

# Request for Information: *Meeting the Child Care Needs of Tribal Nations*

## Tribal Consultation

Cook Inlet Tribal Council  
Anchorage, Alaska

November 27, 2023

 Office of Child Care

ADMINISTRATION FOR  
**CHILDREN & FAMILIES**  
Early Childhood Development





US  
Department of  
Human &  
Health  
Services (HHS)

Administration  
for Children &  
Families (ACF)

Office of  
Child  
Care  
(OCC)

Office of  
Head Start  
(OHS)

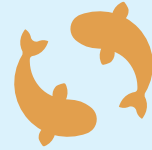
Office of  
Early  
Childhood  
Development  
(ECD)



HHS: <https://www.hhs.gov/>  
ACF: <https://www.acf.hhs.gov/>  
ECD: <https://www.acf.hhs.gov/ecd>  
OCC: <https://www.acf.hhs.gov/occ>  
OHS: <https://www.acf.hhs.gov/ohs>



NM Listening Session



NRPM Release



RFI Release



Fiscal Flexibilities



# WHAT IS A REQUEST FOR INFORMATION?



**Request for Information (RFI):**  
*Formal process to gather public  
comments on policy and  
program questions*

- ✓ Allows for dialogue
- ✓ Information gathered will be shared publicly
- ✓ Many opportunities to provide feedback
- ✓ Extended comment period
- ✓ Tribal Consultations in person



# REQUEST FOR INFORMATION

## What is the **purpose** of OCC's Tribal RFI?



Understand how OCC can better support Tribal Lead Agencies in implementing CCDF programs

Support Tribal sovereignty and the government-to-government relationship

Collect in-depth feedback on specific program requirements

# POSSIBLE IMPACTS

*How might the RFI inform CCDF policies or requirements for Tribal Nations?*



**Regulations** through a future Notice of Proposed Rule Making (NPRM)



Subregulatory guidance such as **Program Instructions** and **Information Memoranda**



Changes to Information Collections, such as plan and reporting questions



**Technical assistance** such as national webinars and tailored or individualized support

*The Tribal RFI seeks feedback on whether the current CCDF requirements meet the needs of Tribal Nations, children, and families*



### CCDF Funding

- ✓ A1. Child Count
- ✓ A2. Consortia
- ✓ A3. Service Area
- ✓ B. Allocation size and tiered requirements
- ✓ C. CCDF Plan
- ✓ D. Discretionary Base Amount



### CCDF Administration

- ✓ E. Early Childhood Systems Coordination
- ✓ F1-3. Spending Requirements
- ✓ G. Construction
- ✓ H. Deadlines
- ✓ I. Reporting
- ✓ J. Quality Activities
- ✓ K. State System Impacts on Tribal Sovereignty



### Increasing Family Access

- ✓ L. Consumer Education
- ✓ M. Eligibility



### Building Supply

- ✓ N1. Early Childhood Workforce Compensation
- ✓ N2. Early Childhood Workforce Qualifications
- ✓ O. Eligible Providers
- ✓ P. Background Checks
- ✓ Q. Other

# WHERE IS THE TRIBAL RFI LOCATED?

## **RFI (full text)**

<https://www.federalregister.gov/documents/2023/07/27/2023-15930/request-for-information-meeting-the-child-care-needs-in-tribal-nations>.

## **RFI Resources**

<https://www.acf.hhs.gov/occ/outreach-material/rfi-meeting-child-care-needs-tribal-nations>



*Scan this QR code for  
direct access to the RFI*



# Office of Child Care

Request for Information:  
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Needs of Tribal Nations*

Child Care & Development Fund  
*Technical Overview*  
Q&A

*Funding*

ADMINISTRATION FOR  
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Early Childhood Development

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# A1. CHILD COUNT



Tribal Lead Agencies (TLAs) submit a **self-certified number of Indian children** that will be used as the basis for CCDF funding formulas **every three years**, including:

- Self-defined **definition of Indian Child** *and*
- Indian Reservation or **Service Area**

TLAs have flexibility to determine the **methodology and data sources** used for their child count.

