer Education.

These sections reflect key functions of an integrated system of child care for low-income working families. The intention is that Tribal Lead Agencies and the Federal Government will be able to use this information to track and assess progress, determine the need for technical assistance (TA), and determine compliance with specific requirements and deadlines.

**Plan Amendments**: **Tribal Lead Agencies are required to request approval from OCC through the CARS system whenever a "substantial" change in the Tribal Lead Agency's approved CCDF Plan occurs**. Please refer to the ACF Program Instruction regarding CCDF Approval of Plan Amendments, CCDF-ACF-PI-2009-01, for specific details and timelines specific to the Plan amendment process.

Note: All requirements not fully implemented in accordance with CCDF regulations are subject to compliance actions, such as corrective actions and/or penalties.

Tribal Lead Agencies are encouraged to access additional guidance for their CCDF Plans through:

- Tribal Child Care and Development Fund: Guide for New Administrators
  - https://www.acf.hhs.gov/sites/default/files/documents/occ/na.pdf
- CCDF Final Rule: Overview for American Indian and Alaska Native Grantees
  - https://childcareta.acf.hhs.gov/resource/ccdf-final-rule-overview-american-indian-and-alaska-native-grantees
- Child Care and Development Fund Final Rule Tribal Fact Sheet
  - https://www.acf.hhs.gov/occ/fact-sheet/ccdf-final-rule-tribal-fact-sheet

Additional questions should be directed to the OCC Regional Office.

# 1 Define CCDF Leadership and Coordination With Relevant Systems

This section provides information on how the CCDF program is administered, including the designated Tribal Lead Agency and administrative structure. It also addresses who was consulted in the development of the Tribal CCDF Plan and how the Tribal Lead Agency plans to coordinate CCDF services with other entities.

## 1.2 **Tribal CCDF Applicant**

### 1.2.1 Tribal Applicant?

#### 1.2.1.1 Tribe or Tribal Consortium Information:

Official name of the federally recognized Tribe as listed in the *Federal Register* or Tribal Consortium: _____

Name of Tribal Chair, President, or Leader: _____

Title: _____

Address: _____

City, State, ZIP Code: _____

Telephone number: (_____)_____-_____ Ext: _____

Email address: _____

### 1.2.2 Tribal Consortium

Tribal Consortiums refer to a partnership between two or more Tribal governments authorized by the governing bodies of those Tribes to allow the Tribal Consortium to apply for and receive funding on behalf of the member Tribes.

#### 1.2.2.1 Are you a Tribal Consortium?

☐ No **(Skip to Section 1.2)**

☐ Yes

#### 1.2.2.2 Participating Member Tribes/Alaska Native Villages

Provide a comprehensive list of the participating member Tribes/Alaska Native villages and include demonstrations from the consortium's participating Tribes indicating that the consortium has the authority to seek funding on their behalf. Each consortium member must provide a demonstration every three years for the consortium Lead Agency to include with the plan submission. The purpose of the demonstration is to show that the member has authorized the consortium Lead Agency to act on its behalf.

Examples of demonstrations include a Tribal Resolution, a letter signed by the current Tribal Leader, or another official document from the Tribal/village government (98.80(c)(1-4); 98.81(b)(8)(i)).

For Alaska Native Regional Nonprofit Corporations, the list and demonstrations are for purposes of discretionary funds only.

Confirm the consortium members: _____

***The CARS system will prepopulate consortium members from FY 2020 child count. Tribal Lead Agency should confirm each tribe listed is currently a member and update with any changes.

The current demonstrations are provided as Attachment #: _____

**If there is any change in the consortium membership, the Tribal Lead Agency must notify OCC through an amendment to the Plan.** Any consortium member Tribe seeking to apply for its own CCDF grant funds must first withdraw from the Tribal Consortium and contact OCC to initiate a separate application for its own funds. OCC must receive the application on or before July 1 prior to the year in which the Tribe is seeking CCDF program funds.

1.2.2.3 Coordinated Services on behalf of participating member Tribes/Villages

A Tribal Consortium must describe how it coordinates services on behalf of each of its participating member Tribes/villages.

Summarize how the consortium is coordinating services (including direct services) on behalf of each participating member (98.81(b)(8)(ii); 98.83(c)(1)).

Describe how child care services are provided to each member of a Tribe/village: _____

## 1.3 Designated Tribal Lead Agency

The Tribe or Tribal Consortium will designate an agency to represent the Tribe/consortium as the Tribal Lead Agency. This designated agency agrees to administer the Tribal CCDF program in accordance with applicable Federal laws and regulations and the provisions of this Plan, including the attached assurances and certifications (658D; 658E(c)(1); 98.83(a)).

The Tribal Lead Agency can be a department or sub-agency, such as the CCDF department, human services department, workforce development department, and in some cases, the Tribe will administer the CCDF program.

***Note:* An amendment to the CCDF Tribal Plan is required in the event of a change in the designated Tribal Lead Agency.**

### 1.3.1 Designated Agency

1.3.1.1 Designated Agency by the Tribe or Tribal Consortium

Which agency has been designated by the Tribe or Tribal Consortium to administer the CCDF program?

Name of Tribal Lead Agency: _____

Web address for Tribal Lead Agency (if any): _____

1.3.2 Tribal CCDF Administrator

Identify the CCDF Administrator designated by the Tribal Lead Agency, the day-to-day contact person, or the person responsible for administering the Tribal CCDF program. If there is more than one designated contact person with shared responsibility for administering the CCDF program, please identify the Co-Administrator/Assistant Administrator and include relevant contact information.

1.3.2.1 Contact information for the Tribal CCDF Administrator:

Name of Tribal CCDF Administrator: _____

Title: _____

Mailing address: _____

Physical address (if different than mailing address): _____

Phone number: (_____) _____-_____ Ext: _____

Cell phone number: (_____) _____-_____

Email address: _____

1.2.2.2 Contact Information for Tribal CCDF Co-Administrator/Assistant Administrator (if applicable):

Name of Tribal CCDF Co-Administrator/Assistant Administrator: _____

Title: _____

Mailing address (if different from above): _____

Physical address (if different than mailing address): _____

Phone number: (_____) _____-_____ Ext: _____

Cell phone number: (_____) _____-_____

Email address: _____

1.4 **Administration Through Contracts or Agreements**

The Tribal Lead Agency has broad authority to administer the CCDF program through contracts or agreements with other governmental, non-governmental, or other public or private local agencies. The Tribal Lead Agency remains the single point of contact and retains overall responsibility for the administration of the CCDF program (658D(b)(1)(A); 98.11(a)(3); 98.16(d)(1)). Examples of such agreements could include:

- A written agreement with another Tribal department to operate Tribal child care centers or to conduct training and monitoring
- A contract with a local agency to operate the Tribal Lead Agency's child care program (including determining family eligibility and issuing payments to child care providers or providing high-quality activities).

1.4.1 Direct Administration and Operation

1.4.1.1 Administration and operation of the CCDF Program

Will the Tribal Lead Agency **directly** administer and operate the CCDF program (98.16(d)(1))?

This question does not apply to the demonstrations referenced in Section 1.1.2 between a consortium and its participating/constituent member Tribes/villages.

☐ Yes, the Tribal Lead Agency will directly administer and operate **all** aspects of the CCDF program.

☐ No, the Tribal Lead Agency **will not** directly administer and implement all aspects of the CCDF program.

1.4.1.2 Names of entities that will administer and/or operate aspects of the CCDF program

List the names of those entities that will administer and/or operate aspects of the CCDF program and describe which aspects of the CCDF program they will administer and/or operate. List and describe: _____

1. What processes will the Tribal Lead Agency use to monitor administrative and implementation responsibilities performed by other agencies? Describe: _____
2. Optional: Include copies of the contracts or agreements as Attachment #: _____

## 1.5 Consultation in the Development of the Tribal CCDF Plan

**In the development of the Tribal CCDF Plan, the Tribal Lead Agency is required to consult with representatives of general purpose local/ Tribal government (658D(b)(2); 98.10(c); 98.14(b)).** Tribal Lead Agencies are also required to conduct a public hearing to provide an opportunity to comment on the provision of the child care services under the CCDF Plan (98.14(c)). For the purposes of developing this Plan, consultation involves meeting with, or obtaining input from, appropriate representatives of the Tribal community.

1.5.1 Consultation and Representation

1.5.1.1 Entities Consulted by Tribal Lead Agency

Describe how the Tribal Lead Agency consulted with representatives of general purpose local and Tribal governments, and any other entities in the development of this plan. Describe:

1.5.2 Public Hearings

Tribal Lead Agencies are required to conduct a public hearing to provide those interested with an opportunity to comment on the provision of child care services under the CCDF Plan (658D(b)(1)(C); 98.14(c)(1-3); 98.16(e)).

**The Tribal Lead Agency must conduct at least one public hearing prior to the submission of the Tribal CCDF Plan but no earlier than January 1, 2022. The Tribal Lead Agency must provide a notice of the hearing throughout the Tribe's service area.** This notice must be provided no later than 20 days prior to the date of the hearing. Tribal Lead Agencies must make the contents of the Plan available to the public in advance of the hearing.

Describe the Tribal Lead Agency's public hearing process by responding to the questions below:

1.5.2.1 Date(s) of public hearing notice(s) (at least 20 calendar days prior to the public hearing): _____

1.5.2.2 Date(s) of public hearing(s) (no earlier than January 1, 2022): _____

1.5.2.3 Location(s)/ of the public hearing(s), including virtual: _____

1.5.2.4 How was the public notified of the public hearing? Check only those that apply:

- ☐ Family newsletter
- ☐ Tribal/local media
- ☐ Internet—provide website(s): _____
- ☐ Social media (e.g., Facebook, Twitter)
- ☐ Posting on community bulletin board or some other message board
- ☐ Other. Describe: _____

1.5.2.5 Input from the public hearing(s) in the development of the final Plan.

Describe how the input from the public hearing(s) was taken into consideration in the development of the final Plan:

- ☐ No input was received.
- ☐ Input was incorporated into the plan in the following ways: _____.
- ☐ Other. Describe: _____

1.5.2.6 Content of the Plan available to the service area prior to the public hearing.

How was the content of the Plan made available throughout the service area prior to the public hearing? Check only those that apply:

☐ Tribal offices (including CCDF offices).

☐ Internet. Provide website(s): _____

☐ Email.

☐ Other. Describe: _____

1.5.3 **Plan Availability to the Public**

***Tribal Lead Agencies with small allocations*** are not required to make the final CCDF Plan or any subsequent Plans available to the public but have the flexibility to describe if applicable.

***Tribal Lead Agencies with large and medium allocations*** should post their Plan and Plan amendments on a website to the extent practicable.

1.5.3.1 Final CCDF Plan and Plan Amendments available to the public.

Describe how the Tribal Lead Agency makes the final CCDF Plan and any subsequent Plan Amendments available to the public to the extent practicable: _____

1.6 **Indian Child and Indian Reservation or Service Area (AUTO FILLED FROM APPENDIX 1 SUBMISSION)**

Identify which Indian child(ren) are counted in the Tribal Lead Agency's child count (98.81(b)(2)(i)).

1.6.1 Indian Child

Programs and activities are to be carried out for the benefit of Indian children.

Although Tribal Lead Agencies have some flexibility in defining "Indian Child," the definition must be limited to children from federally recognized Indian Tribes, consistent with the CCDBG Act's definition of Indian Tribe (98.2).

This information could include children who are Tribal members, whose membership is pending, who are eligible for membership, and/or are children/descendants of members and could also include adopted children, foster children, step-children, etc.

1.6.1.1 The Tribal Lead Agency defines an "Indian child" as: _____

1.6.2 Indian Reservation or Service Area

Programs and activities are to be carried out for the benefit of Indian children living on or near the Indian reservation or service area. The service area must be within reasonably close geographic proximity to the borders of a Tribe's reservation (except for Tribes in Alaska, California, and Oklahoma). Tribes that do not have reservations must establish service areas within reasonably close geographic proximity to the area where the Tribe's population resides.

There is an expectation that the Tribal Lead Agency will be able to provide services to families throughout the service area. ACF will not approve an entire state as a Tribe's service area. Tribal Lead Agencies can limit services within the reservation boundaries or go beyond the reservation boundaries.

If a Tribal Lead Agency establishes a different service area than the borders of the Tribe's reservation or existing service area for CCDF purposes, it must be within reasonably close geographic proximity (658O(c)(2)(B); 98.80(e); 98.81(b)(2)(ii); 98.81(b)(3)(ii); 98.83(b)); for example, "Permanent residence is within the reservation boundaries; however, the participant is temporarily attending school outside of the reservation area," or "[the participant] resides within 20 miles of the reservation boundaries."

1.6.2.1 The Tribal Lead Agency defines the Reservation/Service Area as: _____

1.6.2.2 Optional: Attach a clearly labeled map of the service

Optional: In addition to the description above, a clearly labeled map of the service area is attached. Attachment #: _____

## 1.7 Child Count

For the purposes of determining a Tribe/Tribal organization's annual CCDF program funding level, **the Tribal Lead Agency is required to conduct and submit a triennial child count of children younger than age 13**, as defined in 98.81(b)(2)(i). The Child Count Declaration will be submitted every 3 years with the triennial Plan. For the FY 2023 – FY 2025 Plan period, the child count must be submitted by July 1, 2022. For new Tribal Lead Agencies entering outside the Plan cycle, the child count will be submitted with their CCDF Plan.

The Tribal child count will be effective from October 1, 2022, to September 30, 2025, and will be valid for 3 years. If the consortium gains or loses one of its member organizations, then the adjustments will be made accordingly.

The Tribal Lead Agency may not count any children who are included in the child count of another CCDF Tribal Lead Agency. **The Tribal Lead Agency is required to confer with all other CCDF Tribal Lead Agencies that have overlapping or neighboring service areas** (98.61(c); 98.62(c); 98.80(b(1); 98.81 (b)(4)).

The child count submitted is not reflective of the number of children who receive direct services. Instead, the child count gives the number of potentially eligible children who meet the Tribal Lead Agency's definition of Indian Child, and who reside in the designated service area.

Tribes that operate under an approved P.L. 102-477 Plan shall submit their triennial child counts of children younger than age 13 by July 1, 2022. The child counts will be effective from October 1, 2022, through September 30, 2025. Complete the "Child Count Declaration" at **Appendix 1-A.** The form also requests P.L. 102-477 Tribes that would like to make a request for reallotted Tribal discretionary funds to indicate that by checking "yes" or "no" if these funds become available.

1.7.1 Adjacent and Overlapping Service Areas

1.7.1.1 Adjacent and Overlapping Service Area(s) of other Tribal Lead Agencies

Is the service area (as defined in 1.5.2) adjacent to, or overlapping with, the service area(s) of any other Tribal Lead Agencies?

☐ No

☐ Yes

☐ Identify those other Tribal Lead Agencies with neighboring or overlapping service areas. Describe: _____

☐ Describe the Tribal Lead Agency's process for ensuring unduplicated child counts for this overlapping service area: _____

1.7.2 Child Count Declaration

1.7.2.1 Complete the "Child Count Declaration" at **Appendix 1**.

A Tribal Consortium must submit an individual Child Count Declaration, signed by an individual authorized to act for the Tribe, for each participating Tribe; a summary listing the name of each participating Tribe; each participating Tribe's individual child count; and the total child count for the entire consortium.

☐ A "Child Count Declaration" is attached at **Appendix 1**.

1.8 **Types of CCDF Providers**

The Final Rule established three categories of care:

- Center-based child care: Group care provided in a facility outside of the child's or provider's home
- Family child care: Care provided in a private residence other than the child's residence
- In-home child care: Care provided in the child's home

Tribal Lead Agencies have flexibility in the types of child care providers that offer direct care to families and children. For example, a Tribal Lead Agency may provide direct child care services through a Tribally Operated Center, or a Tribal Lead Agency with a small allocation may not offer direct services at all. In addition, Tribal Lead Agencies may choose to regulate child care providers through a state licensing agency rather than a Tribal agency.

1.8.1 Providers That Offer Direct Services

1.8.1.1 Types of providers offering direct services to families and children.

Select the types of providers that offer services directly to families and children in the Tribal CCDF Program. The following list includes some variation in describing the types of direct service providers in

the Tribal CCDF program, but additional sections will refer to the three categories of care. Check only those that apply:

- ☐ Tribally Operated Center(s)
- ☐ Tribally regulated (or licensed) center-based providers (not operated by the Tribal Lead Agency)
- ☐ Tribally regulated (or licensed) family child care providers
- ☐ State-licensed center-based providers
- ☐ State-licensed family child care providers
- ☐ License-exempt center-based providers
- ☐ License-exempt family child care providers
- ☐ Relative care providers over age 18
- ☐ In-home providers (care in the child's home)
- ☐ This Tribal Lead Agency does not offer direct services to families through the Tribal CCDF Program. (Only Tribal Lead Agencies with small allocations can opt to not offer direct services.)

## 1.9 Coordination of Services

**The Tribal Lead Agency is required to coordinate services with other Tribal, Federal, state, and/or local child care and early childhood development programs with agencies responsible for public health, employment services/workforce development, public education, the Temporary Assistance for Needy Families program, etc.** (658D(b)(1)(D); 98.14(a)(1)(i-xiv); 98.14(a)(4)).

1.9.1 Tribal Lead Agencies must demonstrate in the Plan how they encourage partnerships among Tribal agencies, other public agencies, other Tribes and Tribal organizations, private entities, and community-based organizations to leverage existing service delivery systems, and to increase the supply and quality of child care and development services.

1.9.1.1 Coordination of the delivery of CCDF services with state or Tribal agencies or entities.

Describe the ways that the Tribal Lead Agency coordinates the delivery of CCDF services with the following state, and if applicable, Tribal agencies or entities, and the results of those coordination efforts (e.g., shared goals/purposes for coordination, the process for coordinating). Check and describe only those that apply:

- ☐ Public health, including the agency responsible for immunizations. Description/Results: _____
- ☐ Employment services/workforce development. Description/Results: _____
- ☐ Public education. Description/Results: _____
- ☐ Temporary Assistance for Needy Families program. Description/Results: _____
- ☐ Child care licensing. Description/Results: _____

☐ Head Start. Description/Results: _____

☐ State Advisory Council on Early Childhood Education and Care or similar coordinating body. Description/Results: _____

☐ Statewide afterschool network or other coordinating entity for out-of-school time care (if applicable). Description/Results: _____

☐ Emergency management and response. Description/Results: _____

☐ Child and Adult Care Food Program (CACFP) and other relevant nutrition programs. Description/Results: _____

☐ McKinney-Vento state coordinators for homeless education and other agencies providing services for children experiencing homelessness and, to the extent practicable, local McKinney-Vento liaisons. Description/Results: _____

☐ Agencies responsible for Medicaid and the State Children's Health Insurance Program. Description/Results: _____

☐ Mental health services. Description/Results: _____

☐ Child care resource and referral agencies, child care consumer education organizations, and providers of early childhood education training and professional development. Description/Results: _____

☐ Other agencies or entities with which the Tribal Lead Agency coordinates. Description/Results: _____

### 1.9.2 Underserved Populations

In determining the Tribal community's child care needs, **Tribal Lead Agencies must include underserved populations**, such as infants and toddlers, families experiencing homelessness, children with special needs, and children in need of non-traditional hours of care.

#### 1.9.2.1 Underserved populations in determining the Tribal community's child care needs.

Which underserved populations are included in determining the Tribal community's child care needs? Check all that apply:

☐ Infants and toddlers

☐ Families experiencing homelessness

☐ Children with special needs

☐ Children in need of non-traditional hours of care

☐ Other. Describe: _____

## 1.10 Program Integrity and Accountability

The Tribal Lead Agency, as the single point of contact for the administration of the Tribal CCDF program, is responsible for making sure that policies and procedures are in place to monitor programs and services; ensuring compliance with the rules of the program; and providing oversight in the expenditure of all funds, including identifying improper payments and undertaking fraud prevention and recovery efforts (98.11(b); 98.60(i); 98.66; 98.67; 98.68).

### 1.10.1 Identify Improper Payments

Tribal Lead Agencies are required to describe effective internal controls to identify improper payments through program policies and fiscal procedures.

#### 1.10.1.1 How does the Tribal Lead Agency prevent and identify improper payments?

How does the Tribal Lead Agency prevent and identify improper payments? Check only those that apply:

- ☐ Train staff on CCDF policies and regulations.
- ☐ Conduct supervisory staff reviews or quality assurance reviews.
- ☐ Share data with other programs (e.g., state CCDF program, Tribal or state TANF program, Head Start, CACFP, other Tribal offices).
- ☐ Run system reports that flag errors.
- ☐ Review enrollment documents and attendance or billing records.
- ☐ Review provider records.
- ☐ Perform ongoing monitoring and assessment of policy implementation.
- ☐ Other. Describe: _____

#### 1.10.1.2 Investigating and collecting improper payments resulting from fraud

The Tribal Lead Agency is required to recover improper payments that are the result of fraud. How does the Tribal Lead Agency investigate and collect improper payments resulting from fraud? Check only those that apply:

- ☐ Coordinate with and refer to other Tribal, state, or Federal agencies (e.g., Tribal Council, law enforcement).
- ☐ Require recovery if the improper payment exceeds a specific dollar amount. Identify the minimum dollar amount: $ _____

- ☐ Recover through repayment plans.
- ☐ Reduce payments in subsequent months.
- ☐ Recover through payroll deductions (i.e., for CCDF clients, providers, and staff employed by the Tribe).
- ☐ Other. Describe: _____

1.10.1.3 Recovering improper payments from unintentional errors/program violations.

The Tribal Lead Agency has the flexibility to recover improper payments that are the result of unintentional errors/program violations. Does the Tribal Lead Agency choose to investigate and collect improper payments resulting from unintentional errors/program violations?

