

## **Statutory and Regulatory Requirements That Will Not be Waived**

**The following are the CCDF statutory and regulatory requirements that will not be waived under a consolidated 102-477 plan.**

1. Grantees will coordinate, to the maximum extent feasible, with the Lead Agency (ies) in the State(s) in which the child care programs or activities will be carried out. (658O(c)(2)(A) of the Act, 45 C.F.R. 98.12, 45 C.F.R. 98.14(a)&(b), 45 C.F.R. 98.81(b)(3)(1), 45 C.F.R. 98.82)
2. Grantees must describe the results of the Lead Agency's coordination activities with agencies responsible for health (including the agency responsible for immunizations), education, employment services or workforce development, and the State TANF agency and/or tribal TANF agency – if the Tribe is operating its own TANF program. (45 C.F.R. 98.14(a), 45 C.F.R. 98.16(d))
3. With the exception of applicants located in Alaska, California, or Oklahoma, CCDF programs and activities will be carried out for the benefit of Indian children on Indian reservations. (658O(c)(2)(B) of the Act, 45 C.F.R. 98.81(b)(3)(ii), 45 C.F.R. 98.83(b))
4. Applicants must demonstrate the administrative capability to successfully administer the proposed program in their initial plan. (658O(c)(3)(B) of the Act)
5. Grants and/or contracts are limited to a period of no more than 3 years. (658O(c)(4) of the Act)
6. Funds may not be used for the purchase or improvement of land. (658F(b)(1) of the Act, 45 C.F.R. 98.54(b)(1))
7. Funds may not be used to pay for tuition or to contract for sectarian activities including worship or instruction. (658M of the Act, 45 C.F.R. 98.54(c)&(d))
8. Applicants must assure they will comply with provisions regarding a drug-free workplace, nondiscrimination, section 504 of the Rehabilitation Act of 1973, Education Amendments, and Age Discrimination Act of 1975, as amended at 45 CFR part 91. (45 C.F.R. 98.13(b)(5)) Note: Since these certifications and assurances are required as part of the consolidated 102-477 plan, they do not need to be submitted with the CCDF application.
9. At least one public hearing must be held by Tribes to allow for public comment. (45 C.F.R. 98.14(c))
10. Grantees shall establish, and periodically revise a sliding fee scale(s) that provides for cost sharing by families, and is based on income and family size. Grantees may waive contributions and may apply different sliding fee scales. (658E(c)(5) of the Act, 45 C.F.R. 98.42)
11. For grantees that receive \$500,000 or more in CCDF funding for a year, the grantee must spend no less than 4 percent from each fiscal year's allotment for quality activities that are designed to provide comprehensive consumer education to parents and the public, activities that increase parental choices, and activities designed to improve the

## Attachment C

quality and availability of child care such as resource and referrals services [(658G) of the Act, 45 C.F.R. 94.51].

12. There are in effect, under tribal, local or State law, requirements designed to protect the health and safety of children that are applicable to child care providers of services for which CCDF assistance is provided. These requirements shall include the prevention and control of infectious diseases (including immunizations); building and physical premises safety; and minimum health and safety training appropriate to the provider setting. (45 C.F.R. 98.41(a))
13. Grantees must submit a request to the Secretary of the Department of Health and Human Services, in accordance with uniform procedures, to use funds for construction and renovation purposes. Funds may not be used for construction or major renovation of child care facilities until the Tribe's 102-477 scope of work has been modified to allow for construction or major renovation. (658O(c)(6)(C) of the Act, 45 C.F.R. 98.84(a)&(b))
14. Grantees are not permitted to use amounts for construction or renovation purposes if such use will result in a decrease in the level of services provided by the grantee in the preceding fiscal year. (658O(c)(6)(C) of the Act, 45 C.F.R. 98.84(b)(3))
15. Not more than 15 percent of the aggregate CCDF funds expended by a Tribal Lead Agency from each fiscal year (including amounts used for construction and renovation in accordance with 45 C.F.R. 98.84, but not including the base amount provided under 45 C.F.R. 98.83(e)) shall be expended for administrative activities. Amounts used for construction and major renovation in accordance with 45 C.F.R. 98.84 are not considered administrative costs. (45 C.F.R. 98.52(b), 45 C.F.R. 98.83(g))
16. Grantees' fiscal and accounting procedures shall be sufficient to permit the preparation of required reports and the tracing of expenditures to a level of expenditure adequate to establish that such funds have not been used in violation of 45 C.F.R. 98 Subpart G. (45 C.F.R. 98.67(c))