TLAs must also:

- **Confer** with neighboring or overlapping CCDF TLA service areas
- Ensure **unduplicated count**

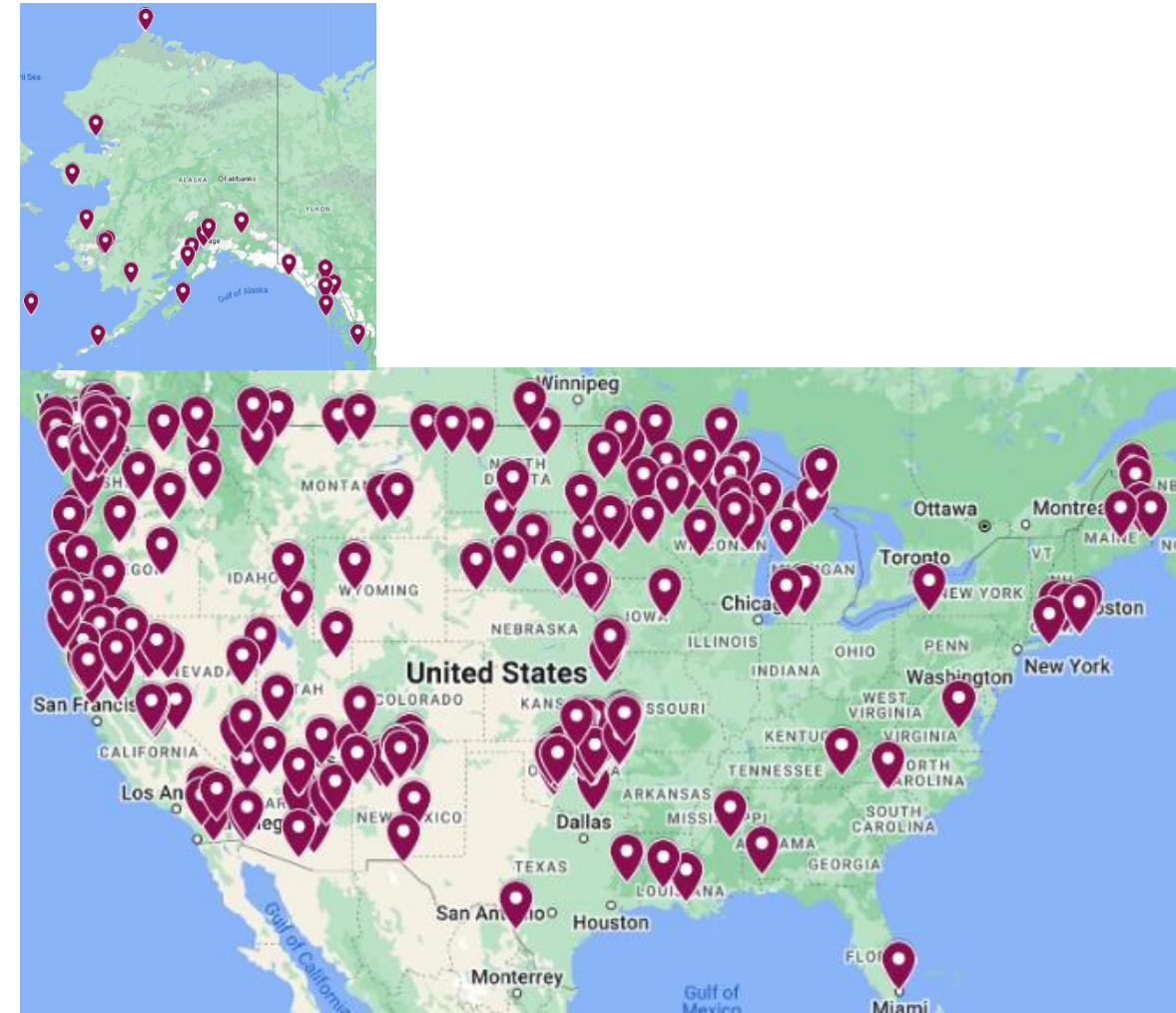
# A1. CHILD COUNT

- Do the current requirements **work well** for TLAs?
- **What changes** could better support the **implementation** of Tribal CCDF programs?
- **What changes** to child care rules, guidance, and or the role of the federal office, if any, would enable a **fair and equitable** child count process for **all** Tribal Nations?



# A3. SERVICE AREA

- CCDF service areas must be **on or near a Tribal Nation's reservation**, except for those in Alaska, California, and Oklahoma
- The service area must be in a reasonably **close geographic proximity** to the delineated borders of a Tribe's reservation
- ACF will not approve an entire state as a Tribe's service area





## A3. SERVICE AREA



- Does the **definition or parameters** of “service area” enable Tribal Lead Agencies to **meet the child care needs** for Native families in their area?
- **What changes** to the requirements for defining service area would help ensure a **fair and equitable process** for all Tribal Nations?