- ☐ No.
- ☐ Yes. How will the Tribal Lead Agency investigate and collect improper payments resulting from unintentional errors/program violations? Check only those that apply:
  - ☐ Coordinate with and refer to other Tribal, state, or Federal agencies (e.g., Tribal Council, law enforcement).
  - ☐ Require recovery if the improper payment exceeds a specific dollar amount. Identify the minimum dollar amount: $ _____
  - ☐ Recover through repayment plans.
  - ☐ Reduce payments in subsequent months.
  - ☐ Recover through payroll deductions (for CCDF clients, providers, and staff employed by the Tribe).
  - ☐ Other. Describe: _____

## 1.11 Disaster Preparedness and Response Plan

In past disasters, and in response to the coronavirus disease 2019 (COVID-19) pandemic, the provision of emergency child care services, and the process of rebuilding and restoring the child care infrastructure has emerged as an essential service. **Tribal Lead Agencies are required to establish a Child Care Disaster Plan for the Tribal Service Area** (658E(c)(2)(U); 98.16(aa)). They must describe how they will address the needs of children, including the need for safe child care before, during, and after a state of emergency declared by the Governor or Tribal Chief Executive or a major disaster or emergency (as defined by Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5122).

### 1.11.1 Child Care Disaster Plan Coordination

1.11.1.1 Child Care Disaster Plan developed in collaboration with appropriate stakeholders.

Describe how the Child Care Disaster Plan was developed in collaboration with the appropriate stakeholders, which may include other programs within the Tribal Lead Agency's governance structure or any other stakeholders identified by the Tribal Lead Agency: _____

### 1.11.2 Disaster Plan Guidelines for Child Care Subsidies and Child Care Services

#### 1.11.2.1 Child Care Disaster Plan with guidelines for child care subsidies/services.

Describe how the Child Care Disaster Plan includes the Tribal Lead Agency's guidelines for the continuation of child care subsidies and child care services, which may include the provision of emergency and temporary child care services during a disaster, and temporary operating standards for child care after a disaster: _____

### 1.11.3 Post-Disaster Recovery

#### 1.11.3.1 Procedures for coordination of post-disaster recovery of child care services.

Describe Tribal Lead Agency procedures for the coordination of the post-disaster recovery of child care services: _____

### 1.11.4 Disaster Procedures

#### 1.11.4.1 Confirmation that providers' disaster procedures are in place.

Describe how the Tribal Lead Agency ensures that providers who receive CCDF program funds have the following procedures in place:

- evacuation;
- relocation;
- shelter-in-place;
- lockdown;
- communications with and reunification of families;
- continuity of operations;
- and accommodations for infants and toddlers, children with disabilities, and children with chronic medical conditions (98.41(a)(1)(vii)).

(*Note:* The Tribal Lead Agency should also describe these requirements for CCDF providers in Section 2.1.2.7 Standards and Training Requirements for Emergency Preparedness and Response Planning.)
_____

### 1.11.5 Emergency Preparedness Training

#### 1.11.5.1 Provider emergency preparedness training and practice drills.

Describe how the Tribal Lead Agency requires child care staff and volunteers (for providers who receive CCDF program funds) to complete emergency preparedness training and practice drill procedures. (*Note:* The Tribal Lead Agency should also describe these requirements for CCDF providers in Section 2.1.2.7 Standards and Training Requirements for Emergency Preparedness and Response Planning.) _____

# 2 Establish Standards and Monitoring Processes To Ensure the Health and Safety of Child Care Settings

Health and safety requirements apply to all Tribes regardless of allocation size and apply to all child care providers who receive CCDF program funds, including providers who only receive quality funds. **All Tribal Lead Agencies must certify that there are health and safety requirements applicable to providers serving CCDF children in effect.** These health and safety requirements must be appropriate to the provider setting (i.e., center-based child care including Tribally Operated Centers), family child care, or in-home child care) and age of the children served, must include specific topics and training on those topics, and are subject to monitoring and enforcement procedures to ensure that providers are complying with the requirements.

This section covers health and safety and comprehensive background checks requirements, including:

- Health and safety standards (98.41(a))
- Health and safety training (98.44(b))
- Monitoring and enforcement procedures to ensure that child care providers comply with health and safety requirements (98.16(n))
- Exemptions made for relative care providers over age 18 (98.16(l))
- Group size limits; child/staff ratios; and required qualifications for caregivers, teachers, and directors (98.16(m))
- Comprehensive background check requirements (98.16(o))

## 2.1 Overview of Health and Safety Standards and Monitoring

### 2.1.1 Overview of health and safety standards and monitoring.

Use the tables below to describe the health and safety standards used by the Tribal Lead Agency for each provider type, and the agency responsible for monitoring and enforcing the health and safety standards.

Use the tables below to describe the health and safety standards and monitoring agency for each category of care offered.

- If the Tribal Lead Agency has developed its own standards (even if those standards were adapted from other sources, such as Caring for Our Children: Basics and/or Minimum Health and Safety Standards: A Guide for American Indian and Alaskan Native Child Care and Development Fund Grantees or state licensing standards), check “Tribal Standards.”

- If the Tribal Lead Agency requires providers to meet standards established by a state agency (such as state licensing agency or state department of education), check "State Standards."
- If the Tribal Lead Agency requires providers to meet standards from more than one source (e.g., state licensing standards for off-reservation providers and tribally developed standards for providers on the reservation), check "Tribal Standards," "State Standards," and "Other Standards or Combination of Standards " and describe which standards apply to which providers.
- If the Tribal Lead Agency requires providers to meet standards from a source not listed in the table (such as Indian Health Service, the Child and Adult Care Food Program, Caring for Our Children: Basics, and Caring for Our Children), then check "Other Standards or Combination of Standards" and describe the standards and the source(s) of the standards.
- If monitoring and inspection is conducted by an entity or agency other than the Tribal Lead Agency, such as the state licensing agency or the Indian Health Service, please indicate who conducts the visits and how the Tribal Lead Agency obtains the results of the monitoring. In cases where a combination of monitors/inspectors are used, check those that apply and provide a description.

2.1.1.1 **Table 2.1.1.1 Health and Safety Standards Used by the Tribal Lead Agency**

| | **Provider Categories** | | |
|---|---|---|---|
| | **Center-Based Child Care** | **Family Child Care** | **In-Home Care** *(in the child's home)* |
| **Tribal Standards** | ☐ | ☐ | ☐ |
| **State Standards** | ☐ **State(s):_____** | ☐ **State(s):_____** | ☐ **State(s):_____** |
| **Head Start/Early Head Start Standards** | ☐ | ☐ | ☐ |
| **Other Standards or Combination of Standards** *(e.g., describe how more than one set of standards selected above are combined)* | ☐ **Describe:_____** | ☐ **Describe:_____** | ☐ **Describe:** |

2.1.1.2 **Table 2.1.1.2 Health and Safety Monitoring Used by the Tribal Lead Agency**

| | Provider Categories | | |
|---|---|---|---|
| | **Center-Based Child Care** | **Family Child Care** | **In-Home Care** *(in the child's home)* |
| **Tribal Monitoring** | ☐ **Entity:**_____ | ☐ **Entity:**_____ | ☐ **Entity:**_____ |
| **State Monitoring** | ☐ **State(s):**_____ | ☐ **State(s):**_____ | ☐ **State(s):**_____ |
| **Indian Health Services** | ☐ | ☐ | ☐ |
| **Other Standards or Combination of Standards** *(e.g., describe how more than one monitoring agencies selected above are combined)* | **Describe:**_____ | **Describe:**_____ | **Describe:**_____ |

2.1.2 Tribal Lead Agencies that select only "state standards" and "state monitoring"

**Tribal CCDF programs that only use state-licensed providers for all provider types can skip detailed descriptions of the health and safety standards, training requirements, the health and safety monitoring, and enforcement policies and practices. Skip to 2.4.**

2.1.2.1 Optional: Tribal Lead Agencies that rely only on state health and safety standards and monitoring to regulate all provider types may provide web links to relevant state agency policies. _____

## 2.2 Health and Safety Standards and Training Requirements for CCDF Providers

**Tribal Lead Agencies are required to establish health and safety standards for all types of child care programs (i.e., center-based child care, including Tribally Operated Centers, family child care, or in-home child care) serving children receiving CCDF assistance, relating to the topics listed below, as appropriate to the provider setting and age of the children served** (98.41(a)). This requirement is applicable to all child care providers receiving CCDF program funds, including those providers who are receiving only CCDF quality dollars through the Tribal Lead Agency. The only exception to this requirement is for providers over age 18 who are caring for their own relatives; Tribal Lead Agencies have the option to exempt relative care providers over age 18 from the health and safety requirements (defined in CCDF regulations as grandparents, great-grandparents, siblings if living in a separate residence, aunts, and uncles (98.42(c))). This exemption applies only if the individual cares for relative children only. Exemptions for relative providers' standards and training requirements will be addressed in section 2.3.

**Tribal Lead Agencies are required to have minimum *pre-service and/or orientation training requirements* (to be completed within 3 months) for caregivers, teachers, and directors, as appropriate to the provider setting and the age of children served, that address the health and safety requirements described in 2.1.2 and 2.1.3 and child development.**

**Tribal Lead Agencies must also have *ongoing training requirements* on the health and safety topics for caregivers, teachers, and directors of children receiving CCDF program funds** (658E(c)(2)(I)(i); 98.44(b)(1)(iii)). The Tribal Lead Agency must describe its requirements for pre-service/orientation training and ongoing training.

Tribal Lead Agencies have flexibility in determining the number of training hours to require, but they may consult *Caring for Our Children: Basics* and/or *Minimum Health and Safety Standards: A Guide for American Indian and Alaskan Native Child Care and Development Fund Grantees* for best practices and recommended guidelines to address these training requirements.

### 2.2.1 Health and Safety Standards

Certify by describing how the following health and safety standards and ongoing training requirements for programs serving children receiving CCDF assistance are defined and established on the required topics (98.16(l)).

***Note:*** Monitoring and enforcement will be addressed in subsection 2.2.

For each of the required health and safety topics, Tribal Lead Agencies must provide their definition and any variations based on the category of care (i.e., center-based child care, including Tribally Operated Centers, family child care, or in-home child care) and the ages of children served.

For example, Tribal Lead Agencies need to ensure that providers follow their safe-sleep practices for each age group in a center-based child care program. As such, Tribal Lead Agencies need to set standards around infant sleep practices (e.g., activities that prevent sudden infant death syndrome [SIDS]) and to ensure that providers who care for infants are trained on and met these standards. Likewise, Tribal Lead Agencies would set different safe-sleep standards for children of different ages (e.g., no safe-sleep practices for school-age children) and would ensure that providers who cared for children of other ages were aware of and met those standards.

#### 2.2.1.1 Prevention (including immunizations) and control of infectious diseases.

Standard(s): Provide a brief summary of how this standard is defined. The description should identify the practices that must be implemented by child care programs. Include any variations based on the category of care or ages of the children served: _____

Pre-Service and Ongoing Training:

To demonstrate compliance, certify by checking below how the Tribal Lead Agency requires this training topic be completed by providers during either pre-service or during an orientation period within 3 months of hire. Include any variations based on the category of care or ages of the children served.

☐ Pre-service

☐ Orientation within 3 months of hire

2.2.1.2 Prevention of SIDS and the use of safe-sleep practices.

2.2.2

1. Standard(s): Provide a brief summary of how this standard is defined. The description should identify the practices that must be implemented by child care programs. Include any variations based on the category of care or ages of the children served: _____
2. Pre-Service and Ongoing Training:

To demonstrate compliance, certify by checking below how the Tribal Lead Agency requires this training topic be completed by providers during either pre-service or during an orientation period within 3 months of hire. Include any variations based on the category of care, or ages of the children served.

☐ Pre-service

☐ Orientation within 3 months of hire

2.2.2.1 Administration of medication, consistent with standards for parental control.

1. Standard(s): Provide a brief summary of how this standard is defined. The description should identify the practices that must be implemented by child care programs. Include any variations based on the category of care or ages of the children served: _____
2. Pre-Service and Ongoing Training:

To demonstrate compliance, certify by checking below how the Tribal Lead Agency requires this training topic be completed by providers during either pre-service or during an orientation period within 3 months of hire. Include any variations based on the category of care or ages of the children served.

☐ Pre-service

☐ Orientation within 3 months of hire

2.2.2.2 Prevention of and response to emergencies due to food and allergic reactions.

1. Standard(s): Provide a brief summary of how this standard is defined. The description should identify the practices that must be implemented by child care programs. Include any variations based on the category of care or ages of the children served: _____

2. Pre-Service and Ongoing Training:

To demonstrate compliance, certify by checking below how the Tribal Lead Agency requires this training topic be completed by providers during either pre-service or during an orientation period within 3 months of hire. Include any variations based on the category of care, or ages of the children served.

☐ Pre-service

☐ Orientation within 3 months of hire

2.2.2.3 Safety of building and physical premises.

Safety of building and physical premises, including the identification of and protection from hazards that can cause bodily injury, such as electrical hazards, bodies of water, and vehicular traffic

1. Standard(s): Provide a brief summary of how this standard is defined. The description should identify the practices that must be implemented by child care programs. Include any variations based on the category of care, or ages of the children served: _____

2. Pre-Service and Ongoing Training:

To demonstrate compliance, certify by checking below how the Tribal Lead Agency requires this training topic be completed by providers during either pre-service or during an orientation period within 3 months of hire. Include any variations based on the category of care, or ages of the children served.

☐ Pre-service

☐ Orientation within 3 months of hire

2.2.2.4 Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment.

1. Standard(s): Provide a brief summary of how this standard is defined. The description should identify the practices that must be implemented by child care programs. Include any variations based on the category of care or ages of the children served: _____

2. Pre-Service and Ongoing Training:

To demonstrate compliance, certify by checking below how the Tribal Lead Agency requires this training topic be completed by providers during either pre-service or during an orientation period within 3 months of hire. Include any variations based on the category of care, or ages of the children served.

☐ Pre-service

☐ Orientation within 3 months of hire

2.2.2.5 Emergency preparedness and response planning

Emergency preparedness and response planning resulting from a natural disaster or a human-caused event (such as violence at a child care facility), within the meaning of those terms under section

602(a)(1-2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a(a)(1-2)).

1. Standard(s): Provide a brief summary of how this standard is defined. The description should identify the practices that must be implemented by child care programs. Include any variations based on the category of care, or ages of the children served: _____
2. Pre-Service and Ongoing Training:

To demonstrate compliance, certify by checking below how the Tribal Lead Agency requires this training topic be completed by providers during either pre-service or during an orientation period within 3 months of hire. Include any variations based on the category of care, or ages of the children served.

☐ Pre-service

☐ Orientation within 3 months of hire

2.2.2.6 Handling and storage of hazardous materials and the appropriate disposal of biocontaminants.

1. Standard(s): Provide a brief summary of how this standard is defined. The description should identify the practices that must be implemented by child care programs. Include any variations based on the category of care, or ages of the children served: _____
2. Pre-Service and Ongoing Training:

To demonstrate compliance, certify by checking below how the Tribal Lead Agency requires this training topic be completed by providers during either pre-service or during an orientation period within 3 months of hire. Include any variations based on the category of care, or ages of the children served.

☐ Pre-service

☐ Orientation within 3 months of hire

2.2.2.7 Precautions in transporting children (if applicable)

1. Standard(s): Provide a brief summary of how this standard is defined. The description should identify the practices that must be implemented by child care programs. Include any variations based on the category of care, or ages of the children served: _____
2. Pre-Service and Ongoing Training:

To demonstrate compliance, certify by checking below how the Tribal Lead Agency requires this training topic be completed by providers during either pre-service or during an orientation period within 3 months of hire. Include any variations based on the category of care, or ages of the children served.

☐ Pre-service

☐ Orientation within 3 months of hire

2.2.2.8 Pediatric first aid and cardiopulmonary resuscitation (CPR)

1. Standard(s): Provide a brief summary of how this standard is defined. The description should identify the practices that must be implemented by child care programs. Include any variations based on the category of care, or ages of the children served: _____
2. Pre-Service and Ongoing Training:

To demonstrate compliance, certify by checking below how the Tribal Lead Agency requires this training topic be completed by providers during either pre-service or during an orientation period within 3 months of hire. Include any variations based on the category of care, or ages of the children served.

☐ Pre-service

☐ Orientation within 3 months of hire

2.2.2.9 Recognition and reporting of child abuse and neglect

1. Standard(s): Provide a brief summary of how this standard is defined. The description should identify the practices that must be implemented by child care programs. Include any variations based on the category of care, or ages of the children served: _____
2. Pre-Service and Ongoing Training:

To demonstrate compliance, certify by checking below how the Tribal Lead Agency requires this training topic be completed by providers during either pre-service or during an orientation period within 3 months of hire. Include any variations based on the category of care, or ages of the children served.

☐ Pre-service

☐ Orientation within 3 months of hire

2.2.2.10 Child Development

1. Describe how training addresses child development principles, including the major domains of cognitive, social, emotional, and physical development and approaches to learning (98.44(b)(1)(iii)). _____
2. Pre-Service and Ongoing Training:

i. Describe any variations based on the category of care, or ages of the children served: _____

ii. To demonstrate compliance, certify by checking below when the Tribal Lead Agency requires these training topics be completed by providers during either pre-service or during an orientation period within 3 months of hire. Include any variations based on the category of care, or ages of the children served: _____

☐ Pre-service

☐ Orientation within 3 months of hire

2.2.3 Ongoing Training Requirements

2.2.3.1 Provide the number of hours of ongoing training required annually for eligible CCDF providers in the following settings (658E(c)(2)(G)(iii)).
1. Center-Based Child Care Providers (e.g., Tribally Operated Centers): _____

2. Family Child Care: _____

3. In-Home Child Care (care in the child's home): _____

2.2.3.2 Describe any variations based on the ages of the children served: _____

2.2.3.3 How do providers receive updated information and/or ongoing training regarding the standard(s)? This description should include methods to ensure that providers are able to maintain and update the health and safety practices as described in the standards above. Include any variations based on the category of care, or ages of the children served: _____

2.2.4 Optional Standards

The Tribal Lead Agency may also establish standards on optional health and safety topics that reflect the needs of the community served by the Tribal Lead Agency. These optional standards can include those related to nutrition, access to physical activity, care for children with special needs, and any other topic determined to be relevant by the Tribal Lead Agency (98.41(a)(1)(xii)).

2.2.4.1 Optional health and safety standards.

Does the Tribal Lead Agency include optional standards in addition to the required health and safety topics in their health and safety standards?

☐ No. **If no, skip to 2.1.5.**

☐ Yes. If yes, please complete the following questions, 2.1.4.2 to 2.1.4.5, as appropriate, on optional health and safety standards.

2.2.4.2 Nutrition.

1. Summarize how this standard is defined, including any variations based on the category of care, or ages of the children served: _____

2.2.4.3 Access to physical activity.

1. Summarize how this standard is defined, including any variations based on the category of care, or ages of the children served: _____

2.2.4.4 Caring for children with special needs.

1. Summarize how this standard is defined, including any variations based on the category of care, or ages of the children served: _____

2.2.4.5 Other areas promoting child development or protecting children's health and safety.

Any other areas determined necessary to promote child development or to protect children's health and safety.

Summarize how this standard is defined, including any variations based on the category of care or ages of the children served: _____

2.2.5 Standards on Child/Staff Ratios, Group Sizes, and Qualifications for CCDF Providers

**Tribal Lead Agencies are required to establish child care standards for providers receiving CCDF program funds regarding appropriate child to staff ratios (by age range of the child), group size limits for specific age populations, and the required qualifications for providers based on the type of child care setting (i.e., center-based child care providers (including Tribally Operated Centers), family child care providers, or in-home child care providers).** This requirement also applies to providers who are only receiving quality CCDF dollars (658E(c)(2)(H); 98.16(m); 98.41(d)).

Tribal Lead Agencies have flexibility in defining standards and provider types that are reflective of the culture and language, and that meet the needs of the children and families served.

2.2.5.1 Describe standards on child/staff ratios and group sizes for CCDF providers.

1. Center-Based Child Care Providers

   i. Infant

   Define age range: from _____weeks☐months☐years☐ through_____weeks☐ months☐years☐
   Ratio:
   Group size:

   ii. Toddler

   Define age range: from _____weeks☐months☐years☐ through_____weeks☐ months☐years☐-
   Ratio:
   Group size:

iii. Preschool

Define age range: from _____weeks☐months☐years☐ through_____weeks☐ months☐years☐-

Ratio:

Group size:

iv. School-Age

Define age range: from _____weeks☐months☐years☐ through_____weeks☐ months☐years☐-

Ratio:

Group size:

v. Mixed-Age Groups (if applicable):

Ratio:

Group size:

2. Family Child Care Providers

i. Infant

Define age range: from _____weeks☐months☐years☐ through_____weeks☐ months☐years☐-

Ratio:

Group size:

ii. Toddler

Define age range: from _____weeks☐months☐years☐ through_____weeks☐ months☐years☐-

Ratio:

Group size:

iii. Preschool

Define age range: from _____weeks☐months☐years☐ through_____weeks☐ months☐years☐-

Ratio:

Group size:

iv. School-Age

Define age range: from _____weeks☐months☐years☐ through_____weeks☐ months☐years☐-

Ratio:

Group size:

v. Mixed-Age Groups (if applicable)

Ratio:

Group size:

3. In-Home Child Care Providers

i. Infant

Define age range: from _____weeks☐months☐years☐ through_____weeks☐ months☐years☐-

Ratio:

Group size:

ii. Toddler

Define age range: from _____weeks☐months☐years☐ through_____weeks☐ months☐years☐-

Ratio:

Group size:

iii. Preschool

Define age range: from _____weeks☐months☐years☐ through_____weeks☐ months☐years☐-

Ratio:

Group size:

iv. School-Age

Define age range: from _____weeks☐months☐years☐ through_____weeks☐ months☐years☐-

Ratio:

Group size:

v. Mixed-Age Groups (if applicable):

Ratio:

Group size:

2.2.6 Provide the teacher/caregiver qualifications for each category of CCDF providers.

2.2.6.1 Center-Based Child Care Providers (e.g., Tribally Operated Centers):

1. Describe the teacher qualifications: _____
2. Describe the director qualifications: _____

2.2.6.2 Family Child Care Providers:

1. Describe the teacher qualifications: _____
2. Describe the director qualifications (if applicable): _____

2.2.6.3 In-Home Child Care Provider (care in the child's home):

1. Describe the teacher qualifications: _____

## 2.3 Monitoring and Enforcement Policies and Practices for CCDF Providers

### 2.3.1 Enforcement of Health and Safety Requirements

**Tribal Lead Agencies must certify that procedures are in effect to ensure that child care providers caring for children receiving CCDF services comply with all applicable Tribal and/or state and local health, safety, and fire standards, including those described in 98.41 and 98.42(a)**.

