

<h1>ACF</h1>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES	
Administration for Children and Families	1. Log No: CCDF-ACF-PI-2015-04	2. Issuance Date: April 10, 2015
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Program Instruction

To: State and Territorial Lead Agencies administering the Child Care and Development Fund (CCDF) program, as amended, and other interested parties.

Subject: Guidance on Extension and Submission Requirements for the FY 2016–2018 CCDF Plans for States and Territories.

References: The Child Care and Development Block Grant (CCDBG) Act (42 U.S.C. § 9858 *et seq.*), as amended by the CCDBG Act of 2014 (Pub. L. 113-186); section 418 of the Social Security Act (42 U.S.C. § 618); 45 CFR Parts 98 and 99; 63 FR 39936-39998.

Purpose: This Program Instruction provides formal notice to states and territories of the decision to extend the submission deadline for the FY 2016–2018 CCDF Plan to March 1, 2016. The extension will not extend the FY 2016–2018 3-year plan period; Plans will be effective through September 30, 2018. The extension also does not change the effective dates for statutory reauthorization provisions published in Program Instruction CCDF-ACF-PI-2015-02, dated January 9, 2015.

This Program Instruction also provides guidance on the submission of Plan amendments for approval under the current Plan (if applicable) to reflect any changes in the administration of the CCDF program, and clarification and guidance on certain areas of the Plan. This guidance applies to states and territories administering the CCDF program; separate guidance will be issued for tribes.

Background: On November 19, 2014, President Barack Obama signed the Child Care and Development Block Grant (CCDBG) Act of 2014 into law. The law (Pub. L. 113-186) reauthorizes the Child Care and Development Fund¹ for the first time in

¹ The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (Pub. L. 104-193) consolidated mandatory funding for child care under section 418 of the Social Security Act and made such funding subject to the requirements of the CCDBG Act. The U.S. Department of Health and Human Services (HHS) subsequently designated the combined mandatory and discretionary funding streams as the Child Care and Development Fund program.

18 years and made expansive changes to protect the health and safety of children in child care, promote continuity of access to subsidy for low-income families, better inform parents and the general public about the child care choices available to them, and improve the overall quality of early learning and afterschool programs. Collectively, these changes reflect a new era for child care in this country and an opportunity to improve the learning experiences of millions of children every day.

The Administration for Children and Families' (ACF) Office of Child Care (OCC) will determine compliance with requirements in the new law through submission and approval of the FY 2016–2018 CCDF Plans and other appropriate means. Submission and approval of the Plan is the primary mechanism by which ACF works with Lead Agencies to ensure state and territory program implementation meets federal requirements. The CCDBG Act of 2014 changed the Plan cycle from a biennial to a triennial Plan period; thus, the next Plan will cover a 3-year period. (*See* section 658E(b) of the CCDBG Act, as amended, to be codified at 42 U.S.C. § 9858c(b).)

Since enactment of the law, ACF has convened a number of listening sessions with states and local and national organizations across the country. ACF has also received over 600 questions regarding the law, including requests for clarification and additional guidance. We received an overwhelming number of requests to extend the Plan submission deadline beyond the initial July 1, 2015, submission deadline. State and territory administrators told us they needed more time to engage partner agencies and stakeholders, brief legislators on needed statutory changes, and develop meaningful implementation plans. ACF also received public comments on the Plan Preprint that was published for a 30-day comment period in the *Federal Register* on January 30, 2015.

Guidance: The deadline for the FY 2016–2018 Plan submission has been changed from July 1, 2015, to March 1, 2016. Current CCDF Plans are extended through at least May 30, 2016, which allows ACF sufficient time for the review and approval of Plans. States and territories should use this time to continue their comprehensive planning process to meet the enhanced statutory purposes of the CCDF program and balance the dual purposes of promoting children's healthy development and school success and to support parents who are working or in training or education.

We are including the following information and guidance to support your comprehensive planning efforts during this Plan extension period.

Key Statutorily Required Implementation Dates: Key statutorily required implementation dates outlined in Program Instruction [CCDF-ACF-PI-2015-02](#), dated January 9, 2015, remain in effect. States and territories unable to meet the requirements at the time the Plan is submitted will be required to submit an implementation plan not to exceed the effective dates as outlined in the attached chart.

Plan Amendments: Grantees are required to administer their child care program in accordance with the CCDF regulations and their approved Plan. Because the existing CCDF Plans have been extended until May 30, 2016, grantees making substantial changes to their existing programs prior to the approval of the FY 2016–2018 Plan will be required to submit a Plan amendment to their OCC Regional Office for approval per the normal process. In accordance with CCDF regulations, amendments must be submitted to ACF within 60 days of the effective date of change. (See 45 CFR § 98.18.)

Market Rate Survey (MRS) or Alternative Methodology: States may have already completed the MRS or alternative methodology in accordance with the statutory requirement to conduct the survey/methodology no earlier than 2 years before the Plan submission date. Now that the deadline for the CCDF FY 2016–2018 Plan submission has been extended until March 1, 2016, we do not want to penalize those states that have already conducted their MRS or alternative methodology. Therefore, these states and territories will not be required to conduct another MRS or alternative methodology as long as the survey/methodology was conducted no earlier than July 1, 2013 (i.e., no more than 2 years before the original Plan submission date). However, states/territories that intend to put new rates in place before the FY 2016–2018 Plan is effective are required to submit a Plan amendment to their OCC Regional Office for approval.

Public Hearing: Grantees are required to hold at least one state-wide/territory-wide public hearing to allow the public an opportunity to comment on the provision of child care under the CCDF Plan. Public hearings must be held 9 months prior to the effective date of the Plan. Therefore, consistent with the Plan extension date, the public hearing must be held no earlier than September 1, 2015. We understand that many states/territories may have held their public hearing; however, because the public's input is so important, we believe the extension deadline will allow sufficient time for states and territories to meet the new public hearing timeline.

Quality Performance Report (QPR): States and territories are reminded that the FY 2015 QPR is due December 31, 2015. This QPR is based on the FY 2014–2015 CCDF Plan. ACF will publish a separate Information Collection for the FY 2016 QPR in the *Federal Register* for public comment later this year.

New Statutory Consultation and Coordination Requirements: The law requires states to consult with their State Advisory Council on Early Childhood Education and Care (SAC). In addition, states shall, at the option of an Indian Tribe or tribal organization in the state, collaborate and coordinate with such Indian Tribe or tribal organization in the development of the State Plan in a timely manner. States should consider how best to engage these required entities as appropriate.

Technical Assistance: ACF is committed to working closely with states to support grantees as they work towards implementing the new requirements. Existing Child Care Technical Assistance Network (CCTAN) resources on

reauthorization topics have been compiled and cross-walked with major CCDF Plan sections. The collection of resources can be found on [the CCTAN website](#), and as new resources are developed, they will be added to the site and will be flagged as new. CCDF Administrators can also expect to receive “OCC Announcements” related to new CCTAN resources.

Questions: Please direct inquiries to the Child Care Program Manager in the appropriate ACF Regional Office or e-mail inquiries to ccdf.reauthorization@acf.hhs.gov.

Attachment: [Timeline of Effective Dates for States and Territories: Child Care and Development Block Grant \(CCDBG\) Act of 2014](#)

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