## A2. CONSORTIA

- A Tribe with **fewer than 50 children under age 13** may participate in a consortium of eligible Tribes **if** the consortium demonstrates authorization from each participating Tribe
- This demonstration includes a **signed letter** for **each participating Tribe** that the consortia can act and receive funding on their behalf
  - Required **upon creating or joining** a consortium, and **every three years** after



## A2. CONSORTIA



- How do the requirements **impact** Tribal CCDF consortia?
- Are there are **barriers or challenges** for identifying the **methods or data sources** used for consortia child count submissions?
- What are the **benefits and/or burdens** to how Tribes must **demonstrate** they authorize the consortium to receive funds and act on their behalf?



## B. ALLOCATION SIZE

Tribal Lead Agencies have *tiered* CCDF requirements based on **funding levels** set during Federal Fiscal Year **2016**

Allocation Size	Funding Threshold
Small	Under \$250,000
Medium	\$250,000 - \$1,000,000
Large	Over \$1,000,000





## B. ALLOCATION SIZE

Large Allocation Over \$1,000,00	Medium Allocation \$1,000,000 to \$250,000	Small Allocation Under \$250,000
<p><b>Subject to the majority</b> of CCDF requirements</p> <ul style="list-style-type: none"><li>• <b>Subject to</b> the monitoring requirements, but can propose an alternative methodology</li><li>• <b>Subject to</b> the background check requirements, but can propose an alternative approach</li></ul> <p><b>Exempt from some</b> CCDF requirements:</p> <ul style="list-style-type: none"><li>✓ Consumer education website</li><li>✓ Licensing child care providers</li><li>✓ Market rate survey or alternative methodology</li><li>✓ Training and professional development framework</li></ul>	<p><b>Subject to the majority</b> of CCDF requirements</p> <ul style="list-style-type: none"><li>• <b>Subject to</b> the monitoring requirements, but can propose an alternative methodology</li><li>• <b>Subject to</b> the background check requirements, but can propose an alternative approach</li></ul> <p><b>Exempt from some</b> CCDF requirements:</p> <ul style="list-style-type: none"><li>✓ Consumer education website</li><li>✓ Licensing child care providers</li><li>✓ Market rate survey or alternative methodology</li><li>✓ Training and professional development framework</li><li>✓ Operating a certificate program</li></ul>	<p><b>Subject to some</b> of the CCDF requirements</p> <ul style="list-style-type: none"><li>• <b>Subject to</b> the monitoring requirements, but can propose an alternative methodology</li><li>• <b>Subject to</b> the background check requirements, but can propose an alternative approach</li></ul> <p><b>Exempt from most</b> CCDF requirements:</p> <ul style="list-style-type: none"><li>✓ Consumer education website and information</li><li>✓ Licensing child care providers</li><li>✓ Market rate survey or alternative methodology</li><li>✓ Training and professional development framework</li><li>✓ Offering direct services (including equal and stable access requirements)</li><li>✓ Submitting a full CCDF Plan (abbreviated)</li></ul>

## B. ALLOCATION SIZE



- Are the current dollar thresholds for Tribes with small, medium, and large allocations established in 2016 **still appropriate**?
- If not, **what changes** in the dollar thresholds and or tiered requirements for each allocation size would **better support** the implementation of the CCDF program and **better serve the needs of Tribal Nations**?

# C. CCDF PLAN




- The **CCDF Plan** serves as a Tribal Nation's **grant application** for CCDF funds
- Required **every three years**

ACF-118A; OMB Approval Number: 0970-0198

Expiration Date: 4/30/2025

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 4/30/2025. 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](mailto:Meryl.Barofsky@acf.hhs.gov).