This certification may include, but is not limited to, any systems used to ensure that providers met health and safety requirements, any documentation required to be maintained by child care providers, and any other monitoring procedures to ensure compliance. Tribal Lead Agencies are subject to the provision at 98.42(b)(2) to require inspections of child care providers and facilities that receive CCDF program funds.

*Tribal Lead Agencies may propose an alternative approach to meet the annual inspection requirements*. In its justification, the Tribal Lead Agency must describe how the alternative approach is appropriately comprehensive and protects the health and safety of children in care.

2.3.1.1 Provider pre-inspection policies and practices.

Describe the Tribal Lead Agency's policies and practices for pre-inspections of licensed/regulated providers for compliance with health, safety, and fire requirements for the following categories of providers. In-home child care providers can answer "not applicable" if they are not regulated.

Center-Based Child Care Providers (e.g., Tribally Operated Centers): _____

Family Child Care Providers: _____

In-Home Child Care Providers (care in the child's home): _____

2.3.1.2 Annual, unannounced inspections of CCDF providers policies and practices.

Describe the Tribal Lead Agency's policies and practices for annual, unannounced inspections of licensed/regulated providers, including the frequency of such inspections, for the following categories of providers. In-home child care providers can answer "not applicable" if they are not regulated.

Center-Based Child Care Providers (e.g., Tribally Operated Centers):

Family Child Care Providers: _____

In-Home Child Care Providers (care in the child's home): _____

2.3.1.3 Alternative approach to inspection requirements.

Does the Tribal Lead Agency have an alternative approach to the inspection requirements at 98.42(b)(2)?

☐ Yes. Describe how the alternative approach is appropriately comprehensive and protects the health and safety of children in care: _____

☐ No.

2.3.2 Monitoring Inspectors

**Tribal Lead Agencies must have policies and practices ensuring that individuals who are hired as inspectors or monitors are qualified to inspect child care providers and facilities and have received health and safety training appropriate to the provider setting and age of the children served.**

Training shall include, but is not limited to, those requirements described in 98.41(a)(1) and all aspects of the requirements detailed in Section 2.1.2 (658E(c)(2)(K)(i)(I); 98.42(b)(1)).

2.3.2.1 Qualifications for inspectors or monitors to inspect facilities and providers.

To certify, describe how the Tribal Lead Agency ensures that inspectors or monitors are qualified to inspect child care facilities and providers: _____

2.3.2.2 Inspectors or monitors training on health and safety requirements.

To certify, describe how the inspectors or monitors have received training on health and safety requirements that are appropriate to the age of the children in care, and the type of provider setting (98.42(b)(1)): _____

2.3.2.3 Ratio of Inspectors or Monitors to Child Care Providers

The Tribal Lead Agencies must have policies and practices requiring the ratio of inspectors or monitors to child care providers and facilities to be maintained at a level sufficient to conduct effective inspections of child care providers and facilities on a timely basis in accordance with Tribal, Federal, state, and local laws (658E(c)(2)(K)(i)(III); 98.42(b)(3)).

2.3.2.4 Policies and practices regarding the ratio of inspectors or monitors to child care providers.

Describe the Tribal Lead Agency's policies and practices regarding the ratio of inspectors to child care providers (i.e., the number of inspectors per number of child care providers) and facilities within that agency's inspection area and include how the ratio is sufficient to conduct effective inspections on a timely basis: _____

## 2.4 Exemptions for Relative Providers

Tribal Lead Agencies have the option to exempt relatives over age 18 (defined in CCDF regulations as grandparents, great-grandparents, siblings if living in a separate residence, aunts, and uncles (98.42(c)) from some/all health and safety requirements. *Note:* This exception applies if the individual cares only for relative children.

Check and describe, where applicable, the policies that the Tribal Lead Agency has regarding exemptions for eligible relative providers over age 18 for the following health and safety requirements. The description should include the health and safety requirements that relatives are exempt from, if applicable, and which of the federally defined relatives the exemption applies to.

### 2.4.1 Health and Safety Standards

#### 2.4.1.1 Health and Safety Standards (as described in Sections 2.2.1, 2.2.2, 2.2.4, and 2.2.6).

- ☐ Relative providers are exempt from all health and safety standard requirements
- ☐ Relative providers are exempt from a portion of health and safety standard requirements. Describe: _____
- ☐ Relative providers must fully comply with all health and safety standard requirements.

### 2.4.2 Health and Safety Training

#### 2.4.2.1 Health and Safety Training (as described in Sections 2.2.2 and 2.2.3).

- ☐ Relative providers are exempt from all health and safety training requirements.
- ☐ Relative providers are exempt from a portion of all health and safety training requirements. Describe: _____
- ☐ Relative providers must fully comply with all health and safety training requirements.

### 2.4.3 Monitoring and Enforcement

#### 2.4.3.1 Monitoring and Enforcement (as described in Section 2.3).

- ☐ Relative providers are exempt from all monitoring and enforcement requirements.
- ☐ Relative providers are exempt from a portion of monitoring and enforcement requirements. Describe: _____

☐ Relative providers must fully comply with all monitoring and enforcement requirements.

## 2.5 Comprehensive Background Checks

In this section, Tribal Lead Agencies will describe the types of providers subject to comprehensive background checks and the methods used for each component of the eight background checks (e.g., which database or repository is checked). In addition, the Tribal Lead Agency will describe the policies in place for disqualifying crimes for employment eligibility, fees, timeliness, and privacy in returning comprehensive background check results. Next, Tribal Lead Agencies will describe the processes in place for child care providers to provisionally employ child care staff (including employee, prospective employee, or household member) when not all the comprehensive background checks are returned. Tribal Lead Agencies will also describe the process for child care staff (including employee, prospective employee, or household member) to appeal unfavorable results. Finally, Tribal Lead Agencies will need to justify and describe their alternative approach, if applicable.

The CCDBG Act requires Tribal Lead Agencies, regardless of allocation size, to have in effect requirements, policies, and procedures to conduct comprehensive background checks for (1) all child care staff members (including prospective staff members) of all child care programs that are licensed, regulated, approved, or registered under Tribal law (including Tribally Operated Centers) and for (2) all other providers eligible to deliver CCDF services (e.g., license-exempt CCDF-eligible providers) (98.43(a)(1)(i)).

### 2.5.1 Methods used for each of the eight comprehensive background check components (98.43(b))

Under the CCDF rule, a comprehensive background check must include eight separate and specific components (98.43(b)), which encompass three in-state checks, two national checks, and three interstate checks (if the individual resided in another state in the preceding 5 years). Comprehensive background check requirements apply to any staff member who is employed by a child care provider for compensation, including contract employees and self-employed individuals; whose activities involve the care or supervision of children; or who has unsupervised access to children (98.43(b)(2)).

Tribal Lead Agencies must describe the methods used for the background check components, such as the database or repository that is checked or a memorandum of understanding (MOU)/memorandum of agreement (MOA) or contract with a state or third-party vendor to conduct the checks on the Tribal Lead Agency's behalf.

Tribal Lead Agencies may use alternative approaches in addition to or instead of the pre-approved methods. For example, Tribal Lead Agencies are encouraged (but not required) to check registries maintained by the Tribe (rather than a state). Tribal Lead Agencies must provide justification in 2.5.7 for

using any alternative approaches that are identified in 2.4.1. The alternative approach is subject to ACF approval, and ACF will not approve approaches with blanket exemptions that bypass the intent of protecting children's safety.

In instances in which a child care provider has already met the state's background check requirements consistent with the CCDF rule (because that provider is licensed by the state and/or receives CCDF program funding from the state), it is not necessary for the Tribal Lead Agency to require additional or duplicative background checks.

For family child care providers, the comprehensive background check requirement includes the caregiver and household members (i.e., any other adults residing in the family child care who are age 18 or older (98.43(a)(2)(ii)(C)). ACF will consider an alternative approach for limiting the background checks for household members to those who are feasible. OCC will not approve alternative approaches that do not include **any background** checks for other adults in a family child care. As stated in the preamble of the CCDF Final Rule (81 FR 67542-43), ACF expects that Tribal Lead Agencies will conduct **some components of a background check for these individuals**, for example, a check of Tribal criminal history records. Tribal Lead Agencies who use this alternative approach must indicate which background checks apply to household members and must justify the alternative approach in 2.5.7.

This requirement does not apply to individuals over age 18 who are related to all children for whom child care services are provided (98.43(a)(2)(i)(A)).

Each of the tables below describes one component of the eight comprehensive background checks. Select which methods are used for each provider type for each component.

- Check the pre-approved and/or alternative approach method(s) used for each provider type. Tribal Lead Agencies must justify any alternative approach in 2.5.7.
- Tribal Lead Agencies may select more than one method for a provider type. (For example, a Tribal Lead Agency may search the Tribal criminal fingerprint records and the state criminal fingerprint records for staff employed in Tribally Operated Centers.)
- If relative providers over age 18 are exempt from that background check component, check "Exempt."
- Check "Family child care household members not included" for background check components that are not conducted for household members. (OCC will not approve alternative approaches that do not include at least one **background** check component for other adults in an family child care.)
- Describe any Tribal or state database or repository (e.g., the Tribal criminal fingerprint records or a state criminal fingerprint records) used for any background check components at the end of each table.

  If the Tribal Lead Agency uses any alternative approach that is not listed, check "Other" and describe the approach. Tribal Lead Agencies must justify the alternative approach in 2.5.7.

#### 2.5.1.1 Components of in-state background checks

For in-state registry checks, OCC will consider alternative approaches that include checks of Tribal criminal, sex offender, and/or child abuse and neglect registries. OCC will also consider approaches that include checks of databases of third-party or private entities. Tribal lead agencies must justify any alternative approach in 2.5.7.

1. Criminal registry or repository using fingerprints in the current state of residency (check only those methods used)

| | Pre-Approved Methods | Alternative Approach |
|---|---|---|
| Tribally Operated Centers and Tribally Regulated Providers (includes center-based child care and family child care) | ☐ State database or repository | ☐ Tribal database or repository<br>☐ Family child care household members not included<br>☐ Third-party vendor<br>☐ Other, *describe:*_____ |
| State-Licensed Providers (includes center-based child care and family child care) | ☐ State database or repository | ☐ Tribal database or repository<br>☐ Family child care household members not included<br>☐ Third-party vendor<br>☐ Other, *describe:*_____ |
| Relative Providers | ☐ State database or repository<br>☐ Exempt | ☐ Tribal database or repository<br>☐ Third-party vendor<br>☐ Other, *describe*:_____ |
| All other providers eligible to deliver CCDF services (includes state license-exempt and in-home child care providers) | ☐ State database or repository | ☐ Tribal database or repository<br>☐ Third-party vendor<br>☐ Family child care household members not included<br>☐ Other, *describe*:_____ |

i. Tribal or state databases or repositories. Tribal Lead Agencies may use Tribal or state databases or repositories for some or all of their in-state background check components. Describe any Tribal or state database or repository indicated in the table above.
☐ No Tribal or state database or repository used in criminal fingerprint checks.
☐ Tribal database or repository. Describe: _____
☐ State database or repository. Describe: _____

2. Sex offender registry or repository check in the current state of residency (check only those methods used)

| | Pre-Approved Methods | Alternative Approach |
|---|---|---|
| Tribally Operated Centers and Tribally Regulated Providers (includes center-based child care and family child care) | ◻ State database or repository | ◻ Tribal database or repository<br>◻ Family child care household members not included<br>◻ Third-party vendor<br>◻ Other, *describe:*_____ |
| State-Licensed Providers (includes center-based child care and family child care) | ◻ State database or repository | ◻ Tribal database or repository<br>◻ Family child care household members not included<br>◻ Third-party vendor<br>◻ Other, *describe:*_____ |
| Relative Providers | ◻ State database or repository<br>◻ Exempt | ◻ Tribal database or repository<br>◻ Third-party vendor<br>◻ Other, *describe*:_____ |
| All other providers eligible to deliver CCDF services (includes state license-exempt and in-home child care providers) | ◻ State database or repository | ◻ Tribal database or repository<br>◻ Third-party vendor<br>◻ Family child care household members not included<br>◻ Other, *describe*:_____ |

i. Tribal or state databases or repositories. Tribal Lead Agencies may use Tribal or state databases or repositories for some or all of their in-state background check components. Describe any Tribal or state database or repository indicated in the table above.
☐ No Tribal or state database or repository used in sex offender checks.
☐ Tribal database or repository. Describe: _____
☐ State database or repository. Describe: _____

3. Child abuse and neglect registry and database check in the current state of residency (check only those methods used)

| | Pre-Approved Methods | Alternative Approach |
|---|---|---|
| Tribally Operated Centers and Tribally Regulated Providers (includes center-based child care and family child care) | ☐ State database or repository | ☐ Tribal database or repository<br>☐ Family child care household members not included<br>☐ Third-party vendor<br>☐ Other, *describe:*_____ |
| State-Licensed Providers (includes center-based child care and family child care) | ☐ State database or repository | ☐ Tribal database or repository<br>☐ Family child care household members not included<br>☐ Third-party vendor<br>☐ Other, *describe:*_____ |
| Relative Providers | ☐ State database or repository<br>☐ Exempt | ☐ Tribal database or repository<br>☐ Third-party vendor<br>☐ Other, *describe*:_____ |
| All other providers eligible to deliver CCDF services (includes state license-exempt and in-home child care providers) | ☐ State database or repository | ☐ Tribal database or repository<br>☐ Family child care household members not included<br>☐ Third-party vendor<br>☐ Other, *describe*:_____ |

i. Tribal or state databases or repositories. Tribal Lead Agencies may use Tribal or state databases or repositories for some or all of their in-state background check components. Describe any Tribal or state database or repository indicated in the table above.
☐ No Tribal or state database or repository used in child abuse and neglect checks.
☐ Tribal database or repository. Describe: _____
☐ State database or repository. Describe: _____

2.5.1.2 Components of national background check

1. FBI (Federal Bureau of Investigation) fingerprint check (check only those methods used)

For FBI fingerprint checks, the CCDBG Act does not provide explicit authority for Tribes to request FBI fingerprint checks for all child care staff. Tribes may have authority under a different Federal statute to request FBI fingerprint-based background checks for child care staff, including (but not limited to) State Statute (P.L. 92-544, 34 U.S.C. 41101), Indian Child

Protection and Family Violence Prevention Act (P.L. 101-630, 25 U.S.C. 3207), National Child Protection Act/Volunteers for Children Act (NCPA/VCA) (P.L. 101-209, as amended, 34 U.S.C. 40101 et seq.), and Improving Head Start for School Readiness Act (P.L. 110-134, 42 U.S.C. 9843a).

The four pre-approved methods for Tribes to access the FBI fingerprint check are through (1) a state repository (through an MOU/MOA), (2) U.S. Department of Justice Tribal Access Program (TAP), (3) an FBI-approved channeler, and (4) fingerprint sent directly to the FBI (i.e., submitting hard-copy fingerprint cards through the U.S. mail).

OCC will consider alternative approaches (such as name-based checks of Tribal or state record management systems) when the process of obtaining fingerprints from one of the four pre-approved methods is not available or feasible. Tribal Lead Agencies must justify any alternative approach in 2.5.7.

| | Pre-Approved Methods | Alternative Approach |
|---|---|---|
| Tribally Operated Centers and Tribally Regulated Providers (includes center-based child care and family child care) | ☐ State agreement (e.g., MOU or MOA)<br>☐ U.S. Department of Justice (DOJ) TAP<br>☐ FBI-approved channeler<br>☐ Direct to FBI | ☐ Non-CCDBG Tribal authority<br>☐ Family child care household members not included<br>☐ Third-party vendor<br>☐ Other, *describe:*_____ |
| State-Licensed Providers (includes center-based child care and family child care) | ☐ State agreement (e.g., MOU or MOA)<br>☐ DOJ TAP<br>☐ FBI-approved channeler<br>☐ Direct to FBI | ☐ Non-CCDBG Tribal authority<br>☐ Family child care household members not included<br>☐ Third-party vendor<br>☐ Other, *describe:*_____ |
| Relative Providers | ☐ State agreement (e.g., MOU or MOA)<br>☐ DOJ TAP<br>☐ FBI-approved channeler<br>☐ Direct to FBI | ☐ Non-CCDBG Tribal authority<br>☐ Third-party vendor<br>☐ Other, *describe:*_____ |
| All other providers eligible to deliver CCDF services (includes state license-exempt and in-home child care providers) | ☐ State agreement (e.g., MOU or MOA)<br>☐ DOJ TAP<br>☐ FBI-approved channeler<br>☐ Direct to FBI | ☐ Non-CCDBG Tribal authority<br>☐ Family child care household members not included<br>☐ Third-party vendor<br>☐ Other, *describe:*_____ |

2. National Crime Information Center (NCIC) National Sex Offender Registry (NSOR) name-based search (check only those methods used)

Because there is no Federal authority under the CCDBG Act for Tribes to access information through the NCIC NSOR name-based search, OCC will consider approaches that do not include accessing the NCIC NSOR name-based search. An alternative approach to checking the NCIC NSOR name-based check may include a check of a private or public sex offender registry. Tribal Lead Agencies must justify any alternative approach in 2.5.7.

| | Pre-Approved Methods | Alternative approach |
|---|---|---|
| Tribally Operated Centers and Tribally Regulated Providers (includes center-based child care and family child care) | ☐ State agreement (e.g., MOU or MOA)<br>☐ National FBI fingerprint NCIC NSOR automatic check plus name-based search of NCIC NSOR | ☐ Private or public sex offender registry<br>☐ Family child care household members not included<br>☐ Other, *describe:*_____ |
| State-Licensed Providers (includes center-based child care and family child care) | ☐ State agreement (e.g., MOU or MOA)<br>☐ National FBI fingerprint NCIC NSOR automatic check plus name-based search of NCIC NSOR | ☐ Private or public sex offender registry<br>☐ Family child care household members not included<br>☐ Other, *describe:*_____ |
| Relative Providers | ☐ State agreement (e.g., MOU or MOA)<br>☐ National FBI fingerprint NCIC NSOR automatic check plus name-based search of NCIC NSOR<br>☐ Exempt | ☐ Private or public sex offender registry<br>☐ Other, *describe:*_____ |
| All other providers eligible to deliver CCDF services (includes state license-exempt and in-home child care providers) | ☐ State agreement (e.g., MOU or MOA)<br>☐ National FBI fingerprint NCIC NSOR automatic check plus name-based search of NCIC NSOR | ☐ Private or public sex offender registry<br>☐ Family child care household members not included<br>☐ Other, *describe:*_____ |

2.5.1.3 Components of interstate background checks for place(s) of residency in last 5 years

For interstate registry checks, OCC will consider alternative approaches that include checks of Tribal criminal, sex offender and/or child abuse and neglect registries. OCC will also consider approaches that include checks of databases of third-party or private entities. Tribal Lead Agencies must justify any alternative approach in 2.5.7.

1. Criminal registry or repository using fingerprints in the previous state of residency

| | Pre-Approved Methods | Alternative Approach |
|---|---|---|
| Tribally Operated Centers and Tribally Regulated Providers (includes center-based child care, family child care, and in-home providers) | ☐ State database or repository | ☐ Tribal database or repository<br>☐ Family child care household members not included<br>☐ Third-party vendor<br>☐ Other, *describe:*_____ |
| State-Licensed Providers (includes center-based child care and family child care) | ☐ State database or repository | ☐ Tribal database or repository<br>☐ Family child care household members not included<br>☐ Third-party vendor<br>Other, *describe:*_____ |
| Relative Providers | ☐ State database or repository<br>☐ Exempt | ☐ Tribal database or repository<br>☐ Third-party vendor<br>☐ Other, *describe*:_____ |
| All other providers eligible to deliver CCDF services (includes state license-exempt and in-home child careproviders) | ☐ State database or repository | ☐ Tribal database or repository<br>☐ Family child care household members not included<br>☐ Third-party vendor<br>Other, *describe*:_____ |

i. Tribal or state databases or repositories. Tribal Lead Agencies may use Tribal or state databases or repositories for some or all their child abuse and neglect registry and database check component. Describe any Tribal or state database or repository indicated in the table above.

☐ No Tribal or state database or repository used in background checks.
☐ Tribal database or repository. Describe: _____
☐ State database or repository. Describe: _____

2. Sex offender registry or repository check in the previous state of residency (check only those methods used)

| | Pre-Approved Methods | Alternative Approach |
|---|---|---|
| Tribally Operated Centers and Tribally Regulated Providers (includes center-based child care and family child care) | ☐ State database or repository | ☐ Tribal database or repository<br>☐ Family child care household members not included<br>☐ Third-party vendor<br>☐ Other, *describe:*_____ |
| State-Licensed Providers (includes center-based child care and family child care) | ☐ State database or repository | ☐ Tribal database or repository<br>☐ Family child care household members not included<br>☐ Third-party vendor<br>☐ Other, *describe:*_ |
| Relative Providers | ☐ State database or repository<br>☐ Exempt | ☐ Tribal database or repository<br>☐ Third-party vendor<br>☐ Other, *describe*:_____ |
| All other providers eligible to deliver CCDF services (includes state license-exempt and in-home child care providers) | ☐ State database or repository | ☐ Tribal database or repository<br>☐ Third-party vendor<br>☐ Family child care household members not included<br>☐ Other, *describe*:_____ |

i. Tribal or state databases or repositories. Tribal Lead Agencies may use Tribal or state databases or repositories for some or all of their interstate background check components. Describe any Tribal or state database or repository indicated in the table above.

☐ No Tribal or state database or repository used in interstate criminal background checks.

☐ Tribal database or repository. Describe: _____

☐ State database or repository. Describe: _____

3. Child abuse and neglect registry and database check in the previous state of residency

| | Pre-Approved Methods | Alternative Approach |
|---|---|---|
| Tribally Operated Centers and Tribally Regulated Providers (includes center-based child care and family child care) | State database or repository | ☐ Tribal database or repository<br>☐ Family child care household members not included<br>☐ Third-party vendor<br>☐ Other, *describe:*_____ |
| State-Licensed Providers (includes center-based child care and family child care) | ☐ State database or repository | ☐ Tribal database or repository<br>☐ Family child care household members not included<br>☐ Third-party vendor<br>☐ Other, *describe:*_____ |
| Relative Providers | ☐ State database or repository<br>☐ Exempt | ☐ Tribal database or repository<br>☐ Third-party vendor<br>☐ Other, *describe*:_____ |
| All other providers eligible to deliver CCDF services (includes state license-exempt and in-home child care providers) | ☐ State database or repository | ☐ Tribal database or repository<br>☐ Third-party vendor<br>☐ Family child care household members not included<br>☐ Other, *describe*:_____ |

i. Tribal or state databases or repositories. Tribal Lead Agencies may use Tribal or state databases or repositories for some or all of their interstate background check components. Describe any Tribal or state database or repository indicated in the table above.

☐ No Tribal or state database or repository used in interstate child abuse and neglect checks.

☐ Tribal database or repository. Describe: _____

☐ State database or repository. Describe: _____

2.5.2 Disqualifying Crimes for Employment Eligibility

Child care staff members cannot be employed by a child care provider receiving CCDF subsidy funds if they refuse a background check, make materially false statements in connection with the background check, or are registered or required to be registered on the state or National Sex Offender Registry (98.43(c)(1)(i-iii)). Potential staff members also cannot be employed by a provider receiving CCDF program funds if they have been convicted of:

- A felony consisting of murder, child abuse or neglect, crimes against children, spousal abuse, crimes involving rape or sexual assault, kidnapping, arson, physical assault or battery, or—subject to an individual review (at the Tribal Lead Agencies' option)—a drug-related offense committed during the preceding 5 years
- A violent misdemeanor committed as an adult against a child, including the following crimes—child abuse, child endangerment, or sexual assault
- A misdemeanor involving child pornography (98.43(c)(1)(iv-v)).

Tribal Lead Agencies that only use state-licensed providers and rely on state-conducted background check policies and procedures should select "No".

2.5.2.1 Other disqualifying crimes.

Does the Tribal Lead Agency disqualify child care staff members based on their conviction for any other crimes not specifically listed in 98.43(c)(i)?

☐ No.
☐ Yes. Describe other disqualifying crimes and provide a citation: _____

2.5.2.2 Alternative approach to lifetime ban for qualifying offenses.

ACF will consider alternative approaches where the Tribal Lead Agency implements less than a lifetime ban for offenses that are not crimes against children. Tribes may adopt an individualized review process for determining employment eligibility for those convicted of crimes that are not crimes against children. Tribal Lead Agencies must justify any alternative approach in 2.5.7.

Does the Tribal Lead Agency use an alternative approach that implements a less than lifetime ban for offenses that are not crimes against children?

☐ No
☐ Yes

1. If yes, check the type of provider(s) to which the alternative approach for disqualifying crimes applies.

   ☐ Tribally Operated Centers and Tribally Regulated Providers (includes center-based child care and family child care)
   ☐ State-Licensed Providers (includes center-based child care and family child care)

☐ Relative Providers

☐ All other providers eligible to deliver CCDF services (includes license-exempt and in-home child care providers)

2.5.3 Fees

The Tribal Lead Agency may not charge fees that exceed the actual costs of processing applications and administering a comprehensive background check, regardless of whether they are conducted by the Tribe, a state, or a third-party vendor or contractor (98.43(f)). Tribal Lead Agencies can report that no fees are charged if applicable (98.43(f)).

Tribal Lead Agencies that only use state-licensed providers and rely on state-conducted background check policies and procedures should select "No".

2.5.3.1 Does the Tribal Lead Agency charge fees?

☐ Yes.

☐ No. **Skip to 2.4.4**

2.5.3.2 What are the fees that the Tribal Lead Agency charges for completing the background checks? _____

2.5.3.3 Ensuring background check fees do not exceed cost of processing and administration.

How does the Tribal Lead Agency ensure that fees charged for completing the background checks do not exceed the actual cost of processing and administration? _____

2.5.4 Timeliness and Privacy in Returning the Results

The Tribal Lead Agency must conduct the comprehensive background checks as quickly as possible, and the process shall not exceed 45 days after the child care provider submits the request. The Tribal Lead Agency shall provide the results of the background check in a statement to the provider that indicates whether the staff member is eligible or ineligible, without revealing specific disqualifying information. If the staff member is ineligible, the state or territory will provide information about each disqualifying crime to the staff member.

ACF will consider alternative approaches to the requirement to carry out the background check requests within 45 days. Tribes may also make employment eligibility decisions in the event that not all background check components are completed within 45 days. Tribal Lead Agencies must justify any alternative approach in 2.5.7.

Tribal CCDF Programs that only use state-licensed providers and rely on state-conducted background check policies and procedures should select "No".

2.5.4.1 Check the timeliness for conducting comprehensive background check results.

☐ Approved approach: For all types of providers, the Tribal Lead Agency conducts results within 45 days.

☐ Alternative approach for OCC approval: For some or all types of providers, the Tribal Lead Agency returns results after 45 days.

1. If the Tribal Lead Agency uses an approach in which results are returned after 45 days, for which providers (check only those that apply):

   ☐ Tribally Operated Centers and Tribally Regulated Providers (includes center-based child care and family child care)

   ☐ State-Licensed Providers (includes center-based child care and family child care)

   ☐ Relative Providers

   ☐ All other providers eligible to deliver CCDF services (includes license-exempt and in-home child care providers)

☐ Other approach, including relying on state background check system to return results.

2.5.4.2 Privacy of comprehensive background checks.

Tribal Lead Agencies must ensure the privacy of comprehensive background checks by providing the results of the background check to the child care provider (i.e., employer) in a statement that indicates whether a child care staff member (including employee, prospective employee, or household member) is eligible or ineligible for employment, without revealing any documentation of criminal history, or disqualifying crimes, or other related information regarding the individual.

ACF will consider alternative approaches that allow some information to be shared with the child care provider. *Note:* This provision is subject to limitations in FBI policy and state or Tribal privacy requirements, which may prevent the release of information. Tribal Lead Agencies must justify any alternative approach in 2.5.7.

The Tribal Lead Agency may not publicly release the results of individual background checks. It may release aggregated data by crime as long as the data do not include personally identifiable information (98.43(e)(2)(iii)).

Check if the privacy of the child care staff member (including employee, prospective employee, or household member) is ensured when returning results to the child care provider (i.e., employer).

☐ Approved approach: For all types of providers, the Tribal Lead Agency ensures the privacy of the child care staff member (including employee, prospective employee, or household member).

☐ Alternative approach for OCC approval: For some or all types of providers, the Tribal Lead Agency allows some information to be shared with the child care provider (i.e., employer).

1. If the Tribal Lead Agency uses an approach in which some information is shared with the child care provider, for which providers (check only those that apply):

   ☐ Tribally Operated Centers and Tribally Regulated Providers (includes center-based child care and family child care)
   ☐ State-Licensed Providers (includes center-based child care and family child care)
   ☐ Relative Providers
   ☐ All other providers eligible to deliver CCDF services (includes license-exempt and in-home child care providers)

☐ Other approach, including relying on state background check system to return results.

### 2.5.5 Provisional Employment

Child care providers must submit a request to the appropriate Tribal or state agency for a comprehensive background check for each child care staff member, including prospective staff members, prior to the date an individual becomes a child care staff member (98.43(d)(1) and (2)). "Prospective staff members" have applied for a position, but have not yet begun working. A prospective child care staff member may not begin work until at least one of the following results have been returned as satisfactory:

- FBI fingerprint check
- Tribal or state criminal registry or repository using fingerprints in the Tribe or state where the prospective staff member resides

ACF will consider an alternative approach that allows for staff members to be provisionally employed once the background check request has been submitted, but prior to receiving the results of the check. New staff members are considered "provisionally employed" during the time from when one of the above fingerprint checks have been returned as satisfactory to the time when all background checks are returned as satisfactory. An alternative approach to provisional employment must require that the provider submit all comprehensive background check requests before the prospective staff person begins working.

Under either approach, the provisionally employed staff member must be supervised at all times by an individual who has completed the background check (98.43(d)(4)).

#### 2.5.5.1 Check the provisional employment approach used by the Tribal Lead Agency.

☐ Approved approach: For all types of providers, provisional employment is permitted after a satisfactory result from the FBI fingerprint check, or the Tribal or state criminal registry or repository, using fingerprints in the Tribe or state where the prospective staff member resides.
☐ Alternative approach for OCC approval: For some or all types of providers, provisional employment is permitted after the comprehensive background check requests have been submitted, but before the results of either fingerprint checks have been returned.

1. If the Tribal Lead Agency uses the alternative approach in which provisional employment is permitted after the comprehensive background check requests have been submitted, for which providers (check only those that apply):

   - ☐ Tribally Operated Centers and Tribally Regulated Providers (includes center-based child care and family child care)
   - ☐ State-Licensed Providers (includes center-based child care and family child care)
   - ☐ Relative Providers
   - ☐ All other providers eligible to deliver CCDF services (includes license-exempt and in-home child care providers)

2.5.6 Appeals for Child Care Staff (including employee, prospective employee, or household member).

The Tribal Lead Agency must have a process for a child care staff member (including employee, prospective employee, or household member) to appeal the results of a background check to challenge the accuracy or completeness of the information contained in a staff member's background report (98.43(e)(3)). The Tribal Lead Agency shall ensure the following:

- The child care staff member is provided with information related to each disqualifying crime in a report, along with information and/or a notice on the opportunity to appeal.
- A child care staff member will receive clear instructions about how to complete the appeals process for each background check component if the child care staff member wishes to challenge the accuracy or completeness of the information contained in such member's background report.
- If the staff member files an appeal, the Tribal Lead Agency will attempt to verify the accuracy of the information challenged by the child care staff member, including making an effort to locate any missing disposition information related to the disqualifying crime.
- The appeals process is completed in a timely manner for any appealing child care staff member.
- Each child care staff member shall receive written notice of the decision. In the case of a negative determination, the decision should indicate (1) the Tribal Lead Agency's efforts to verify the accuracy of the information challenged by the child care staff member; (2) any additional appeals rights available to the child care staff member; and (3) information on how the individual can correct the Federal, state, or Tribal records at issue in the case (98.43(e)(3)).
- The Tribal Lead Agency must work with other agencies that are in charge of background check information and results (such as the child welfare office and the state identification bureau) to ensure the appeals process is conducted in accordance with the CCDBG Act.

2.5.6.1 Notification of applicant about their eligibility to work in a child care program.

Describe how the Tribal Lead Agency notifies the applicant about their eligibility to work in a child care program. _____

2.5.6.2 Background check appeals

Describe how the Tribal Lead Agency provides opportunities for applicants to appeal the results of background checks. _____

2.5.6.3 Review process for individuals disqualified due to a felony drug offense.

Describe whether the Tribe has a review process for individuals disqualified due to a felony drug offense to determine if that individual is still eligible for employment (98.43 (e)(2-4)). _____

2.5.7 Justification for Alternative Approach(es)

Lead agencies may use alternative approaches in addition to or instead of the pre-approved methods. For example, Tribal Lead Agencies may use name-based checks of Tribal or state record management systems for the FBI fingerprint check when one of the four pre-approved methods are not available or feasible. The alternative approach is subject to ACF approval, and ACF will not approve approaches with blanket exemptions or waivers that bypass the intent of protecting children's safety.

2.5.7.1 Issues or barriers preventing Tribal Lead Agency from conducting the required checks.

What are the issues or barriers preventing the Tribal Lead Agency from conducting the required checks? Check only those that apply:

- ☐ Does not apply—no alternative approach is used for any of the background check components
- ☐ Does not have the authority under the CCDF statute to conduct a NCIC NSOR name-based search
- ☐ No direct authority under the CCDF statute to conduct an FBI fingerprint check
- ☐ No existing formal or informal MOU or MOA with a state
- ☐ Other. Describe: _____

2.5.7.2 Comprehensive alternative approach to ensure health and safety of children.

Describe how the alternative approach is comprehensive and ensures the health and safety of children in child care.

The description should include an alternative approach that affects the methods for conducting comprehensive background checks; the implementation of less than lifetime bans for offenses that are not crimes against children; the policies that allow longer than 45 days to conduct comprehensive background checks; any private information shared with the child care provider (i.e., employer); or provisional employment, as applicable. If a Tribal Lead Agency does not use any alternative method for their comprehensive background check, please enter "Does not apply." _____

# 3 Supporting Continuous Quality Improvement

As of FY 2022, all Tribal Lead Agencies are subject to a 9-percent quality set-aside. Tribal Lead Agencies must spend quality funds on at least 1 of 10 allowable quality activities, including:

- Training and professional development;
- Early learning and developmental guidelines;
- Quality rating and improvement systems;
- Supply and quality of services for infants and toddlers;
- Child care resource and referral services;
- Licensing, inspection, monitoring, training, health & safety;
- Evaluating the quality of child care programs;
- Supporting providers in the voluntary pursuit of accreditation;
- High-quality program standards; and
- Other measurable quality improvement activities, including culturally responsive activities, such as language immersion.

## 3.1 Quality Improvement Goals and Activities

In completing this section, the Tribal Lead Agency should describe activities currently underway, planned, or expected during the 3-year Plan period. Any significant changes to the quality improvement goals or activities should be addressed through an amendment to the Plan.

The Tribal Lead Agency should only describe activities funded either entirely, or in part, with CCDF dollars. All Tribal Lead Agencies must spend a percentage of their total CCDF expenditures on quality improvement activities.

| **Required Minimum for Quality Spending** (As of FY 2022) | | |
|---|---|---|
| | Tribal Lead Agencies with Small Allocations | Tribal Lead Agencies with Medium and Large Allocations |
| Quality Set-Aside | 9% | 9% |
| Infant-Toddler | NA | 3% |
| Total Quality | 9% | 12% |

### 3.1.2 Quality Improvement Activities

Check the quality activities in 3.1.2.1 through 3.1.2.10 that the Tribal Lead Agency will invest in during this plan cycle (98.41; 98.83). Tribal Lead Agencies can, and are encouraged to, incorporate culturally responsive practices into their quality improvement activities.

#### 3.1.2.1 Child care workforce training and professional development.

Supporting the training and professional development of the child care workforce. Check only those that apply:

- ☐ Promotion of child development
- ☐ Curriculum development and instruction
- ☐ Implementing developmentally appropriate and culturally and linguistically responsive instruction
- ☐ Language and literacy
- ☐ Developing or providing training to providers about Indigenous early learners and epistemologies
- ☐ Developing or providing training to providers about the local Indigenous Nations and community
- ☐ Family engagement
- ☐ Caring for children with special health or developmental needs
- ☐ Required health and safety training topics, as described in 2.1.3
- ☐ Access to physical activity
- ☐ Indigenous nutrition and foods
- ☐ Child care as a business
- ☐ Fiscal management for providers
- ☐ Administration and program management for providers
- ☐ Supporting (through funding, scholarships, etc.) the career development pathways of the child care workforce through:
  - ☐ Credit toward required training hours
  - ☐ Certificates (including those incorporating Indigenous studies and Indian education for providers)
  - ☐ Credentials
  - ☐ Degrees (including those incorporating Indigenous studies and Indian education for providers)
- ☐ Other: _____

*Optional: Describe any of the activities checked above:* _____

3.1.2.2 Early learning/developmental guidelines.

Improving on the development or implementation of early learning and developmental guidelines (658E(c)(2)(T); 658G(b)(2)).

Early learning guidelines are intended to help teachers, caregivers, and directors learn what children should know and be able to do at different developmental stages to experience school success. Early learning guidelines often provide examples of activities that can be used to develop a curriculum but are not intended to serve as a curriculum development activity. Check only those that apply:

- ☐ Supporting the use of the state's early learning guidelines
- ☐ Participating in the development or revision of the state's early learning guidelines
- ☐ Adapting a state's guidelines to reflect the Tribal Nation's language and culturally specific early learning and development goals/benchmarks
- ☐ Developing or implementing the Tribal Lead Agency's own tribally specific guidelines
- ☐ Providing trainings for staff on child development and early learning guidelines
- ☐ Other. Describe: _____

*Optional: Describe any of the activities checked above:* _____

3.1.2.3 Quality rating and improvement system (QRIS).

Developing, implementing, or enhancing a quality rating and improvement system (QRIS) for child care providers and services (658G(b)(3)).

A QRIS is a systemic approach to assess, improve, and communicate the level of quality in early and school-age care and education programs. Similar to rating systems for restaurants and hotels, a QRIS awards quality ratings to early and school-age care and education programs that meet a set of defined program standards.

By participating in their state's or Tribe's QRIS, early and school-age care providers embark on a path of continuous quality improvement. Even providers that have met the standards of the lowest QRIS levels have achieved a level of quality that is beyond the minimum requirements to operate. Check only those that apply:

- ☐ Participating in a state QRIS
- ☐ Developing a Tribal QRIS or similar rating system
- ☐ Implementing a Tribal QRIS or similar rating system
- ☐ Collaborating with other Tribes to implement a QRIS or similar rating system
- ☐ Other. Describe: _____

*Optional: Describe any of the activities checked above:* _____

3.1.2.4 Supply and quality of child care services for infants and toddlers.

Improving the supply and quality of child care services for infants and toddlers. Check only those that apply:

- ☐ Developing infant-toddler components within the early learning and developmental guidelines/standards, etc.
- ☐ Indigenous language and culturally responsive practices for infants and toddlers
- ☐ Providing training and professional development to enhance child care providers' abilities to provide developmentally appropriate services for infants and toddlers
- ☐ Providing coaching, mentoring, and/or TA on this age group's unique needs from networks of qualified infant-toddler specialists

- ☐ Improving the ability of families to access transparent and easy-to-understand consumer information about high-quality infant-toddler care that includes information on infant-toddler language, social-emotional, and early literacy and numeracy cognitive development
- ☐ Offering non-traditional hours
- ☐ Supporting the child care provider workforce through stabilization subgrants
- ☐ Coordinating with early intervention specialists who provide services for infants and toddlers with disabilities
- ☐ Coordinating with Early Head Start or Early Head Start – Child Care Partnerships
- ☐ Coordinating with home visiting activities
- ☐ Other. Describe: _____

*Optional: Describe any of the activities checked above:* _____

3.1.2.5 Child care resource and referral (CCR&R) services.

Establishing or expanding a system of child care resource and referral (CCR&R) services, assisting families in finding and choosing a child care provider, collecting and analyzing child care provider supply-and-demand data, and providing training and support to providers (658E(c)(3)(B)(iii); 658G(b)(5)). Check only those that apply:

- ☐ Using a state CCR&R
- ☐ Operating a CCR&R
- ☐ Partnering with other Tribes to offer CCR&R services
- ☐ Incorporating CCR&R services into program services
- ☐ Other. Describe: _____

*Optional: Describe any of the activities checked above:* _____

3.1.2.6 Licensing, inspection, monitoring, training, and health and safety.

Supporting compliance with requirements for licensing, inspection, monitoring, training, and health and safety. Check only those that apply:

- ☐ Provide health and safety materials/equipment (e.g., carbon monoxide detectors, fencing, personal protective equipment)
- ☐ Grants/mini-grants for health and safety materials/equipment
- ☐ Classroom materials and resources
- ☐ Financial assistance in meeting licensing requirements
- ☐ Conduct monitoring visits of child care providers
- ☐ Other. Describe: _____

*Optional: Describe any of the activities checked above:* _____

3.1.2.7 Evaluating the quality of child care programs.

Evaluating the quality of child care programs, including how programs positively impact children. Check only those that apply:

- ☐ Purchasing quality assessment tools
- ☐ Contracting with an outside evaluator to assess child care program quality
- ☐ Implementing surveys to collect stakeholder input
- ☐ Conducting internal training on the use of quality evaluations
- ☐ Other. Describe: _____

*Optional: Describe any of the activities checked above*: _____

3.1.2.8 Supporting providers in the voluntary pursuit of accreditation.

Tribal Lead Agencies can use quality funds to support child care providers in the voluntary pursuit of accreditation by a national accrediting body with demonstrated, valid, and reliable program standards of high quality. Accreditation is one way to differentiate the quality of child care providers. To gain accreditation, center-based child care and family child care providers must meet certain quality standards outlined by accrediting organizations. Check only those that apply:

- ☐ Using accreditation guidelines as a quality measure
- ☐ Funding any aspect of national accreditation (e.g., accreditation from the National Association for the Education of Young Children, or the National Association for Family Child Care, or accreditation developed by a Tribal association)
- ☐ Paying annual accreditation fees
- ☐ Other. Describe: _____

*Optional: Describe any of the activities checked above:* _____

3.1.2.9 High-quality program standards.

Supporting the development or adoption of high-quality program standards related to health, mental health, nutrition, physical activity, and physical development. Check only those that apply:

- ☐ Using Head Start Program Performance Standards
- ☐ Using *Stepping Stones to Caring for Our Children*
- ☐ Using *Caring for Our Children: Basics*
- ☐ Using *Minimum Health and Safety Standards: A Guide for American Indian and Alaska Native Child Care and Development Fund Grantees*

☐ Using a combination of the above listed standards. Describe: _____

☐ Other. Describe: _____

*Optional: Describe any of the activities checked above:* _____

3.1.2.10 Other quality improvement activities.

Other activities the Tribal Lead Agency will engage in to improve the quality of child care services. Check only those that apply:

1. ☐ Culturally Relevant Activities

   ☐ Incorporating Tribal language into child care settings

   ☐ Providing teacher training related to implementing language and culture in the classroom

   ☐ Implementing immersion classrooms or language nests

   ☐ Partnering with language and culture departments to build curricula

   ☐ Modifying curricula to reflect Tribal culture

   ☐ Offering culturally based training opportunities for families and providers

   ☐ Providing information and training to non-Native providers about working with Native children and families

   ☐ Serving traditional Native foods in child care programs

   ☐ Other. Describe: _____

   *Optional: Describe any of the activities checked above:* _____

2. ☐ Consumer Education for Families and Providers

   ☐ Written materials, including newsletters, brochures, and checklists, on child care topics

   ☐ Tribal and/or local media

   ☐ Social media, such as Facebook, Twitter, and Instagram

   ☐ Consultation from CCR&Rs, including information about other early childhood and social/human services programs for which families and providers may qualify

   ☐ Internet options, including electronic media, publications, and webcasts on child care topics

   ☐ Postings on community bulletin boards

   ☐ Other. Describe: _____

   *Optional: Describe any of the activities checked above:* _____

3. ☐ Provider Stabilization Subgrants

   Describe: _____

4. ☐ Provider retention grants/bonuses

5. ☐ Purchase of vans and busses

6. Other quality activities, besides the activities checked above, that the Tribal Lead Agency intends to implement during this Plan period: _____

3.1.3 Identification of Goals and Activities to Improve Quality

3.1.3.1 Identifying the goals and activities to improve quality as described in 3.1.1.

How did the Tribal Lead Agency identify the goals and activities to improve quality as described in 3.1.1? For example, did the Tribal Lead Agency conduct provider surveys or assessments that identified the need for quality improvements? Check only those that apply:

☐ Site visits and/or monitoring inspection visits

☐ Surveys to families, providers, and Tribal leadership

☐ Community assessments

☐ Self-assessments

☐ Parent, family, community, or Tribal meetings

☐ Other. Describe: _____

3.1.4 Evaluation of Progress for Child Care Quality Improvement Goals and Activities

3.1.4.1 Evaluating progress toward meeting the overall child care quality improvement goals.

How does the Tribal Lead Agency evaluate progress toward meeting the overall child care quality improvement goals and activities described in 3.1.1 (658G(d)(3))?