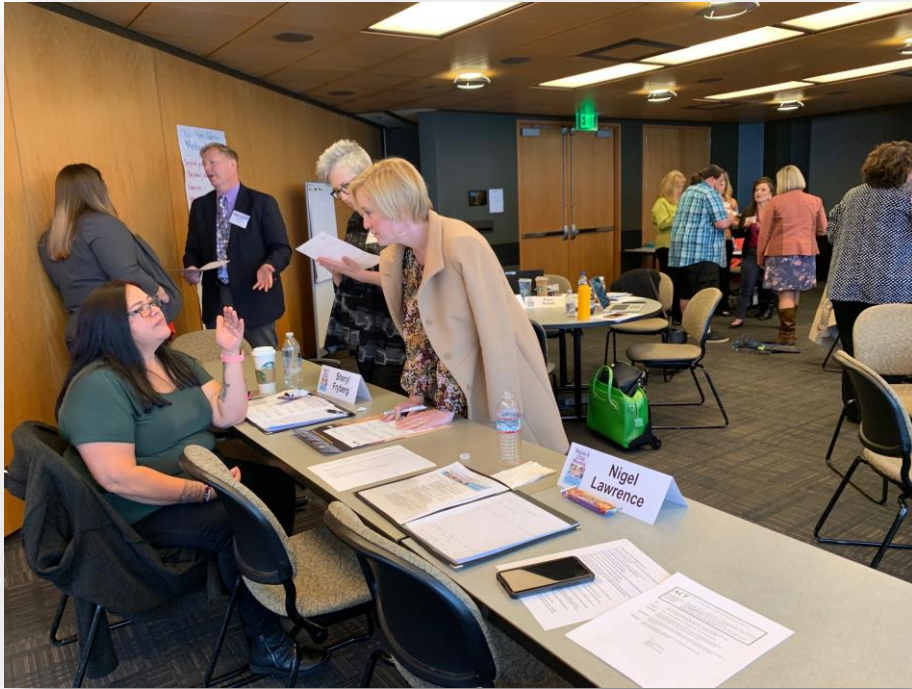


**Child Care and Development Fund**  
**for**  
**Tribal Lead Agency:** \_\_\_\_\_  
**FFY 2023–2025**

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.

# C. CCDF PLAN



- How does the Tribal CCDF plan submission **support or interfere with implementation** of the CCDF program?
- Does the three-year plan cycle process support implementation or create **barriers or challenges**?
- Is there anything specifically challenging or burdensome about **drafting or creating** the Tribal CCDF plan?
- Are **changes** to the Tribal plan needed to better support Tribal CCDF program administration? If so, **how**?



## D. DISCRETIONARY BASE AMOUNT

- Tribal Lead Agency CCDF allocations are based on a discretionary base amount of **\$30,000**, and a discretionary and mandatory amount based on the number of children submitted in the child count
- The base amount is **not subject** to the **administrative cost** limitations nor the **quality** expenditure requirement
- Beginning in FY 2017, the base amount **increased** from \$20,000 to **\$30,000**



## D. DISCRETIONARY BASE AMOUNT



- Has the current base amount for discretionary funds has created **barriers, challenges, or worked well** for Tribal Lead Agencies?
- Would a **different base amount** better support the implementation of Tribal CCDF programs?
- Would a change to the discretionary base amount **expand opportunity and access** to child care services for Tribal Nations and communities?

# Office of Child Care

Request for Information:  
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**Child Care & Development Fund**  
*Technical Overview*  
Q&A

*CCDF Administration*

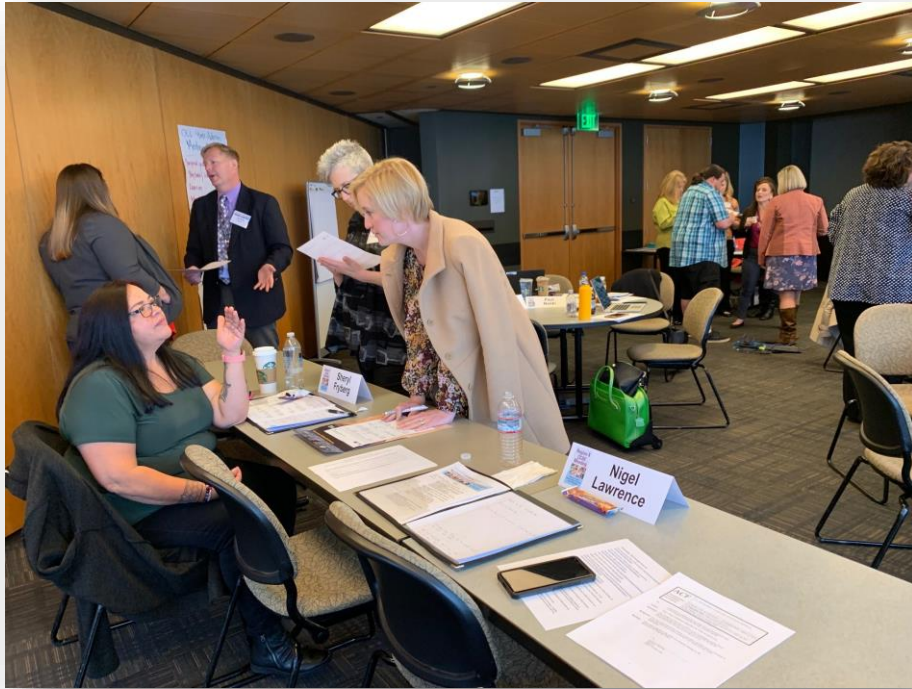
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Early Childhood Development