☐ Site visits and/or monitoring inspection visits

☐ Follow up surveys to families, providers, and Tribal leaders

☐ Ongoing community assessments

☐ Self-assessments and program evaluations

☐ Parent, family, community, or Tribal meeting sign-in sheets/attendance logs

Describe the items checked above: _____

☐ Other. Describe: _____

## 3.2 Supporting Training and Professional Development of the Child Care Workforce With CCDF Quality Funds

**The Tribal Lead Agency must develop training and professional development requirements (documented in Section 2.1.5), including pre-service or orientation training (to be completed within 3 months) and ongoing requirements designed to enable child care providers to promote the social, emotional, physical, and cognitive development of children and to improve the knowledge and skills of the child care workforce.**

Such requirements shall be applicable to child care providers caring for children receiving CCDF program funds across the entire age span, from birth through age 12 (658E(c)(2)(G)). Ongoing training and professional development should be accessible and appropriate to the setting and age of the children served (98.44(b)(2)).

### 3.2.1 Training and Professional Development Requirements

#### 3.2.1.1 Specific training and professional development requirements.

To meet the needs of the following age groups or groups of children, describe the specific training and professional development requirements you have in place for child care providers who care for:

☐ Infants and toddlers. Describe: _____

☐ Preschoolers. Describe: _____

☐ School-age children. Describe: _____

☐ Children who are Indigenous-language learners. Describe: _____

☐ Children with developmental delays and disabilities. Describe: _____

#### 3.2.1.2 Participation in the state's training and professional development system.

Do Tribal CCDF providers participate in the state's training and professional development system? For example, Tribal CCDF providers might participate in trainings offered by the local child care resource and referral agencies or state-funded training organizations.

☐ Yes. Describe: _____

☐ No. Check only those that apply:

- ☐ The Tribal Lead Agency does not have sufficient information about the state's training and professional development opportunities to share with Tribal CCDF providers.
- ☐ The state's training and professional development opportunities are not appropriate for providers caring for Native children.
- ☐ The state's training and professional development opportunities are not accessible to Tribal CCDF providers.

- ☐ The state's training and professional development opportunities are not affordable for Tribal CCDF providers.
- ☐ Other. Describe: _____
- ☐ Unknown.

3.2.1.3 Culturally relevant trainings and professional development opportunities.

Has the Tribal Lead Agency been contacted by the state for input on how to make its trainings and professional development opportunities more culturally relevant for Native American children?

- ☐ Yes. Describe: _____
- ☐ No.

# 4 Tribal Lead Agencies With Small Allocations Only—Direct Services

CCDF direct services may be provided through a subsidy program in which the Tribal Lead Agency offers certificates for families to use in any approved child care setting; through a Tribal CCDF-operated center; or through grants or contracts that allocate slots with a provider who offers child care services. The Final Rule established three categories of care:

- In-home child care: Care provided in the child's home
- Family child care: Care provided in a private residence other than the child's residence
- Center-based child care: Group care provided in a facility outside of the child's or provider's home

*The Final Rule recognizes that Tribal Lead Agencies receiving small CCDF allocations do not have to operate a full CCDF program with all CCDF requirements. For example, Tribal Lead Agencies with small allocations do not have to offer subsidies/direct services—all CCDF program funds can be expended on quality activities.*

*Tribal Lead Agencies with small allocations* have a lot of flexibility in how CCDF services are provided. For example, Tribal Lead Agencies with small allocations could establish their own subsidy program based on their unique needs, including determining their own eligibility requirements. *Tribal Lead Agencies with small allocations* who provide subsidies/direct services must provide OCC with an overview of their program requirements as part of their abbreviated CCDF Plan.

## 4.1 Direct Child Care Services Offering

### 4.1.1 Direct Child Care Services

#### 4.1.1.1 Direct child care services for *Tribal Lead Agencies with small allocations*.

Indicate if this *Tribal Lead Agency with a small allocation* will offer direct child care services. Check the appropriate box below:

☐ Not applicable, as a *Tribal Lead Agency with a medium or large allocation,* we will describe direct services in the next section. **Skip to Section 5.**

☐ No, as a *Tribal Lead Agency with a small allocation,* we will not be offering direct child care services. **Stop here and go to the appendices.**

☐ Yes, as a *Tribal Lead Agency with a small allocation,* we will offer direct child care services. Complete the questions below.

## 4.2 Direct Child Care Methods

### 4.2.1 Methods for Direct Child Care Services provided by the Tribal Lead Agency

#### 4.2.1.1 How does the Tribal Lead Agency provide direct child care services?

How does the Tribal Lead Agency provide direct child care services? Check only those that apply:

- ☐ Certificates and vouchers.
- ☐ Grants or contracts with approved child care providers (e.g., does the Tribal Lead Agency use grants or contracts to increase the supply and prioritize investments; address children in underserved areas, infants and toddlers, children with disabilities [as defined by the lead agency], and children who receive care during non-traditional hours; and/or improve quality of child care programs?)
- ☐ CCDF-funded Tribally Operated Center.

## 4.3 **Categories of Care**

### 4.3.1 Categories of Care

#### 4.3.1.1 Categories of care.

The Tribal Lead Agency allows families to choose from the following categories of care. Check only those that apply:

- ☐ Center-based child care, including a Tribally Operated Center, culture camps, etc.
- ☐ Family child care
- ☐ In-home child care

### 4.3.2 Tribally Operated Centers

#### 4.3.2.1 Child care services provided exclusively through Tribally Operated Centers.

Does the Tribal Lead Agency provide child care services exclusively through Tribally Operated Centers?

- ☐ Yes
- ☐ No

## 4.4 **Eligibility Criteria**

Eligible children must meet the Tribal Lead Agency's definition of Indian Child and reside in the designated service area. Describe any other eligibility criteria, such as child's age, family income and size, reason for care (e.g., work, job training, education), and priorities for vulnerable populations.

4.4.1 Eligibility Criteria

As described above, Tribal Lead Agencies with small allocations can establish their own subsidy program based on their unique needs, including determining their own eligibility requirements.

4.4.1.1 Describe eligibility criteria.

Tribal Lead Agencies have the option to describe their eligibility criteria in the text box below or by responding to the optional eligibility criteria in sections 4.4.2 through 4.4.6 below:

_____

4.4.2 Optional: Children Age Range

4.4.2.1 Optional: The Tribal CCDF program children age range.

Optional: The Tribal CCDF program serves children from ages _____weeks☐months☐years ☐ through_____weeks☐months☐years☐-------- (may not equal or exceed age 13).

4.4.3 Optional: Child Care for Children with Special Needs

4.4.3.1 Optional: Child care for special needs children.

Optional: Does the Tribal Lead Agency allow CCDF-funded child care for children ages 13 and older, but below age 19, who are physically or mentally incapable of self-care (658P(3); 98.20(a)(1)(ii))?

☐ No

☐ Yes

1. The upper age is _____ (may not equal or exceed age 19).
2. Define “physical or mental incapacity”: _____

4.4.3.2 Optional: Child care for children are under court supervision.

Optional: Does the Tribal Lead Agency allow CCDF-funded child care for children ages 13 and older, but below age 19, who are under court supervision (98.20(a)(1)(ii))?

☐ No.

☐ Yes. The upper age is _____ (may not equal or exceed age 19).

4.4.4 Optional: Eligibility based on Reason for Care

4.4.4.1 Optional: Tribal Lead Agency eligibility based on reason for care.

Optional: Does the Tribal Lead Agency establish eligibility based on reason for care? For example, does the Tribal Lead Agency require children to reside with a parent or parents who are working, or attending a job training or an educational program, or to receive or need to receive protective services?

☐ No.

☐ Yes. **If Yes, go to 4.4.4.2**

4.4.4.2 Define CCDF eligibility for working, training, education, and protective services.

If yes, how does the Tribal Lead Agency define working, attending a job training or an educational program, and receiving or needing to receive protective services for purposes of CCDF eligibility? Provide the definitions below:

"Working":

"Attending a job training": _____

"Attending an educational program": _____

"Receive or need to receive protective services": _____

4.4.5 Optional: Eligibility Based on Family Income

4.4.5.1 Optional: Does the Tribal Lead Agency establish eligibility based on family income?

☐ No.

☐ Yes. How does the Tribal Lead Agency define income for purposes of CCDF eligibility? _____

4.4.6 Optional: Additional Eligibility Criteria

4.4.6.1 Optional: Does the Tribal Lead Agency establish additional eligibility criteria?

☐ No.

☐ Yes. Describe: _____

4.5 **Family Contributions/Co-payments**

4.5.1 Sliding-fee scale

4.5.1.1 Sliding-fee scale for CCDF families' contributions.

Tribal Lead Agencies that require family contributions/co-payments from any families must have and periodically revise a sliding-fee scale for CCDF families' contributions that varies based on income and family size.

Attach a copy of the sliding-fee scale (Enter Attachment #: _____)

4.5.1.2 What is the sliding-fee scale effective date? _____

4.5.2 Waiving Family Contributions/Co-payments for Families

4.5.2.1 Does the Tribal Lead Agency waive family contributions/co-payments for any families?

☐ No.

☐ Yes. Describe:

4.6 **Payment rates**

4.6.1 Payment rates

4.6.1.1 Attach the Tribal Lead Agency's payment rates (Enter Attachment #: )

4.7 **Application for services**

4.7.1 Description for Family Application for Child Care Services

4.7.1.1 Describe how families can apply for child care services: _____

## *Tribal Lead Agencies with Small Allocations*

## Stop Here—

## Go Directly to the Appendices

# 5 Provide Stable Child Care Financial Assistance to Families (*Tribal Lead Agencies With Medium and Large Allocations*)

## 5.1 Eligible Children and Families

***Tribal Lead Agencies with large and medium allocations*** **must include the basis for determining family eligibility** through one of two options, or a combination of both, as described below.

***Standard Eligibility***: Tribal Lead Agencies must determine eligibility for services pursuant to the criteria found in 98.20(a) and 98.81(b)(1)(ii). When eligibility is determined, children must (1) be under age 13; (2)(a) reside with a family whose income does not exceed 85 percent of the Grantee Median Income (GMI) for a family of the same size and (2)(b) reside with a family whose assets do not exceed $1,000,000 (as certified by such family member); and (3)(a) reside with a parent(s) who is working or attending a job training or an educational program or (3)(b) receive, or need to receive, protective services (658P(4); 98.20(a)).

***Categorical Eligibility***: If the Tribe's median income is below 85 percent of the State Median Income, the Tribal Lead Agency has the option to consider any Indian child in the Tribe's service area to be eligible to receive CCDF program funds, regardless of a family's income, work, or training status, provided that the provision for services still goes to those with the highest need (98.81(b)(1)(i)). Tribal Lead Agencies that use categorical eligibility must still ensure that children meet the Tribe's Indian child and Indian reservation or service area definitions to be eligible for services. Tribal Lead Agencies that use categorical eligibility may create opportunities to align CCDF programs with other Tribal early childhood programs, including Tribal home visiting, Early Head Start, and Head Start. This provision also allows Tribes to support Early Head Start – Child Care Partnership grants.

Tribal Lead Agencies that elect to use categorical eligibility will receive the same funding allocation as if they had chosen to use standard eligibility thresholds. Additional funds will not be allocated. Additionally, Tribal Lead Agencies that implement categorical eligibility are subject to the remaining CCDF requirements, such as the quality expenditure requirements, health and safety standards, and enforcement and comprehensive background checks.

***Combination of Standard and Categorical Eligibility:*** Tribal Lead Agencies may also use a hybrid approach to determining eligibility, that is, a combination of standard and categorical eligibility. For example, Tribal Lead Agencies may choose to use standard eligibility and categorical eligibility in different parts of their service area, or a Tribal Consortium may establish different eligibility tracks based on the preferences of its participating Tribes.

### 5.1.1 Eligibility Criteria Related to the Child's Age

#### 5.1.1.1 Eligibility criteria related to child's age.

The Tribal CCDF program serves children from ages _____ (weeks/months/years) through _____ (weeks/months/years) (may not equal or exceed age 13).

*Note:* Eligible children who reach the maximum age within the 12-month eligibility period shall continue to receive CCDF services until their current 12-month eligibility expires. Tribal Lead Agencies that opt to use Categorical Eligibility must still meet all other CCDF requirements around stable financial assistance and equal access, including age eligibility.

5.1.1.2 Children incapable of self-care.

Does the Tribal Lead Agency allow CCDF-funded child care for children ages 13 and older but below age 19 who are physically and/or mentally incapable of self-care (658P(3); 98.20(a)(1)(ii))?

☐ No

☐ Yes

1. The upper age is _____ (may not equal or exceed age 19).
2. Define "physical or mental incapacity": _____.

5.1.1.3 Children under court supervision.

Does the Tribal Lead Agency allow CCDF-funded child care for children ages 13 and older, but below age 19, who are under court supervision (98.20(a)(1)(ii))?

☐ No.

☐ Yes. The upper age is _____ (may not equal or exceed age 19).

5.1.1.4 Children residing with a family.

Define "residing with": _____

5.1.1.5 Defining additional eligibility terms.

Define "in loco parentis":_____

5.1.2 Categorical Eligibility

5.1.2.1 Does the Tribal Lead Agency implement categorical eligibility?

☐ No. **Skip 5.1.2.2 through 5.1.2.5 and fill out Section 5.1.3.**

☐ Yes, the Tribal Lead Agency only implements categorical eligibility for the entire service area. **If yes, fill out Section 5.1.2 and skip section 5.1.3.**

☐ Yes, the Tribal Lead Agency implements categorical eligibility for part of the service area or, for a Tribal Consortium, for one or more participating Tribes. **If yes, fill out 5.1.2 through and including 5.1.3.**

5.1.2.2 Justification for Categorical Eligibility.

Demonstrate that the Tribal Median Income (TMI) is below 85 percent of the State Median Income (SMI). For a family size of four:

1. 100 percent of State Median Income: $_____/month
2. 85 percent of State Median Income: $_____/month
3. 100 percent of Tribal Median Income: $_____/month (must be less than 85 percent SMI)

5.1.2.3 Documentation of TMI and SMI data sources

Document the TMI and SMI data sources. Tribal Lead Agencies may use tribally collected income data, but Census data are preferred. The data should be the most recent median income (TMI or SMI) data available.

1. Source of data for Tribal Median Income (e.g., American Community Survey, 2020): _____
   i. Date: _____
   ii. Attachment #:_____
   iii. Web address:_____
2. Source of data for State Median Income: _____
   i. Name of State: _____
   ii. Date:_____
   iii. Attachment #:
   iv. Web address:_____

5.1.2.4 Describe categorical eligibility requirements, including if there are variations in categorical eligibility (e.g., different categorical eligibility in different geographical areas): _____

5.1.2.5 Ensuring services for those with the highest need

How does the Tribal Lead Agency ensure that the provision of services still goes to those with the highest need? (98.81(b)(1)(i)): _____

**Skip to Section 5.2 if the Tribal Lead Agency implements categorical eligibility for the entire service area.** (Skip pattern triggered by 5.1.2.1.)

5.1.3 Eligibility Criteria Based on Reason for Care

To be eligible to receive CCDF services, children must reside with a parent or parents who are working, are attending a job training or an educational program, or are engaged in a job search activity and/or must receive or need to receive protective services.

Tribal Lead Agencies have broad flexibility in defining “working,” “attending a job training program,” and “attending an educational program.” The definitions provided below should include any allowable activities, including travel time and study time. For example, a definition of “working” could include working for a salary or wages, self-employment, drug or alcohol rehabilitation, subsistence activities, job search, and/or volunteering as well as the travel time to and from the activity. Definitions should also address any limitations, such as minimum hours required or maximum hours allowed.

5.1.3.1 Definition of work, job training and education.

How does the Tribal Lead Agency define "working, job training, and education" for the purposes of CCDF eligibility at the time of determination? Make sure to include a definition for "attending" within the "job training and education" definitions (e.g., number of hours, travel time) (98.16(g)). Provide the definitions below:

"Working":

"Job training" (include a definition for "attending a job training" e.g., number of hours, travel time): _____

"Education" (include a definition for "attending an education program" e.g., number of hours, travel time):

5.1.4 Eligibility Based on Protective Services and Vulnerable Populations

Tribal Lead Agencies have the flexibility to define protective services beyond formal child welfare or foster care cases, including other vulnerable children, such as children experiencing homelessness.

If the Tribal Lead Agency provides CCDF-funded child care to children in foster care whose foster care parents are not working or in education/training activities, these children are considered to be in protective services and must be included in this definition for CCDF purposes.

5.1.4.1 Protective services.

For the purposes of CCDF eligibility, does the Tribal Lead Agency include children who receive, or need to receive, protective services?

☐ No. **Skip to 5.1.5.**

☐ Yes.

1. Define "protective services" for the purposes of eligibility: _____
2. Are children in foster care considered to be in protective services?

   ☐ No.

   ☐ Yes. Foster care is included under the Tribal Lead Agency's definition of protective services in 5.1.4.1 above. (This means that, for CCDF purposes, the Tribal Lead Agency considers these children to be served under the protective services eligibility category.)

3. Does the Tribal Lead Agency waive the income eligibility requirements for cases in which children receive, or need to receive, protective services on a case-by-case basis (658E(c)(5))?

   ☐ No

   ☐ Yes

4. Does the Tribal Lead Agency provide respite child care to custodial parents of children in protective services?

☐ No.

☐ Yes. Respite care is included under the Tribal Lead Agency's definition of protective services in 5.1.4.1 above.

5. Does the Tribal Lead Agency waive the asset limit on a case-by-case basis for families defined as receiving, or in need of, protective services?

☐ No.

☐ Yes.

### 5.1.5 Eligibility Criteria Based on Family Income

#### 5.1.5.1 Definition of income for purposes of eligibility.

For the purposes of eligibility determination, Tribal Lead Agencies have flexibility in defining "income." This flexibility allows for the exclusion or deduction of certain types of income from calculations of total family incomes.

How does the Tribal Lead Agency define "income" for the purposes of eligibility? _____

#### 5.1.5.2 Establishing CCDF family income eligibility limits.

**Tribal Lead Agencies must establish CCDF family income eligibility limits**. Those limits cannot exceed 85 percent of the Grantee Median Income (GMI). A Tribal Lead Agency has the flexibility to use either State Median Income (SMI) or Tribal Median Income (TMI) as its Grantee Median Income. Check the appropriate box below to indicate which option the Tribal Lead Agency has selected:

☐ State Median Income for a family of the same size.

Source (e.g., Census Bureau, etc.): _____

State: _____

Year: _____

☐ Tribal Median Income for a family of the same size residing in the area served by the Tribal Lead Agency.

Source: (e.g., Tribal community assessment, etc.): _____

Year: _____

*Tribal Lead Agencies may use tribally collected income data, but ACF strongly recommends that Tribal Lead Agencies use Census data. For either option, the data should be the most recent SMI or TMI data available*.

#### 5.1.5.3 Establishing CCDF income eligibility levels.

**Tribal Lead Agencies must establish CCDF income eligibility levels**. Complete Table 5.1.5.3 for the Tribal Lead Agency's CCDF income eligibility levels.

Column (a) lists 100 percent of the current Grantee Median Income (GMI) for each family size.

Column (b) lists 85 percent of the current GMI for each family size. (By law, this is the maximum allowable income for CCDF eligibility.)

Has the Tribal Lead Agency chosen to set income eligibility limits below 85 percent of the current GMI?

☐ No. **Complete columns (a) and (b) in Table 5.1.5.3. Do not complete columns (c) through (f).**

☐ Yes. **Complete columns (a) through (f) in Table 5.1.5.3.**

Columns (c) and (d) show the Tribal Lead Agency's maximum income eligibility level for each family size at the time a family applies for CCDF services. Tribal Lead Agencies have the option of setting income eligibility limits below 85 percent of the current GMI.

- Columns (e) and (f) list the Tribal Lead Agency's graduated phase-out or maximum "exit" income levels. If the Tribal Lead Agency sets income eligibility limits below 85 percent of the current GMI, it is subject to the graduated phase-out requirement described below. Tribal Lead Agencies that set their initial income eligibility levels at 85 percent of the current GMI are not subject to the graduated phase-out requirement (98.21(b)). Tribal Lead Agencies that establish initial family income eligibility below 85 percent of GMI must provide graduated phase-out by implementing two-tiered eligibility thresholds, with the second tier of eligibility (used at the time of eligibility redetermination) set at 85 percent of State Median Income (SMI) for a family of the same size—or an amount lower than 85 percent of SMI but above the Tribal Lead Agency's initial eligibility threshold. If the Tribal Lead Agency uses an amount lower than 85 percent of GMI, it must take into account the typical household budget for a low-income family and provide justification that the eligibility threshold (1) is sufficient to accommodate increases in family income that promote and support family economic stability and (2) reasonably allows a family to continue accessing child care services without unnecessary disruption (98.21(b)).

The income limit in column (e) cannot exceed the amount shown in column (b).

**Table 5.1.5.3: Tribal CCDF Income Eligibility Levels**

| | (a)<br>100% of GMI $/month | (b)<br>85% of GMI<br>$/month<br>[Multiply (a) by 0.85] | (c)<br>(*If Applicable*) Maximum Income Level if Lower Than 85% Current GMI<br>$/month | (d)<br>(*If Applicable*) Maximum Income Level if Lower Than 85% Current GMI<br>% of GMI<br>[Divide (c) by (a), multiply by 100] | (e)<br>(*If Applicable*) Maximum Phase-Out/Maximum "Exit" Income Level (Cannot exceed 85% GMI)<br>$/month | (f)<br>(*If Applicable*) Maximum Phase-Out/Maximum "Exit" Income Level (Cannot exceed 85% GMI)<br>% of GMI<br>[Divide (e) by (a), multiply by 100] |
|---|---|---|---|---|---|---|
| **Family Size** | | | | | | |
| 1* | | | | | | |
| 2 | | | | | | |
| 3 | | | | | | |
| 4 | | | | | | |
| 5 | | | | | | |
| 6 | | | | | | |
| 7 | | | | | | |
| 8 | | | | | | |

**Note:* On a case-by-case basis, Tribal Lead Agencies may consider a child in foster care to be a "family of one" for purposes of determining CCDF income eligibility.

5.1.5.4 Income fluctuations in determining or redetermining eligibility.

During the eligibility determination or redetermination process, **the Tribal Lead Agency must consider fluctuations in family income**. This is particularly important for families who rely on work that is unpredictable or seasonal in nature, such as agriculture; construction work; or subsistence activities, such as hunting and fishing. Families may experience a temporary spike in income due to working increased hours over a short period, yet those earnings are not representative of the family's income over the course of a year.

How does the Tribal Lead Agency take income fluctuations into account when determining and redetermining eligibility? Check all that apply:

☐ Averaging income annually

☐ Disregarding temporary, short-term income increases

☐ Other. Describe: _____

5.1.5.5 Family assets.

Tribal Lead Agencies are required to ensure that children receiving CCDF program funds do not have family assets that exceed $1,000,000, as certified by a family member (98.20(a)(2)(ii)). Tribal Lead Agencies can meet this requirement through family self-certification, either in the application, during the interview process, or through another method as determined by the Tribal Lead Agency.

Describe how the family member certifies that family assets do not exceed $1,000,000: _____

5.1.6 Additional Eligibility Criteria

The Tribal Lead Agency has flexibility in establishing additional eligibility criteria. Additional criteria could include, for example, Tribal applicants first applying with the state CCDF program or higher income limits in one part of the Tribal service area.

5.1.6.1 Does the Tribal Lead Agency establish additional eligibility criteria (98.16(g)(5), 98.20(b))?

☐ No

☐ Yes. Describe: _____

5.1.6.2 Attachment for additional income eligibility.

If additional eligibility criteria include different income eligibility limits, please attach additional income eligibility tables and indicate attachment(s) #: _____

## 5.2 Application and Eligibility Determination/Redetermination Process

5.2.1 Dissemination of Information on Applying for Child Care Assistance

Tribal Lead Agencies must inform families of eligible children and the general public of the process by which they can apply for Tribal CCDF assistance (658E(c)(2)(E)(i)(1)).

5.2.1.1 Informing Families.

How are families informed of the availability of child care assistance under the Tribal CCDF program? Check only those that apply:

☐ Tribal Lead Agency

☐ Child care providers

☐ CCR&R agencies

☐ Public and/or Tribal schools

☐ Early Head Start/Head Start programs

☐ Health Clinics

☐ TANF offices

☐ Other Tribal offices

☐ Other governmental offices

☐ Community outreach events

- ☐ Tribal newsletter/newspaper
- ☐ Radio and/or television
- ☐ Social media
- ☐ Internet. Provide website(s):_____
- ☐ Other. Describe: _____

5.2.2 Applying for Child Care Services

5.2.2.1 How can families apply for child care services? Check only those that apply:

- ☐ In-person interview or orientation
- ☐ Phone
- ☐ Mail
- ☐ At the child care provider's site
- ☐ Electronically via online application or email (provide website): _____
- ☐ Other. Describe: _____

5.2.3 Eligibility Documentation Procedures

Tribal Lead Agencies are required to have procedures for documenting and verifying that children and families receiving CCDF program funds meet eligibility criteria at the time of eligibility determination and redetermination (98.68(c)).

Lead agencies should note that there are no Federal requirements for specific documentation or verification procedures.

5.2.3.1 Document verification at initial determination and redetermination.

Check the information that the Tribal Lead Agency documents and verifies at initial determination and redetermination and describe, at a minimum, what information is required and how often. Check only those that apply:

- ☐ Child's age: _____
- ☐ Indian child: _____
- ☐ Work: _____
- ☐ Job training: _____
- ☐ Education program: _____
- ☐ Family income: _____
- ☐ Household composition: _____
- ☐ Applicant identity: _____

☐ Applicant's relationship to the child: _____

☐ Applicant's residence (e.g., must reside within Indian reservation or service area): _____

☐ Other: _____

5.2.4 Timeliness of Eligibility Determinations

5.2.4.1 Timeliness of eligibility upon receipt of applications.

Which strategies, if any, will the Tribal Lead Agency use to ensure the timeliness of eligibility determinations upon receipt of applications? Check only those that apply:

☐ Time limit for making eligibility determinations. Describe the length of time: _____

☐ Track and monitor the eligibility determination process.

☐ Other. Describe: _____

☐ None.

5.2.5 12-Month Eligibility

**Tribal Lead Agencies are required to establish a minimum 12-month eligibility and redetermination period, regardless of changes in a family's eligibility including changes in child's age (including turning 13 years old during the 12-month eligibility period) and changes in family's residency within a Tribal service area (658E(c)(2)(N)(i) and (ii); 45 C.F.R § 98.21(a)(1)).**

Tribal Lead Agencies must provide a minimum 12-month eligibility and redetermination period as long as the family's income does not exceed the Federal threshold of 85 percent of the grantee median income. The Tribal Lead Agency may not terminate assistance prior to the end of the 12-month period if a family experiences temporary changes in participation in work, training, or educational activities (658E(c)(2)(N)(i) and (ii)).

5.2.5.1 Minimum 12-month eligibility.

Describe the Tribal Lead Agency's policies and procedures in implementing the minimum 12-month eligibility and redetermination requirements: _____

5.2.5.2 Definitions required minimums of temporary change.

Describe and define the Tribal Lead Agency's policy for each of the minimum required elements listed below that are included in the lead agency's definition of "temporary change."

☐ Time-limited absence from work for an employed parent due to such reasons as the need to care for a family member, or an illness. Describe or define the Tribal Lead Agency's policy: _____

- ☐ Interruption in work for a seasonal worker. Describe or define the Tribal Lead Agency's policy: _____
- ☐ Student holidays or breaks for a parent participating in a training or educational program. Describe or define the Tribal lead agency's policy: _____
- ☐ Reduction in work, training, or education hours, as long as the parent is still working or attending a training or an educational program. Describe or define the Tribal Lead Agency's policy: _____
- ☐ Other cessation of work or attendance at a training or an educational program that does not exceed 3 months, or a longer period of time established by the Tribal Lead Agency. Describe or define the Tribal Lead Agency's policy: _____
- ☐ Changes in residency within the Tribal service area. Describe or define the Tribal Lead Agency's policy: _____
- ☐ A child turning 13 years old during the 12-month eligibility period. Describe or define the Tribal Lead Agency's policy: _____

5.2.5.3 Additional definitions of temporary changes.

Describe any additional conditions in the Tribal Lead Agency's definition of "temporary changes in activity": _____

5.2.6 Option to discontinue assistance during the 12-month eligibility period.

A Tribal Lead Agency has the option to discontinue assistance during the 12-month eligibility period due to a parent's non-temporary loss of work, or cessation of attendance at a job training or an educational program; however, it must provide at least 3 months of continued assistance at the same level after such loss or cessation. At the end of the minimum 3-month period of continued assistance, if the parent has engaged in a qualifying work, training, or educational program activity with an income below 85 percent of SMI, assistance cannot be terminated, and the child must continue receiving assistance until the next scheduled redetermination or, at the Tribal Lead Agency's option, for an additional minimum 12-month eligibility period (98.21 (a)).

5.2.6.1 Discontinuation of assistance during a minimum 12-month eligibility period.

Does the Tribal Lead Agency choose to discontinue assistance during the minimum 12-month eligibility period due to a parent's non-temporary loss or cessation of eligible activity?

- ☐ Yes. Describe the Tribal Lead Agency's policies and procedures for discontinuing assistance due to a parent's non-temporary change:
- ☐ No. The Tribal Lead Agency does not discontinue assistance during the 12-month eligibility period due to a parent's non-temporary change.

5.2.6.2 Job search/continuation of services.

**Skip to 5.2.7, if No is checked in 5.2.6.1.** If Yes is checked in 5.2.6.1 above, describe the Tribal Lead Agency's policies and procedures for offering a minimum 3-month period to allow parents to engage in a job search, and to resume participation in an eligible activity. *The Tribal Lead Agency may discontinue assistance prior to the next 12-month redetermination in the following limited circumstances*. Check only those that apply:

☐ Excessive unexplained absences (after multiple attempts to contact the family, including the prior notification of a possible discontinuation of assistance).

☐ A change in residency outside of the Tribal service area.

☐ Substantiated fraud or intentional program violations that invalidate prior determinations of eligibility. Describe the violations that lead to discontinuing assistance: _____

5.2.7 Change reporting during the 12-month eligibility period.

Families are required to report to the Tribal Lead Agency at any time during the 12-month eligibility period if the family's income exceeds 85 percent of the GMI, taking into account irregular fluctuations in income (98.21(e)(1)).

**Any additional reporting requirements during the 12-month eligibility period must be limited to items that impact a family's eligibility (e.g., that impact the Tribal Lead Agency's ability to contact the family or pay the child care providers) and shall not require an office visit.** In addition, the Tribal Lead Agency must offer a range of notification options to accommodate families.

**Tribal Lead Agencies are required to have procedures and policies in place to ensure that families (especially families receiving assistance under the TANF program) are not required to unduly disrupt their employment, education, or job training activities to comply with the Tribal Lead Agency's or designated local entity's requirements for the redetermination of eligibility for assistance (658E(c)(2)(N)(ii); 98.21(d)).**

5.2.7.1 Requirements for families to report changes.

Does the Tribal Lead Agency require families to report other changes (e.g., change of address, change in need for child care, change in child care provider)?

☐ No.

☐ Yes. Describe _____

5.2.7.2 Ensuring reporting is not burdensome.

Describe how the Tribal Lead Agency ensures that reporting changes are not burdensome and avoid an impact on continued eligibility between redeterminations (e.g., reporting changes by mail, email, online forms, or in-person; extended submission hours): _____

### 5.2.8 Procedures for Unlimited Access for Parents

**Tribal Lead Agencies are required to have in effect** procedures for ensuring that parents have unlimited access to their children whenever their children are in the care of a provider who receives CCDF program funds (658E(c)(2)(B); 98.16(t); 98.31).

**5.2.8.1** Describe the Tribal Lead Agency's procedures for meeting the parental access requirement: _____

### 5.2.9 TANF Agency Definitions

Tribal Lead Agencies are required to inform parents who receive TANF benefits about the exception to the individual penalties associated with the work requirement for any single custodial parent who has a demonstrated inability to obtain needed child care for a child younger than age 6 (98.16(v); 98.33(f)).

The TANF agency, not the Tribal CCDF lead agency, is responsible for establishing the following criteria or definitions. These criteria or definitions are offered in this Plan as a matter of public record. This question is for informational purposes.

The Tribal Lead Agency may choose to coordinate with either the Tribal TANF agency or agencies within the service area, the state TANF agency, or both. The definitions provided should be gathered from the TANF agency that is most relevant and works more closely with the Tribal Lead Agency.

5.2.9.1 Identify the TANF agency that established these criteria or definitions:

State TANF Agency: _____

Tribal TANF Agency: _____

5.2.9.2 Provide the following criteria or definitions established by the TANF Agency:

1. "Appropriate child care": _____
2. "Reasonable distance": _____
3. "Unsuitability of informal child care": _____
4. "Affordable child care arrangements": _____

5.2.9.3 TANF work requirements exceptions.

How are parents who receive TANF benefits informed about the exception to individual penalties associated with the TANF work requirements? Briefly describe the process:

☐ In writing. Describe: _____

☐ Verbally. Describe: _____

## 5.3 Improving Access for Vulnerable Children and Families

**Tribal Lead Agencies are required to give priority for child care assistance to "children with special needs" and children experiencing homelessness (658E(c)(3)(B); 98.46(a)).** The prioritization of CCDF assistance services is not limited to eligibility determination (e.g., prioritize for enrollment, serve without placing vulnerable populations on waiting lists, waive co-payments, pay higher rates for access to higher quality care, use grants or contracts to reserve slots for priority populations).

### 5.3.1 Children With Special Needs

Tribal Lead Agencies have flexibility in how they define "children with special needs." The definition of "children with special needs" may include children with physical or mental disabilities or children who are considered part of "vulnerable populations" (e.g., families with very low incomes, children at risk of receiving protective services, children with teen parents).

5.3.1.1 Describe how the Tribal Lead Agency defines "children with special needs": _____

5.3.1.2 Children with special needs.

Describe how the Tribal Lead Agency will give priority for child care services to children with special needs: _____

### 5.3.2 Services for Children Experiencing Homelessness

As defined in Section 725 of Subtitle VII-B of the McKinney-Vento Act (42 U.S.C. 11434a; 98.2), children experiencing homelessness are those who lack a fixed, regular, and adequate nighttime residence, and who are:

- Sharing the housing of others due to a housing, economic hardship, or similar reason
- Living in hotels, motels, trailer parks, or campgrounds due to the lack of alternative adequate accommodations
- Living in emergency or transitional shelters
- Abandoned in hospitals
- Living in a primary nighttime residence that is public or not designed for human beings
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings
- Migrant children

**Tribal Lead Agencies are required to expend CCDF program funds to**:

- Permit the enrollment (after an initial eligibility determination) of children experiencing homelessness while required documentation is obtained—allowing a grace period
- Provide training and TA to child care providers and the appropriate Tribal Lead Agency (or designated entity) staff in identifying and serving children experiencing homelessness
- Conduct specific outreach to families experiencing homelessness (658E(c)(3)(B)(i); 98.51)

5.3.2.1 Access for families experiencing homelessness.

Describe how the Tribal Lead Agency improves access to child care for children and families experiencing homelessness (e.g., adding new providers near homeless shelters): _____

5.3.2.2 Services for families experiencing homelessness.

Indicate how services are prioritized for children experiencing homelessness, as defined by the Tribal Lead Agency. Check only those that apply:

☐ Prioritize for enrollment in child care services

☐ Serve without placing on waiting list

☐ Waive co-payments (on a case-by-case basis) as described in 5.4.1(g)

☐ Pay a higher rate for access to higher quality care

☐ Using grants or contracts to reserve spots

5.3.2.3 Outreach for families experiencing homelessness.

Describe how the Tribal Lead Agency conducts outreach to children experiencing homelessness and their families: _____

5.3.2.4 Grace periods.

Tribal Lead Agencies must establish a grace period that allows children experiencing homelessness and children in foster care to receive CCDF assistance while providing their families with a reasonable time to take any necessary actions to comply with immunization and other health and safety requirements. The length of such a grace period shall be established in consultation with the state, territorial, or Tribal health agency (658E(c)(2)(I)(i)(I); 98.41(a)(1)(i)(C)).

Describe the grace period and how the length of the grace period was established in consultation with state or Tribal health agencies for:

a) children experiencing homelessness: _____

b) children in foster care: _____

5.3.3 Additional Priority Rules or Categories

5.3.3.1 Does the Tribal Lead Agency have additional priority rules or categories?

☐ No.

☐ Yes. Define the additional priority rule(s): _____

5.3.4 Building the Supply of Child Care

**Tribal Lead Agencies are required to develop and implement strategies to increase the supply of child care services and to improve the quality of care for children who are typically underserved**. These populations include children in underserved areas, infants and toddlers, children with

disabilities, and children who receive care during non-traditional hours. (See https://www.acf.hhs.gov/occ/policy-guidance/building-supply-high-quality-child-care for additional guidance.)

5.3.4.1 Supply and quality improvement strategies.

Describe the strategies being implemented by the Tribal Lead Agency to increase the supply and to improve the quality of child care services for each of the following groups of children.

Children in underserved areas. Describe: _____

Infants and toddlers. Describe: _____

Children with disabilities. Describe: _____

Children who receive care during non-traditional hours. Describe: _____

## 5.4 Family Contribution to Payments

**Tribal Lead Agencies must establish and periodically revise a sliding-fee scale that varies based on income and the size of the family to determine each family's contribution (i.e., co-payment) that is not a barrier to families receiving CCDF program funds (658E(c)(5)).**

5.4.1 Family Contribution to Payment

In addition to income and size of the family, the Tribal Lead Agency may use other factors when determining family contributions/co-payments. Tribal Lead Agencies, however, may not use the cost of care or amount of a subsidy payment in determining copayments (98.45(k)(2)).

5.4.1.1 Complete the co-payment information based on the most populous area of the service area (defined as the area serving the highest number of CCDF children). Calculate the percent of income by dividing the co-payment by the family income.

| | Lowest income level where family is charged a co-pay (greater than $) | What is the monthly co-payment for a family of this size based on the lowest income level? | What percentage of income is this co-payment at the lowest income level? | Highest income level before a family is no longer eligible? | What is the monthly co-payment for a family at the highest income level? | What is the percentage of income at the highest income level? |
|---|---|---|---|---|---|---|
| Family size of 1 | _____ | _____ | _____ | _____ | _____ | _____ |
| Family size of 2 | _____ | _____ | _____ | _____ | _____ | _____ |
| Family size of 3 | _____ | _____ | _____ | _____ | _____ | _____ |

| | | | | | | |
|---|---|---|---|---|---|---|
| Family size of 4 | _____ | _____ | _____ | _____ | _____ | _____ |
| Family size of 5 | _____ | _____ | _____ | _____ | _____ | _____ |

5.4.1.2 What is the effective date of the sliding-fee scale(s)? _____

5.4.1.3 Will the attached sliding-fee scale be used in all parts of the service area?

☐ Yes.

☐ No. Attach additional sliding-fee scale(s). Attachment(s) #: _____. Effective date: _____

5.4.1.4 Calculation of family contribution.

How will the family's contribution be calculated, and to whom will it be applied? Check only those that apply:

☐ The fee is a dollar amount and:

- ☐ The fee is per child, with the same fee for each child.
- ☐ The fee is per child and is discounted for two or more children.
- ☐ The fee is per child up to a maximum per family.
- ☐ No additional fee is charged after a certain number of children.
- ☐ The fee is per family.
- ☐ The contribution schedule varies because it is set locally and/or regionally. Describe: _____
- ☐ Other. Describe: _____

☐ The fee is a percentage of income and:

- ☐ The fee is per child, with the same percentage applied for each child.
- ☐ The fee is per child, and a discounted percentage is applied for two or more children.
- ☐ The fee is per child up to a maximum per family.
- ☐ No additional percentage is charged after a certain number of children.
- ☐ The fee is per family.
- ☐ The contribution schedule varies because it is set locally and/or regionally (as indicated in 5.4.1.3). Describe: _____
- ☐ Other. Describe: _____

5.4.1.5 Additional factors to determine family's co-payment.

Does the Tribal Lead Agency use other factors in addition to income and family size to determine each family's co-payment (658E(c)(3)(B))? *Reminder:* Tribal Lead Agencies may not use the cost of care or amount of a subsidy payment in determining copayments (98.45(k)(2)).

- ☐ No.
- ☐ Yes. Check and describe those additional factors below:
  - ☐ Number of hours the child is in care. Describe: _____
  - ☐ Lower co-payments for a higher quality of care, as defined by the Tribal Lead Agency. Describe: _____
  - ☐ Other. Describe: _____

5.4.1.6 Affordability of family contribution/co-payment.

How will the Tribal Lead Agency ensure that the family contribution/co-payment is affordable and is not a barrier to families receiving CCDF program funds? Check only those that apply:

- ☐ Limit the maximum co-payment per family to a dollar amount. List the maximum dollar amount, and describe: _____
- ☐ Limit the combined amount of co-payment for all children to a percentage of family income. List the percentage, and describe: _____
- ☐ Minimize the abrupt termination of assistance before a family can afford the full cost of care ("the cliff effect") as part of the graduated phase-out of assistance. Describe: _____
- ☐ Other. Describe: _____

5.4.1.7 Waiving family contributions/co-payments.

The Tribal Lead Agency may waive contributions/co-payments from families whose incomes are at or below the poverty level for a family of the same size; for families who are receiving or needing to receive protective services, as determined for purposes of CCDF eligibility; or for families who meet other criteria established by the Tribal Lead Agency (98.45(k)(4)).

Does the Tribal Lead Agency waive family contributions/co-payments? Check only those that apply:

- ☐ Yes, the Tribal Lead Agency waives family contributions/co-payments for families with an income at or below the poverty level for families of the same size.
- ☐ Yes, the Tribal Lead Agency waives family contributions/co-payments for families who are receiving or needing to receive protective services, as determined by the Tribal Lead Agency for purposes of CCDF eligibility.

☐ Yes, the Tribal Lead Agency waives family contributions/co-payments for other criteria established by the Tribal Lead Agency (e.g., families experiencing homelessness, migrant workers, victims of human trafficking, families receiving TANF). Describe the criteria: _____

☐ No, the Tribal Lead Agency does not waive family contributions/co-payments.

5.4.1.8 Allowance of additional amounts exceeding subsidy payment.

Does the Tribal Lead Agency allow providers to charge families additional amounts above the required co-payment in instances where the provider's price exceeds the subsidy payment (98.45(b)(5))?

☐ No.

☐ Yes. If yes, describe the policy and/or procedure: _____

# 6 Ensure Equal Access to Quality Child Care for Low-Income Children (*Tribes with Medium and Large Allocations*)

## 6.1 Description of Direct Child Care Services

CCDF direct services may be provided through a subsidy program in which the Tribal Lead Agency offers certificates for families to use in any approved child care setting; through a Tribal CCDF-operated center; or through grants or contracts that allocate slots with a provider who offers child care services. The Final Rule established three categories of care:

- Center-based child care: Group care provided in a facility outside of the child's or provider's home
- Family child care: Care provided in a private residence other than the child's residence
- In-home child care: Care provided in the child's home

***Tribal Lead Agencies with large allocations* are required to operate a certificate program that permits families to choose care from all three categories of care.**

### 6.1.1 Child Care Services (658E(c)(2)(A): 658E(c)(3)(A)-(B); 658P(6)-(7); 98.16(i)(1); 98.30; 98.50)

#### 6.1.1.1 In-home care limits.

If the Tribal Lead Agency allows for in-home care (i.e., care provided in the child's own home), as described in 98.16(i)(2), does the Tribal Lead Agency limit the use of in-home care in any way?