 Office of Child Care





# E. EARLY CHILDHOOD AND RELATED SYSTEMS



- Tribal Lead Agencies are **required to coordinate** with other Tribal, federal, state, and/or local **early childhood programs** for child care services
- **Difficulties due to:**
  - ✓ Different/conflicting requirements across programs
  - ✓ Multiple funding streams
  - ✓ Lack of shared vision across early childhood programs

# E. EARLY CHILDHOOD AND RELATED SYSTEMS

- What **barriers** interfere with Tribal Lead Agencies' program **goals and coordination** with other early childhood programs?
- What **suggestions** do you have for **better coordination** of CCDF among early childhood programs?
- How do Tribal Lead Agencies **braid, blend, and/or layer** funds from multiple federal early childhood funding streams?
- What **suggestions** do you have that would help make it easier to **braid, blend, and/or layer** CCDF funds?





# F. SPENDING REQUIREMENTS



Spending Topic	Requirement	Allocation Size
<b>F1: Direct Services</b>	At least 70%	Medium, Large
<b>F2: Admin</b>	At most 15%	Small, Medium, Large
<b>F3: Quality</b>	At least 9%	Small, Medium, Large
<b>Infant/Toddler Quality</b>	At least 3%	Medium, Large

# F. SPENDING REQUIREMENTS

- Do the spending requirements (for direct services, quality activities, and/or administrative expenses) **prevent opportunities and access** to child care and early learning services in Tribal Nations? If so, in what ways?
- What **alternative policies** would better meet Tribal Nations' child care needs? What should the spending requirements be?
- Do these requirements **cause challenges** in implementing the CCDF program? If so, why or how?





# G. CONSTRUCTION & MAJOR RENOVATION

Unlike states and territories, Tribal Lead Agencies may use CCDF funds for construction and/or major renovation

- Must **submit and receive approval** of application from ACF to set aside funds for construction and/or major renovation
- Must demonstrate adequate child care facilities **not otherwise available**
- After project is complete, must show level of direct services **increases** and/or quality of services **improved**





# G. CONSTRUCTION & MAJOR RENOVATION



- Do the construction/major renovation requirements **inhibit opportunities** or **create barriers** to constructing or renovating child care and early learning facilities in Tribal Nations? If so, **in what ways**?
- Are there particular **barriers** to **building a facility** that will serve more than the CCDF program?
- What **alternative policies or requirements** would better meet Tribal Nations' child care and early learning facilities needs?

# H. OBLIGATION AND LIQUIDATION DEADLINES

- Tribal Lead Agencies must obligate, or have plans to use, CCDF funds within two fiscal years of a grant award
- Tribal Lead Agencies must liquidate, or spend, CCDF funds within three fiscal years of a grant award
- Any unspent funds return to the Treasury
- Many challenges with increase in CCDF funding, resulting in fiscal waivers for extensions





# H. OBLIGATION AND LIQUIDATION DEADLINES



- How have these deadlines created **barriers or challenges** tracking, planning for, and spending funds on child care services and activities?
- Are there **more appropriate** deadlines you suggest?



# I. REPORTING REQUIREMENTS

Every year, Tribal Lead Agencies must **submit reports** on:

- ✓ Child care **services offered**
- ✓ **Quality** improvement activities
- ✓ **Financial** reports to ensure funds were spent according to CCDF requirements



# I. REPORTING REQUIREMENTS



- How have the reporting requirements created **barriers or challenges** for Tribal Lead Agencies?
- How could information about your program best **tell the story** of how the funds impact your citizens and Nation?
- Do you have any **recommendations** for other ways to capture administrative and spending data?



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*CCDF Administration,  
continued*

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Early Childhood Development

 Office of Child Care





# J. QUALITY ACTIVITIES

Tribal Lead Agencies must spend a portion of their CCDF funds on quality activities.

**Quality activities could include:**

- ✓ Indigenous **language and culture curriculum** and activities
- ✓ Training and **professional development**
- ✓ Improving early learning and development **guidelines**
- ✓ Supporting **health and safety**
- ✓ Supporting any other **Tribally-defined quality** improvement activity



# J. QUALITY ACTIVITIES



- What are the **primary drivers** of child care quality in Tribal Nations or early childhood programs?
- What are the **barriers or challenges** to improving quality in Tribal Nations because of CCDF program requirements?



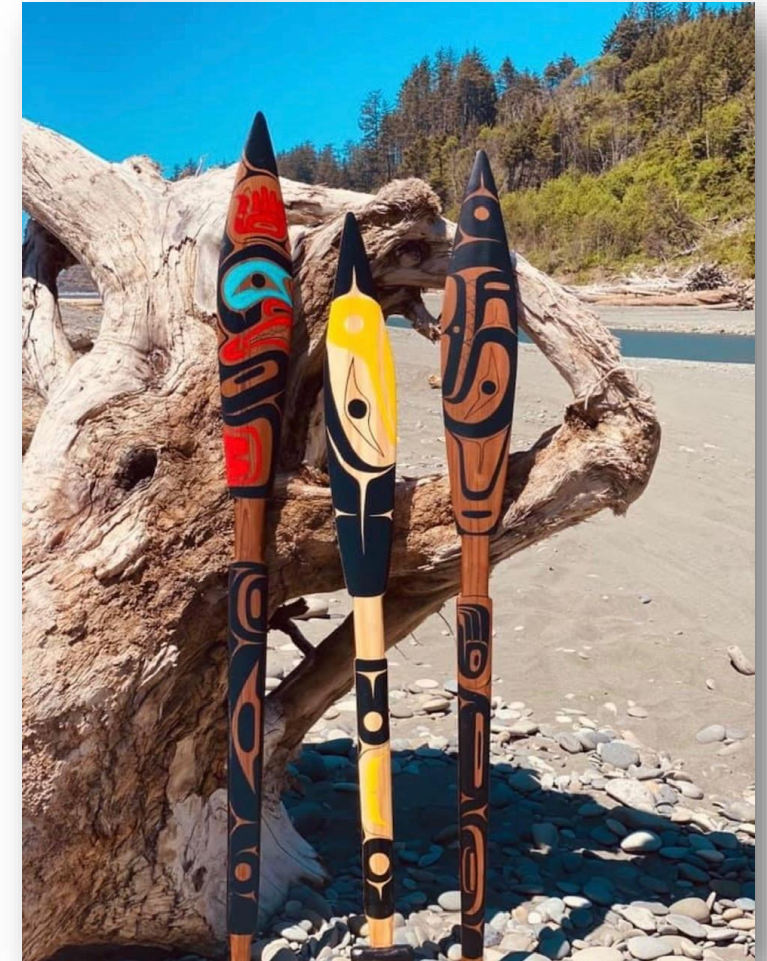
# K. TRIBAL AND STATE COORDINATION

**States must collaborate with Tribal officials**, and are required to describe how they **consulted, collaborated, and coordinated** with Tribes in their State CCDF Plan.

- Many states and Tribes have **consultation policies** and procedures to support **government to government coordination**

Tribal Lead Agencies may use their CCDF funds to pay child care providers regulated by a State Lead Agency

- State health and safety & quality improvement systems may not be **culturally appropriate or relevant** for Native children, families, and child care providers





# K. TRIBAL AND STATE COORDINATION



- How could CCDF requirements **better meet** Tribal Lead Agencies' coordination needs?
- In cases where state requirements **prevent** a Tribal Nation from implementing their own tribally-defined requirements, **what kind of impact** is made on the Tribal CCDF program?
- How do state requirements or systems **impact sovereignty** and **self-determination**?



# Office of Child Care

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***Increasing Family Access***

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Early Childhood Development

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# L. CONSUMER EDUCATION



Tribal Lead Agencies with **medium and large allocations** must meet certain consumer education requirements:

- ✓ Maintaining a parental complaint **hotline**
- ✓ Disseminating certain information about **available providers** to parents, providers, and the general public
- ✓ Sharing consumer-friendly and easily accessible, provider-specific **monitoring reports**
- ✓ Sharing a statement summarizing the Tribe's **health and safety policies**

*Tribal Lead Agencies with **small allocations** are exempt from these requirements.*



# L. CONSUMER EDUCATION

- Do the consumer education requirements create **barriers or challenges** for Tribal Lead Agencies in program administration?
- Do you have **suggestions** for the **minimum information** to share with families and the public so **families are informed** about local child care providers and services?
- What are the **best ways to communicate** consumer education information in Tribal Nations and communities?
- Do the consumer education **resources** provided to **Native families** participating in Tribally administered child care subsidy programs **meet their needs**?