☐ No.

☐ Yes. What limits does the Tribal Lead Agency set? Check only those that apply:

☐ Restricted based on the minimum number of children in the care of the provider due to the Fair Labor Standards Act (minimum wage) requirement. Describe: _____

☐ Restricted based on the provider meeting a minimum age requirement (a relative provider must be at least 18 years of age based on the definition of eligible child care provider (98.2). Describe: _____

☐ Restricted based on hours of care (e.g., a certain number of hours, non-traditional work hours). Describe: _____

☐ Restricted to care by relatives only. Describe: _____

☐ Restricted to care for children with special needs or medical conditions. Describe: _____

☐ Restricted to in-home providers that meet additional health and safety requirements beyond those required by the CCDF program. Describe: _____

☐ Other. Describe: _____

6.1.1.2 Funding direct child care services by the Tribal Lead Agency.

How does the Tribal Lead Agency fund its direct child care services? Check only those that apply:

☐ Certificates. *(Tribal Lead Agencies with large allocations must operate certificate programs).*

☐ Grants or contracts with approved child care providers.

☐ CCDF-funded Tribally Operated Center.

1. Does the Tribal Lead Agency provide child care services exclusively through a Tribally Operated Center(s)?

☐ Yes (*option available only to Tribal Lead Agencies with medium allocations*). **Skip the rest of Section 6. Continue to Section 7.**

☐ No. **Continue to the next question**.

6.1.1.3 Provision of grants or contracts.

CCDF direct services may be provided through grants or contracts that allocate slots with a provider who offers child care services. Does the Tribal Lead Agency use grants or contracts for child care slots to increase the supply and/or to improve the quality of child care programs (658E(c)(2)(M))?

☐ No, grants or contracts are not used for the purposes of increasing supply or improving quality.

☐ Yes. Grant- or contract-funded slots are used to increase the supply and/or to improve the quality of the following types of child care programs through (check only those that apply):

☐ Providers offering Native language education or a culturally based curriculum.

☐ Providers serving specific populations. (Please reference and complete Table 6.1.1.4 below.)

☐ Providers serving children needing care during non-traditional hours.

☐ Providers meeting or exceeding higher quality standards, such as programs with higher QRIS ratings or nationally accredited programs.

☐ Providers offering bonuses, higher pay, or other financial incentives to teaching staff for reaching higher levels of education and/or qualifications.

☐ Other. Describe: _____

**Table 6.1.1.4:**

| *Grants or Contracts Are Used in Child Care Programs That Serve* | *To Increase the Supply of Care* | *To Increase the Quality of Care* |
|---|---|---|
| i. Children with disabilities | ☐ | ☐ |
| ii. Infants and toddlers | ☐ | ☐ |
| iii. School-age children | ☐ | ☐ |
| iv. Children needing non-traditional hour care | ☐ | ☐ |
| v. Children experiencing homelessness | ☐ | ☐ |
| vi. Children with diverse linguistic or cultural backgrounds | ☐ | ☐ |
| vii. Children in underserved areas | ☐ | ☐ |
| viii. Children in urban areas | ☐ | ☐ |
| ix. Children in rural areas | ☐ | ☐ |
| x. Other populations, please specify _____ | ☐ | ☐ |

6.1.2 Methods to Inform Families of Child Care Provider Categories

6.1.2.1 Informing families of child care provider options.

How are families informed of the option to choose from the full range of child care provider categories—for example, center-based child care, family child care, in-home child care providers, and other provider types as applicable (658E(c)(2)(A)(i); 658P(2); 658Q))? Check only those that apply:

☐ Certificate that also includes information about the choice of providers, including high-quality providers

☐ Consumer education materials on choosing child care

☐ Verbal communications at the time of application

☐ Community outreach, workshops, or other in-person activities

☐ Other. Describe: _____

## 6.2 Assessing Child Care Market Rates

The regulations at 98.83(d)(1)(iv) exempt all Tribal Lead Agencies from the requirement to use a market rate survey or alternative methodology to set provider payment rates because many Tribal service areas are in rural, isolated areas, making such a requirement difficult.

Although they are exempt from the market rate survey requirement, **Tribal Lead Agencies must set sufficient base payment rates to provide equal access to the full range of child care services and must set rates that cover the costs of providing higher quality care**. At a minimum, *Tribal Lead Agencies with large allocations* must operate certificate programs and are required to show how payment rates are adequate, including a description of how payment rates are established; how they support the health, safety, quality, and staffing requirements, along with the cost of providing higher quality care; and, where applicable, how they support cultural and linguistic appropriateness.

*Tribal Lead Agencies, at their option, may still conduct a market rate survey or an alternative methodology approach or use the state's methodologies to set payment rates*. If using an alternative methodology, a Tribal Lead Agency may use child care resource and referral data to assess child care costs in its service area. See https://www.acf.hhs.gov/occ/resource/ccdf-acf-pi-2018-01 for additional alternative methodology guidance.

### 6.2.1 Determining Cost of Care

#### 6.2.1.1 Cost of care by Tribal Lead Agency.

How did the Tribal Lead Agency determine the cost of care? Please indicate if any of the following sources of information were used in assessing the cost of care or price of care within the service area. Check only those that apply:

☐ State market rate survey. State(s): _____ Date(s) completed: _____

☐ State alternative methodology. State(s): _____ Date(s) completed: _____

☐ Child care resource and referral data. Describe: _____

☐ Tribal market rate survey. Date completed: _____

☐ Alternative methodology. Date completed: _____

☐ Other. Describe: _____

## 6.3 Establishing Adequate Payment Rates

**Tribal Lead Agencies are required to establish payment rates for child care services that ensure eligible families have equal access to child care services comparable to those services provided to families not eligible to receive CCDF services (658E(c)(4); 98.16(r); 98.45(a); 98.45(b)(1)-(2); (98.45(b)(7)-(8)).**

### 6.3.1 Establishing Payment Rates

6.3.1.1 Describe how the Tribal Lead Agency establishes payment rates: _____

### 6.3.2 Base Payment Rates

Tribal Lead Agencies are required to set base payment rates *at least* at a level sufficient to cover the costs to the provider of the health, safety, quality, and staffing requirements included in the CCDBG Act and Final Rule.

6.3.2.1 Description of how base payment rates support needs of providers.

Describe how the Tribal Lead Agency's base payment rates enable providers to meet the health, safety, quality, and staffing requirements under the CCDF program: _____

### 6.3.3 Base Rates Support of Quality

6.3.3.1 Description of how base rates support needs of Tribal communities.

Describe how the Tribal Lead Agency's base payment rates support quality and meet the needs of the Tribal communities they serve (e.g., where applicable, cultural and linguistic appropriateness): _____

### 6.3.4 Payment Rates

The payment rates should reflect the variety of care offered in the Tribal Lead Agency's program (e.g., different rates based on the child's age, the category of care). Tribal Lead Agencies are reminded that payment rates cannot be based on a family's eligibility, such as receiving TANF or participation in education or training. Include all payment rates and the definition of service areas in the attached payment rates.

For center-based providers and family child care providers, provide the full-time weekly base payment rate for each age group that the Tribal Lead Agency serves. If weekly rates are not published, then the Tribal Lead Agency will need to calculate its equivalent. If the payment rates differ, use the most common payment rates for center-based providers and family child care provider.

6.3.4.1 Full-time weekly base payment rates for center-based care

Infant (6 months): _____

Toddler (18 months): _____

Preschooler (4 years): _____

School-age child (6 years; Based on full-day, full-year rates that would be paid during the summer): _____

6.3.4.2 Payment rates for family child care providers

Infant (6 months): _____

Toddler (18 months): _____

Preschooler (4 years): _____

School-age child (6 years; Based on full-day, full-year rates that would be paid during the summer): _____

6.3.4.3 Effective date of payment rate.

The effective date of those payment rates is: _____ (Include tiered/differential rates in the payment rate attachment(s).)

6.3.5 Tiered, Differential, or Add-On Rates

Tribal Lead Agencies can choose to establish tiered rates, differential rates, or add-ons to their base rates. This process allows them to increase payments for targeted needs (i.e., a higher rate for children with special needs as an incentive and for additional costs).

**Tribal Lead Agencies must set payment rates that ensure eligible families have the same access to care as families not eligible for subsidies.** They may set the rates based on what providers charge for care, but also must take into account the cost of care to providers. Providers usually set their prices based on a number of factors impacted by the cost of providing care, such as staff salaries and benefits, training and professional development, curricula and supplies, group size and child/staff ratios, enrollment levels, facility size, and other costs. Taking those factors into account means that Tribal Lead Agencies may set different rates for different kinds of care; for example, payment rates for infants may be higher than rates for school-age children because it costs providers more to offer infant care given more restricted child/staff ratios.

In addition, Tribal Lead Agencies can choose to set tiered payment rates or create rate add-ons (sometimes called “differential rates”) to their regular rates to increase payments for targeted needs. For example, a Tribal Lead Agency could encourage more care during non-traditional hours by paying providers who work evenings a 15-percent add-on over the regular payment rate. An example of tiered rates is paying family child care providers who earn a child development associate (CDA) 5 percent more than the regular rate and paying those who earn accreditation 10 percent more. Tiered rates and add-ons are often used to encourage and support care for specific populations (such as children with special needs, infants and toddlers, school-age children, children in rural areas, or children experiencing homelessness) and to encourage providers to increase or sustain their program quality.

6.3.5.1 Types of tiered payment or differential rates by Tribal agency.

Does the Tribal Lead Agency provide any type of tiered payment or differential (add-on) rates (658E(c)(4)(C)(ii))?

- ☐ No.
- ☐ Yes. Describe each of the tiered or differential (add-on) rates that the Tribal Lead Agency has chosen to implement. Check only those that apply:
  - ☐ Tiered or differential rate for non-traditional hours
  - ☐ Tiered or differential rate for children with special needs (special needs as defined by the Tribal Lead Agency)
  - ☐ Tiered or differential rate for infants and toddlers
  - ☐ Tiered or differential rate for school-age programs
  - ☐ Tiered or differential rate for higher quality (quality as defined by the Tribal Lead Agency)
  - ☐ Other tiered or differential rates. Describe: _____

### 6.3.6 Payment Rates to Support Equal Access

#### 6.3.6.1 Ensuring sufficient payment rates for equal access.

How does the Tribal Lead Agency ensure that payment rates are sufficient to ensure equal access? Equal access would offer children receiving CCDF subsidies access to the same services (e.g., type of care, quality of care) as children not receiving CCDF subsidies.

To certify, check only those that apply and provide a description of the rationale that the Tribal Lead Agency used to determine equal access (658E (c)(4)(A)).

- ☐ Feedback from families, including family/parent surveys or family/parent complaints. Describe: _____
- ☐ Feedback from providers, including provider surveys or provider complaints.
- ☐ Payment rates are set at the 75th percentile or higher of the most recent state or Tribal market rate survey.
- ☐ Using tiered rates/differential rates (as described in 6.3.5) to increase access for high-need populations.
- ☐ Other. Describe: _____

## 6.4 **Implement Generally Accepted Payment Practices and Ensure Timeliness of Payments**

**The Tribal Lead Agency must establish payment practices that apply to all CCDF child care providers in the Tribe's service area, including measures to ensure timely payments** by either (1) paying prospectively prior to the delivery of services or (2) paying within no more than 21 calendar days of the receipt of a complete invoice for services. To the extent feasible, the Tribal Lead Agency must also

support the fixed costs of providing child care services by delinking provider payments from a child's occasional absences by (1) paying based on a child's enrollment rather than attendance, (2) providing full payment if a child attends at least 85 percent of the authorized time, (3) providing full payment if a child is absent for 5 or fewer days in a month, or (4) using an alternative approach for which the Tribal Lead Agency provides a justification in its Plan (658E(c)(2)(S)(ii); 98.45(l)(2)).

**Tribal Lead Agencies are also required to use CCDF payment practices that reflect generally accepted payment practices of child care providers who serve children who do not receive CCDF-funded assistance**. Unless the Tribal Lead Agency is able to demonstrate that the following policies are not generally accepted in its service area or among particular categories or types of providers, Tribal Lead Agencies must (1) pay providers based on established part-time or full-time rates rather than paying for hours of service or smaller increments of time and (2) pay for reasonable, mandatory registration fees that the provider charges to private-paying families (658E(c)(2)(S); 98.45(l)(3)).

In addition, there are other generally accepted payment practices that are required. **Tribal Lead Agencies are required to ensure that child care providers receive payment for any services in accordance with a payment agreement or an authorization for services, ensure that child care providers receive prompt notice of changes to a family's eligibility status that could impact payment, and establish timely appeal and resolution processes for any payment inaccuracies and disputes (98.45(l)(4)-(6); 658E(c)(2)(S)(ii)).**

6.4.1 Timeliness of Payments

6.4.1.1 Ensuring timeliness of payments.

The Tribal Lead Agency must ensure the timeliness of payments by either option below. Check which option the Tribal Lead Agency is implementing:

☐ Paying providers prior to the delivery of child care services. Describe the policy or procedure: _____

☐ Paying providers within no more than 21 calendar days of the time a complete invoice for services has been received from the provider. Describe the policy or procedure: _____

6.4.2 Delinking Provider Payments from Occasional Absences

To the extent feasible, the Tribal Lead Agency must support the fixed costs of providing child care services by delinking provider payments from a child's occasional absences. Tribal Lead Agencies that do not choose one of the three options listed below have the flexibility to use an alternative approach but must provide justification that the alternative approach is as thorough as the three options provided. (For example, a Tribal Lead Agency may choose to allow for additional excused and/or unexcused absences above the level of 85 percent or allow for more than five absences and still provide for the full payment. They also may choose an alternative time period for measuring absences, such as using multiple months instead of just 1 month).

6.4.2.1 Supporting fixed costs of providing child care services.

The Tribal Lead Agency must support the fixed costs of providing child care services by delinking provider payments from a child's occasional absences. Check the option below that the Tribal Lead Agency is implementing. The lead agency must choose at least one of the following:

☐ Paying providers based on a child's enrollment rather than paying based on attendance.

☐ Providing full payment to providers if the child attends at least 85 percent of the authorized time.

☐ Providing full payment to providers if the child is absent for 5 or fewer days in a month.

☐ Using an alternative approach for which the Tribal Lead Agency provides justification in its plan. Describe the alternative approach and provide a justification that this approach is not weaker than the three options listed above: _____

6.4.3 Payment Practices

The Tribal Lead Agency's payment practices must reflect generally accepted payment practices of child care providers who serve children who do not receive CCDF subsidies. Describe the policy or procedure for the following two practices or evidence that such practices are not generally accepted in its service area (658E(c)(2)(S); 98.45(l)(3)).

6.4.3.1 Paying on a part-time or full-time basis

Paying on a part-time or full-time basis (rather than paying hourly or for smaller increments of time). Describe the policy or procedure or describe why this practice is not generally accepted: _____

6.4.3.2 Reasonable mandatory registration fees by provider.

Paying for reasonable mandatory registration fees that the provider charges to private-paying families. (This requirement does not include other fees, such as activity or transportation fees.) Describe the policy or procedure or describe why this practice is not generally accepted: _____

6.4.4 Payment Disputes

The Tribal Lead Agency ensures that providers are paid in accordance with a written payment agreement or an authorization for services that includes, at a minimum, information regarding provider payment policies, such as rates, schedules, any fees charged to the providers, and the dispute-resolution process.

6.4.4.1 Describe the policy or procedure: _____

### 6.4.5 Notifying Providers of Eligibility Changes

The Tribal Lead Agency ensures prompt notice to providers regarding any changes to the family's eligibility status that could impact payments, and such a notice is sent no later than the day that the Tribal Lead Agency becomes aware that such a change will occur.

6.4.5.1 Describe the policy or procedure: _____

### 6.4.6 Payment Appeal and Resolution Process

The Tribal Lead Agency ensures it has a timely appeal and resolution process for payment inaccuracies and disputes.

6.4.6.1 Describe the policy or procedure: _____

# 7 Promote Family Engagement Through Outreach and Consumer Education *(Tribal Lead Agencies with Medium and Large Allocations*)

**Tribal Lead Agencies are required to support families in making informed choices about the services that best suit their needs.** Tribal Lead Agencies may provide information to families through the child care assistance system, partner agencies, and other methods of their choosing.

In this section, Tribal Lead Agencies will address how information on accessing high-quality child care and other financial assistance is made available to eligible families. In addition, Tribal Lead Agencies will describe how information on developmental screenings and best practices concerning children's development, including their social-emotional development, is shared. Tribal Lead Agencies have the option to share this information through a consumer education website targeting families receiving CCDF assistance, the general public, and when appropriate, child care providers. Tribal Lead Agencies will also describe the parental-complaint process in this section. Finally, this section addresses the consumer statement that is provided to families supported with CCDF program funds.

Tribal Lead Agencies are not subject to the requirement to produce a consumer education website, but must still collect and disseminate the provider-specific consumer education information above. Tribal Lead Agencies may do so using methods other than a website such as making paper copies of consumer education information available to the public.

## 7.1 Parental-Complaint Process

**The Tribal Lead Agency must certify that the Tribe maintains a record of substantiated parental complaints and makes information regarding such complaints available to the public on request (658E(c)(2)(C); 98.15(b)(3)).**

**Tribal Lead Agencies must provide a detailed description of the reporting process for parents to submit complaints about child care providers**, including the following information:

- The process for substantiating complaints
- The manner in which the Tribal Lead Agency maintains a record of substantiated parental complaints
- Ways that the Tribal Lead Agency makes information on such parental complaints available to the public on request (98.16(j); 98.32(b)(c)(d)).

### 7.1.1 Process for Reporting Complaints

#### 7.1.1.1 Process of reporting complaints by Tribal Lead Agencies.

Describe the Tribal Lead Agency's reporting process through which parents can submit complaints about child care providers (including a Tribally Operated Center, if applicable). Provide a link if it is a Web-based process: _____

7.1.2 Process for Responding to Complaints

7.1.2.1 Process of responding to complaints by Tribal Lead Agencies.

Describe the Tribal Lead Agency's process and timeline for screening, substantiating, and responding to complaints regarding CCDF providers. Describe whether the process includes monitoring and highlight any differences in processes for providers monitored by the Tribal Lead Agency, a state-licensing agency, or another entity or agency. *Note:* Monitoring details are referenced in section 2: _____

7.1.3 Maintaining Parental Complaints Records

7.1.3.1 Maintaining a record of substantiated parental complaints.

Certify by describing how a Tribal Lead Agency, a state-licensing, or another entity or agency maintains a record of substantiated parental complaints. Highlight any differences in processes for CCDF and non-CCDF providers and Tribally regulated, licensed, and license-exempt providers. Additionally, how does the Tribal Lead Agency coordinate with a state-licensing agency, or another entity or agency to ensure that the complaint has been addressed: _____

7.1.4 Providing Public Access to Substantiated Parental Complaints

7.1.4.1 Information about parental complaints available to the public.

Certify by describing how the Tribal Lead Agency, a state-licensing agency, or other entity/agency makes information about substantiated parental complaints available to the public upon request: _____

7.2 **Consumer Education for Families, Providers, and the Public**

7.2.1 Consumer Education Accessibility and Providing Monitoring and Inspection Information

Tribal Lead Agencies are required to provide information to families, the general public, and when applicable, child care providers through a method of their choice, which is consumer-friendly and easily accessible (658E(c)(2)(E)(i)(III)). The available information must include provider-specific information, monitoring and inspection reports about the provider, and the quality of each provider (if such information is available about the provider) (658E(c)(2)(D); 98.33(a)). The information should also provide access to an annual service area report on deaths, serious injuries, and the number of substantiated cases of child abuse that have occurred in child care settings. To assist families with any additional questions, the information should provide contact information to local CCR&R organizations and any other agencies that can assist families in better understanding the information.

7.2.1.1 Ensuring information is consumer-friendly and accessible.

Describe how the Tribal Lead Agency ensures that its information is consumer-friendly and easily accessible. (*Note:* Although there is no Federal CCDF definition for easily accessible, Tribal

Lead Agencies may consider easily accessible information to be simple to obtain, written in plain language, and easy to understand.): _____

7.2.1.2 Monitoring and inspecting child care providers.

Describe how the Tribal Lead Agency informs families, providers, and the public on how the Tribal Lead Agency and/or another entity or agency conducts monitoring and inspections of child care providers (including Tribally Operated Centers, if applicable). Refer to Section 2.3 where monitoring enforcement policies and practices for CCDF providers are described: _____

## 7.3 Monitoring and Enforcement Policies and Practices for CCDF Providers

### 7.3.1 Dissemination of Policies and Procedures for Background Checks, Regulated Providers, and Provider Quality

7.3.1.1 Consumer information about conducting background checks.

Describe how the Tribal Lead Agency informs families, providers, and the public on the policies and procedures related to comprehensive background checks for providers/staff members of child care providers, and the offenses that prevent individuals from being employed by a child care provider or a provider from receiving CCDF program funds. (*Note:* Background check policies and processes are described in Section 2.5): _____

7.3.1.2 Listing licensed providers.

Describe how the Tribal Lead Agency lists all licensed providers and, at the discretion of the Tribal Lead Agency, all providers eligible to deliver Tribal CCDF services. Providers caring for children to whom they are related do not need to be included. Check only those that apply:

- ☐ Not applicable, as this Tribal CCDF Program does not serve any licensed providers and the Tribal Lead Agency opts not to list all providers eligible to deliver Tribal CCDF services.
- ☐ Prepares a document with a list of providers
- ☐ Uses the state's website link for a localized list of providers searchable by ZIP Code
- ☐ Uses a CCR&R agency to obtain lists of providers
- ☐ Other: _____

7.3.1.3 Quality information and reporting of quality ratings

Tribal Lead Agencies must also identify specific quality information about each child care provider for whom they have quality information. Tribal Lead Agencies may determine the type of quality information provided. How does the Tribal Lead Agency report quality ratings or

other quality information included with provider-specific information? Check only those that apply:

- ☐ Not applicable, as the Tribal Lead Agency does not have a QRIS or obtain any quality information
- ☐ QRIS managed by the Tribal Lead Agency
- ☐ QRIS managed by the state
- ☐ National accreditation
- ☐ Enhanced licensing system
- ☐ Meeting Head Start/Early Head Start Program Performance Standards
- ☐ Meeting prekindergarten (preK) quality requirements
- ☐ School-age standards, where applicable
- ☐ Other. Describe: _____

### 7.3.2 Monitoring and Inspection Reporting

Tribal Lead Agencies are required to make monitoring and inspection reports available about each licensed provider and about each non-relative provider eligible to provide CCDF services. These reports must include results of required annual monitoring visits and visits due to major substantiated complaints about a provider's failure to comply with health and safety requirements and child care policies. The reports must be in plain language (i.e., communication the audience can understand the first time they read it), as defined by the Tribal Lead Agency and must be timely to ensure that the results of the reports are available and easily understood by parents and families when they are deciding on a child care provider. Tribal Lead Agencies must provide at least 3 years of reports (when available), beginning October 1, 2019, and going forward.