# M. ELIGIBILITY

Allocation Size	Eligibility Requirements
Small	<ul style="list-style-type: none"><li>Any child who meets the Definition of Indian Child and resides in the service area (i.e., categorical eligibility).</li></ul>
Medium & Large	<ul style="list-style-type: none"><li>Child who meets the Definition of Indian Child and resides in the service area</li><li>Under age 13</li><li>Family income under 85% Grantee Median Income (GMI)</li><li>Parents working, attending a job training or educational program, or in or in need of protective services</li><li>TLA must demonstrate eligibility for categorical eligibility every three years in their CCDF plan (100% TMI less than 85% SMI)</li></ul>

# M. ELIGIBILITY

- Are the current federal CCDF eligibility requirements for families **appropriate** for all allocation sizes?
- If not, **what changes are needed** to **expand opportunity and access** to child care and early learning services to Tribal Nations and communities?





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***Building Supply***

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# N. EARLY CHILDHOOD WORKFORCE

- CCDF encourages Tribal Lead Agencies to **prioritize CCDF funds** for child care and early learning workforce
- Difficult to raise **staff wages** and keep qualified staff in **Tribally-operated centers**
- Difficult to increase **provider payment rates** for child care subsidies





# N. EARLY CHILDHOOD WORKFORCE



- What are the **challenges or barriers** to increase staff wages, benefits, or provider payment rates?
- What **changes or kinds of support** would enable Tribal CCDF programs to better support the Tribal child care workforce?
- What do Tribal Nations consider a **qualified workforce**?
- What are the **challenges or barriers** that CCDF requirements present to supporting and retaining qualified CCDF staff?



# O. ELIGIBLE CHILD CARE PROVIDERS

- CCDF allows **relative providers** to care for children and receive CCDF funds
- Relative providers are defined as individuals who are **at least 18 years old**, and related to the child in care by **marriage, blood, or court degree**
  - Grandparent, great grandparent, sibling (living in a separate residence), aunt, or uncle are eligible
- This definition does not necessarily align with **indigenous kinship models**

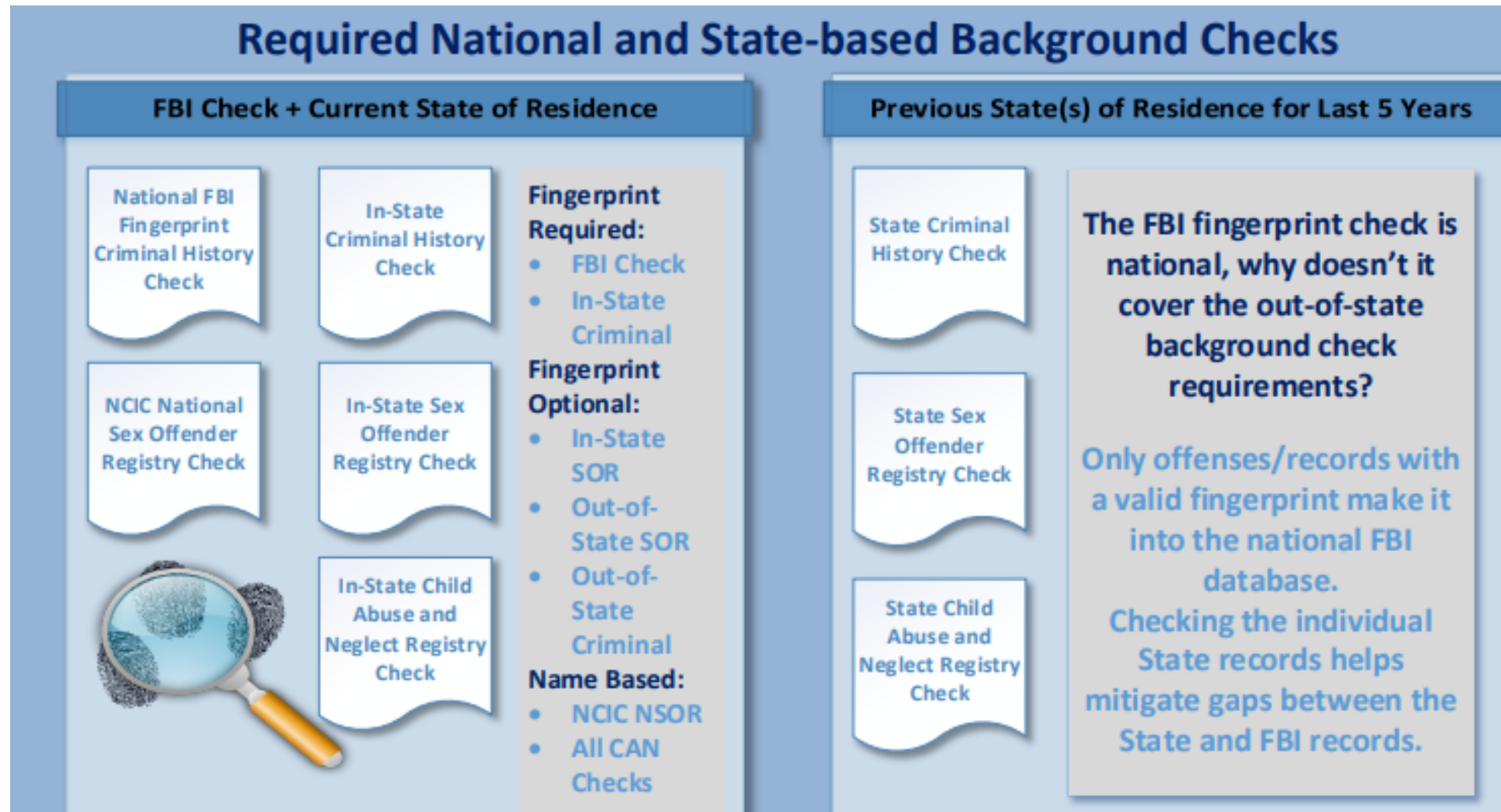


# O. ELIGIBLE CHILD CARE PROVIDERS



- What is the **impact** of the **federal definition** of a relative provider on implementing Tribal CCDF programs and in meeting the needs of of your citizens?
- Do the requirements **undermine** Tribal **sovereignty and self-determination**?
- What **health and safety requirements** (if any) are **appropriate** for relatives participating in CCDF as child care providers?

# P. BACKGROUND CHECKS





# P. BACKGROUND CHECKS



Lack of **legal authority** to conduct checks



Challenges requesting and accessing **data**



Lengthy **time** to establish processes



Inability to **share** data



Delays in processing background check **results**

# P. BACKGROUND CHECKS

- What **challenges** do Tribal Nations face in **implementing** the required comprehensive background checks?
- What **recommendations** do you have for **addressing** these challenges while ensuring child safety?



# Q. OTHER



The Office of Child Care is interested in hearing about **any other feedback or challenges** with any of the CCDF rules, regulations, or processes!



# OCC Tribal National Convening 2024

A young child, likely of indigenous descent, is shown from the chest up, wearing a traditional woven hat and a bright pink garment with colorful beaded necklaces. The child's arms are outstretched to the sides, and they are looking upwards with a joyful expression. The background is a blurred view of a body of water under a soft, hazy sky.

What training & technical assistance topics are of most interest?

What locations are preferred?

Would you want to participate in planning the convening?

# Next Steps

- Testimony period open until January 2, 2023
- Email written testimony to [OCCTribal@acf.hhs.gov](mailto:OCCTribal@acf.hhs.gov)
- Summary report will be written within 45 days and posted on OCC's website within 7 days
- Follow up email will be sent to all registrants
- All Tribal Consultation inquiries should be sent to [OCCTribal@acf.hhs.gov](mailto:OCCTribal@acf.hhs.gov)





# SUBMITTING RFI COMMENTS

- Comments can be submitted through the [Federal Register](#) website or emailed to [OCCTribeal@acf.hhs.gov](mailto:OCCTribeal@acf.hhs.gov)
- Comments must identify the agency – **ACF**, and docket number - **ACF-2023-0004**
- To ensure we can effectively address the comment(s), **clearly identify the topical area** relevant to the comment. **Please provide:**
  - ✓ Page number;
  - ✓ Identify the column; and
  - ✓ Cite the relevant topic and/or question from the Federal Register document, (e.g., On page 48411, third column, A1. Tribal Count).

Public comment period is open through January 2, 2024





# Thank You!