7.3.2.1 Describe how the reports are made available to the public.

- ☐ Online (e.g., uses the state's website link)
- ☐ Hard copy by request
- ☐ Require provider to post
- ☐ Other. Describe: _____

7.3.2.2 What is the Tribal Lead Agency's definition of plain language? (Note: If states issue monitoring and inspection reports, "Not applicable, state issues monitoring and inspection reports.")

_____

7.3.2.3 Are monitoring and inspection reports in plain language?

☐ Not applicable, state issues monitoring and inspection reports.

☐ Yes.

☐ No. If no, describe how plain-language summaries are used to meet the regulatory requirements and include a link to a sample summary: _____

7.3.2.4 Monitoring and inspection report contents.

Check to certify what the monitoring and inspection reports and/or their plain-language summaries include regarding the following CCDF requirements:

☐ Not applicable, the state issues monitoring and inspection reports.

☐ Date of inspection: _____

☐ Full report of inspection, including areas of compliance and non-compliance.

☐ Health and safety violations, including violations that resulted in fatalities or serious injuries. Describe how these health and safety violations are prominently displayed: _____

☐ Corrective actions taken by the Tribal Lead Agency and/or child care provider. Describe: _____

☐ The process for correcting inaccuracies in reports. Describe: _____

☐ The process for providers to appeal the findings in reports, including the time requirements and timeframes for filing the appeal, for undertaking the investigation, and for removing any violations determined on appeal to be unfounded. Describe: _____

☐ How reports are made available in a timely manner. Specifically, provide the Tribal Lead Agency's definition of "timely" and describe how it ensures that reports are made available within its timeframe: _____

Although Tribal Lead Agencies define "timely," OCC recommends Tribal Lead Agencies update results as soon as possible and no later than 90 days after an inspection is done or corrective action is taken.

7.3.2.5 Maintaining monitoring reports.

Describe the process for maintaining monitoring reports. Specifically, provide the minimum number of years reports are made available and the policy for record-keeping (98.33(a)(4)(iv)). (*Note:* There is a requirement that a minimum number of 3 years of reports be made available. If states issue monitoring and inspection reports, "Not applicable, state issues monitoring and inspection reports."): _____

7.3.3 Aggregated Data on Serious Injuries, Deaths, and Substantiated Cases of Child Abuse

Aggregate data on serious injuries, deaths, and substantiated cases of child abuse that have occurred in child care settings each year must be made available. The data must be organized by category of care (e.g., center-based child care, family child care, in-home child care) for all eligible CCDF provider categories in the Tribal Lead Agency's service area. The aggregate report should not list individual provider-specific information or personally-identifiable information.

Certify by describing:

7.3.3.1 Submission of reports relating to serious injuries or deaths.

A description of how child care providers must submit reports of any serious injuries or deaths of children occurring in child care to the designated entity (98.16 (ff)): _____

Obtaining aggregate data from the monitoring agency. A description of how the Tribal lead agency obtains the aggregate data from the entity: _____

7.3.3.2 Definition of "substantiated child abuse".

The definition of "substantiated child abuse" used by the Tribal Lead Agency for this requirement: _____

7.3.3.3 Definition of "serious injury".

The definition of "serious injury" used by the Tribal Lead Agency for this requirement: _____

7.3.4 Contact Information for Referrals

The consumer education information should include contact information for referrals to local child care resource and referral organizations.

7.3.4.1 Providing CCR&R referrals.

How does the Tribal Lead Agency provide referrals to local CCR&R agencies through the consumer education information? Describe: _____

7.3.5 Contact Information for Consumer Education Information

7.3.5.1 Consumer education information.

The consumer education information should include how families can contact the Tribal Lead Agency, its designee, or other programs that can help the parent understand the information included. Describe: _____

7.4 **Additional Consumer and Provider Education**

**Tribal Lead Agencies are required to certify that they will collect and disseminate information about the full range of child care services to promote parental choice to parents of eligible children,**

**the general public, and where applicable, child care providers**. The consumer education information can be provided through CCR&R organizations or through direct conversations with eligibility case workers and child care providers. Outreach and counseling can also be effectively provided via information sessions or intake processes for families (658E(c)(2)(E); 98.15(b)(4); 98.33(b)).

7.4.1 Availability of Child Care Services

7.4.1.1 Information and availability about child care services.

Describe how the Tribal Lead Agency shares information with eligible families, the general public, and where applicable, child care providers, about the availability of child care services provided through the CCDF program and other programs for which the family may be eligible, such as state or Tribal PreK, and the availability of financial assistance to obtain child care services. Check only those that apply and describe what information is provided.

- ☐ Tribal newsletter
- ☐ Social media
- ☐ Website
- ☐ Intake process
- ☐ CCR&R organization
- ☐ Information sessions
- ☐ Tribal meetings
- ☐ Other. Describe: _____

7.4.2 Dissemination of Program Information

7.4.2.1 Dissemination of program information to families, the public and providers.

Describe how the Tribal Lead Agency provides the required information about the following programs and benefits to the parents/families of eligible children, the general public, and where applicable, child care providers. Within the description include, at a minimum, what information is provided, how the information is provided, and how the information is tailored to a variety of audiences, including parents/families, the public, and providers. Include any partners who assist in providing this information. Check only those that apply:

- ☐ Temporary Assistance for Needy Families program: _____
- ☐ Head Start and Early Head Start programs: _____
- ☐ Low Income Home Energy Assistance Program (LIHEAP): _____
- ☐ Supplemental Nutrition Assistance Programs (SNAP): _____
- ☐ Women, Infants, and Children (WIC) Program: _____
- ☐ Child and Adult Care Food Program (CACFP): _____

☐ Medicaid and Children's Health Insurance Program (CHIP): _____

☐ Programs carried out under Individuals with Disabilities Education Act (IDEA) Part B, Section 619, and Part C: _____

7.4.3 Information on Child Development Research and Best Practices

Describe how the Tribal Lead Agency makes information available to families, providers, and the general public on research and best practices concerning children's development, including physical health and development, particularly healthy eating and physical activity. Information about successful parent and family engagement should also be shared.

7.4.3.1 Describe what information (content) is provided:_____

7.4.3.2 Describe how the information is provided. Check only those that apply:

☐ Verbally

☐ Newsletter

☐ Website

☐ Classes or training

☐ Brochure

☐ Other: _____

7.4.3.3 Information to audiences, including parents, families, providers, and the general public.

☐ Certify by clicking that the information is tailored to a variety of audiences, including parents, families providers, and the general public.

7.4.3.4 Identify any partners in providing this information. Check only those that apply:

☐ Other Tribal department

☐ Indian Health Services

☐ State

☐ Head Start and Early Head Start programs

☐ SNAP

☐ WIC program

☐ CACFP

☐ Other: _____

7.4.4 Information on Policies Regarding Social-Emotional and Behavioral Issues and Early Childhood Mental Health

7.4.4.1 Providing information on early childhood mental health.

Describe how information is shared on the Tribal Lead Agency's policies regarding social-emotional and behavioral issues and early childhood mental health. Include how the Tribal Lead Agency shares information on positive behavioral intervention and supports models, based on research and best practices for those from birth to school-age. Describe what and how information is provided and tailored to a variety of audiences and include any partners in providing this information. Tribal Lead Agencies that rely on states to provide this information may include the website provided to families instead of a full description of the content: _____

7.4.5 Preventing the Suspension and Expulsion of Children from Birth to Age 5

7.4.5.1 Policies to prevent suspension/expulsion of children from birth to age 5.

Describe the Tribal Lead Agency's policies to prevent the suspension and expulsion of children from birth to age 5 in child care and other early childhood programs receiving CCDF program funds (98.16(ee)), including how those policies are shared with families, providers, and the general public: _____

7.5 **Procedures for Providing Information on Developmental Screenings**

**Tribal Lead Agencies are required to provide information and referrals on developmental screenings.** This information should include resources and services that the Tribe can deploy, such as Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) services under Medicaid, carried out under Title XIX of the Social Security Act, and developmental screening services available through the IDEA Part B, Section 619, and Part C. Tribal Lead Agencies must also include a description of how a family or child care provider can use these resources and services to obtain developmental screenings for children who receive subsidies and who might be at risk of cognitive or other developmental delays, including social, emotional, physical, or linguistic delays (658E(c)(2)(E)(ii)). Tribal Lead Agencies are required to provide this information to eligible families during CCDF intake and to child care providers through training and education (98.33(c)).

7.5.1 Certify by Describing Developmental Screenings:

7.5.1.1 Collection of information on resources for developmental screenings.

How the Tribal Lead Agency collects and disseminates information on existing resources and services available for conducting developmental screenings to CCDF families, the general public, and where applicable, child care providers (98.16(j), 98.33(c), and 98.83(d)(1)(i)): _____

7.5.1.2 Procedures for families and child care providers to the EPSDT program.

The procedures for providing information on and referring families and child care providers to the EPSDT program under Medicaid and developmental screening services available under Part B and Part C of the IDEA: _____

7.5.1.3 Providing families information on developmental screenings.

How does the Tribal Lead Agency provide information on developmental screenings to families receiving a subsidy as part of the intake process?

1. Describe what information is provided: _____
2. Describe how it is provided. Check only those that apply:

   ☐ Verbally during the intake process

   ☐ Brochure or other written information given during the intake process

   ☐ Other: _____

3. Identify any partners involved:

   ☐ EPSDT program available under Medicaid

   ☐ Part B and Part C IDEA programs

   ☐ Head Start and/or Early Head Start programs

   ☐ Other: _____

7.5.1.4 Resources and services to obtain developmental screenings.

How CCDF families or child care providers receiving CCDF can use the available resources and services to obtain developmental screenings for CCDF children at risk for cognitive or other developmental delays: _____

7.5.1.5 Information through training and professional development.

How child care providers receive this information through training and professional development: _____

## 7.6 Consumer Statement for Families Receiving CCDF Program Funds

**Tribal Lead Agencies must provide CCDF families with a consumer statement, in hard copy or electronically, if the Tribal Lead Agency has chosen to post information to a consumer education website, that contains specific information about the child care provider they select**. This information should include:

- Health and safety requirements met by the provider
- Any licensing or regulatory requirements met by the provider
- The date the provider was last inspected

- Any history of violations of these requirements
- Any voluntary quality standards met by the provider

It must also describe:

- How CCDF subsidies are designed to promote equal access
- How to submit a complaint through a hotline
- How to contact local resource and referral agencies or other community-based supports that assist families in finding and enrolling in a quality child care (98.33(d)) program

*Note:* If the consumer statement is provided electronically, Tribal Lead Agencies should consider how to ensure that the statement is accessible to families and that families have a way to contact someone to address questions they have.

7.6.1 Certify by describing Consumer Statement contents and how received by families

7.6.1.1 Provision of Consumer statement for families.

How the Tribal Lead Agency provides families receiving CCDF program funds with a consumer statement. Check only those that apply:

- ☐ Hard copy
- ☐ Referral to a website(s), including state website
- ☐ Combination of hard copy and a website(s)
- ☐ Other. Describe: _____

7.6.1.2 Consumer statement elements.

What is included in the consumer statement? Check those that apply or provide a sample in the describe box below. Tribal Lead Agencies that disseminate a state's consumer statement may select "other" and include a sample or a link to the state consumer statement in the describe box.

(*Note:* The consumer statement must include the eight requirements listed below.)

- ☐ Health and safety requirements met by the provider
- ☐ Licensing or regulatory requirements met by the provider
- ☐ Date the provider was last inspected
- ☐ Any history of violations of these requirements
- ☐ Any voluntary quality standards met by the provider
- ☐ How CCDF subsidies are designed to promote equal access
- ☐ How to submit a complaint about a provider

- ☐ How to contact a local resource and referral agency or other community-based organization to receive assistance in finding and enrolling in a quality child care program
- ☐ Other. Describe: _____

7.6.1.3 Consumer statement provided to families.

When is the consumer statement provided to families receiving CCDF program funds? _____

# Appendix 1

## Triennial Child Count Declaration

If the **Tribal Lead Agency is not a Consortium**, complete the information below.

Name of Tribe/Tribal Lead Agency: _____

This certifies that the number of Indian children younger than age 13 (as defined in CCDF Plan) who reside on or near the reservation or service area (as defined in CCDF Plan) is: _____ (number).

The Tribal Lead Agency may not count any children who are included in the child count of another CCDF Tribal Lead Agency. To ensure unduplicated child counts, a Tribal Lead Agency is required to confer with all other CCDF Tribal Lead Agencies that have overlapping or neighboring service areas.

The counts above show the number of Indian children younger than age 13 as of _____/_____/_____ (date).

Tribal Lead Agencies are advised that ACF will not accept Child Count Declarations based on child counts that were conducted before July 1 of the year prior to the Child Count Declaration.

If the **Tribal Lead Agency is a Consortium**, complete the information below.

Name of Tribe/Tribal Lead Agency: [Consortium]

The Tribal Lead Agency may not count any children who are included in the child count of another CCDF Tribal Lead Agency. To ensure unduplicated child counts, a Tribal Lead Agency is required to confer with all other CCDF Tribal Lead Agency that have overlapping or neighboring service areas.

The counts below show the number of Indian children younger than age 13 as of _____/_____/_____ (date).

This certifies that the number of Indian children (as defined in CCDF Plan) who reside on or near the reservation or service area (as defined in CCDF Plan) for the Consortium Lead Agency and each Consortium Member are:

| Consortium Lead Agency | Mandatory Count of Children Less than 13 Years Old | Discretionary Count of Children Less than 13 Years Old |
|---|---|---|
| Lead agency name | | |
| ***TOTAL (System Calculated)*** | ***Sum of row above PLUS all consortium members*** | ***Sum of row above PLUS all consortium members*** |

| Consortium Member | Mandatory Count of Children Less than 13 Years Old | Discretionary Count of Children Less than 13 Years Old | Declaration Letter for Each Consortium Member (attach letter) |
|---|---|---|---|
| Member 1 (from Section 1) | | | *attachment* |
| Member 2 | | | *attachment* |
| Member 3 | | | *attachment* |
| Member 4, etc. | | | *attachment* |

Indian Child Definition

Identify which Indian child(ren) are counted in the Tribal Lead Agency's child count (98.81(b)(2)(i)).

Programs and activities are to be carried out for the benefit of Indian children. Although Tribal Lead Agencies have some flexibility in defining "Indian Child," the definition must be limited to children from federally recognized Indian Tribes, consistent with the CCDBG Act's definition of Indian Tribe (98.2). This information could include children who are Tribal members, whose membership is pending, who are eligible for membership, and/or are children/descendants of members and could also include adopted children, foster children, step-children, etc.

The Tribal Lead Agency defines an "Indian child" as: ___

Indian Reservation or Service Area

Programs and activities are to be carried out for the benefit of Indian children living on or near the Indian reservation or service area. The service area must be within reasonably close geographic proximity to the borders of a Tribe's reservation (except for Tribes in Alaska, California, and Oklahoma). Tribes that do not have reservations must establish service areas within reasonably close geographic proximity to the area where the Tribe's population resides. There is an expectation that the Tribal Lead Agency will be able to provide services to families throughout the service area. ACF will not approve an entire state as a Tribe's service area. Tribal Lead Agencies can limit services within the reservation boundaries or go beyond the reservation boundaries.

If a Tribal Lead Agency establishes a different service area than the borders of the Tribe's reservation or existing service area for CCDF purposes, it must be within reasonably close geographic proximity (658O(c)(2)(B); 98.80(e); 98.81(b)(2)(ii); 98.81(b)(3)(ii); 98.83(b)); for example, "Permanent residence is within the reservation boundaries; however, the participant is temporarily attending school outside of the reservation area," or "[the participant] resides within 20 miles of the reservation boundaries."

The Tribal Lead Agency defines the Reservation/Service Area as:_____

_____ Date: _____/_____/_____

**Official Signature** of Individual Authorized to Act for the Tribe

_____

Print Name

_____

Print Title

# Appendix 1-A

## Triennial Child Count Declaration (P.L. 102-477)

If the **Tribal Lead Agency is not a Consortium**, complete the information below.

Name of Tribe/Tribal Lead Agency: _____

This certifies that the number of Indian children younger than age 13 (as defined in CCDF Plan Section of the 102-477 Plan) who reside on or near the reservation or service area (as defined in CCDF section of the 102-477 Plan) is: _____ (number).

The Tribal Lead Agency may not count any children who are included in the child count of another CCDF Tribal Lead Agency. To ensure unduplicated child counts, a Tribal Lead Agency is required to confer with all other CCDF Tribal Lead Agencies that have overlapping or neighboring service areas.

This count above shows the number of Indian children younger than age 13 as of _____/_____/_____ (date).

If the **Tribal Lead Agency is a Consortium**, complete the information below.

Name of Tribe/Tribal Lead Agency: [Consortium]

The Tribal Lead Agency may not count any children who are included in the child count of another CCDF Tribal Lead Agency. To ensure unduplicated child counts, a Tribal Lead Agency is required to confer with all other CCDF Tribal Lead Agencies that have overlapping or neighboring service areas.

The counts below show the number of Indian children younger than age 13 as of _____/_____/_____ (date).

This certifies that the number of Indian children (as defined in CCDF Plan Section of the 102-477 Plan) who reside on or near the reservation or service area (as defined in CCDF section of the 102-477 Plan) for the Consortium Lead Agency and each Consortium Member are:

| Consortium Lead Agency | Mandatory Count of Children Less than 13 Years Old | Discretionary Count of Children Less than 13 Years Old |
|---|---|---|
| Lead agency name | | |
| ***TOTAL (System Calculated)*** | ***Sum of row above PLUS all consortium members*** | ***Sum of row above PLUS all consortium members*** |

| Consortium Member | Mandatory Count of Children Less than 13 Years Old | Discretionary Count of Children Less than 13 Years Old | Declaration Letter for Each Consortium Member (attach letter) |
|---|---|---|---|
| Member 1 (from Section 1) | | | *attachment* |
| Member 2 | | | *attachment* |
| Member 3 | | | *attachment* |
| Member 4, etc. | | | *attachment* |

Tribal Lead Agencies are advised that ACF will not accept Child Count Declarations based on child counts that were conducted before July 1 of the year prior to the Child Count Declaration.

_____ Date: _____/_____/_____

**Official Signature** of Individual Authorized to Act for the Tribe

_____

Print Name

_____

Print Title

**Request for Reallotted Tribal Discretionary Funds**

The Tribe named above requests discretionary funds that may be available through the reallotment process.

☐ Yes ☐ No

# Appendix 2

The Tribal Lead Agency is applying for participation in the Tribal Early Learning Initiative.

☐ Yes ☐ No

## Tribal Early Learning Initiative

This appendix offers interested Tribal CCDF lead agencies the opportunity to describe how the Tribal CCDF program funds will be used, particularly quality funds, to support applicable child care services for Tribal Early Learning Initiative (TELI) efforts in the community. This initiative is voluntary, and Tribal CCDF lead agencies are not required to complete this section if they are not interested in pursuing TELI efforts. The TELI activities must be allowable under the use of CCDF program funds.

A Tribal Early Learning Initiative (TELI) effort in a Tribal community is designed to:

- Better coordinate Tribal early learning and development programs, including child care, Head Start, preschool, home visiting, and other services
- Create and support seamless, high-quality early childhood systems
- Raise the quality of services to children and families across the prenatal-to-kindergarten-entry continuum
- Identify and break down barriers to collaboration and systems improvement

To submit a request to support applicable TELI efforts, complete the questions below.

1. Describe which early childhood program partners will collaborate on the TELI effort (e.g., Head Start/Early Head Start, Tribally run early childhood program, home visiting program, Bureau of Indian Education FACE program) and what the existing level of collaboration is across these early childhood partners at the start of the TELI effort. Are there other programs you intend to partner with (e.g., child welfare, health, mental health, nutrition, family support, housing)?

2. Check and describe the activities for which you will use Tribal CCDF program funds to support the TELI effort:

   ☐ Hiring a TELI Coordinator (part time or full time) to provide coordination, facilitation, and administrative support to the TELI effort.

   - What will be the qualifications of this individual?
   - What will the coordinator's responsibilities be?

   Describe: _____

☐ Convening an early childhood council or advisory group to guide the TELI effort and develop the community's vision for an early childhood system that meets the needs of young children and their families.

- Who do you intend to involve in the TELI advisory group? Is it a new group or an existing group? How will the group be used?

Describe: _____

☐ Conducting a needs assessment examining the need for early childhood services (ages 0 to 5), the ways that early childhood services are delivered, and barriers to the coordination and integration of services.

- What will the Tribal Lead Agency look at in the TELI needs assessment?
- How will the Tribal Lead Agency carry out the needs assessment? Who will be involved?

Describe: _____

☐ Developing a vision and strategic plan for supporting and strengthening early childhood services and systems in the community.

- What will be the process for developing the strategic plan?

Describe: _____

☐ Investing in a coordinated data system to allow for the collection, housing, and sharing of data across early childhood programs to support improved services to families.

- Are you developing a new system or modifying an existing system?
- Who will be involved in developing the data system?

Describe: _____

☐ Conducting professional development activities that support the range of early childhood providers in the community.

- What types of activities will be held?
- Which programs and providers will be involved?

Describe: _____

☐ Developing coordinated application, referral, and intake systems across programs that make it less burdensome for families to access early childhood services.

- Which programs will be involved?
- What will be the process for developing a coordinated application, referral, and intake system?

Describe: _____

☐ Implementing family engagement and leadership activities in the community.

- What types of activities will be implemented?
- Which programs will be involved?

Describe: _____