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CHILD CARE AND DEVELOPMENT FUND

PROGRAM INSTRUCTION

- To:** Tribal Lead Agencies administering child care programs under the Child Care and Development Block Grant (CCDBG) Act, as amended, and other interested parties.
- Purpose:** This Program Instruction (PI) informs Tribes and Tribal Organizations of the process to submit the triennial child count declaration form, and for direct funded tribes to submit their definition of Indian Reservation or Service Area.
- References:** The CCDBG Act of 2017 (Public Law 113-186); The Child Care and Development Block Grant Act of 1990 (CCDBG), as amended, 42 U.S.C. § 9857 *et seq.*; section 418 of the Social Security Act, 42 U.S.C. § 618; 45 CFR Parts 98 and 99.
- Action Required:** Complete, sign and submit the appropriate Child Count Declaration form with an effective period of October 1, 2019, through September 30, 2022. Tribes must include their definition of Indian Reservation or Service Area with this child count, because the FY 2020-2022 CCDF Tribal Plan is due September 6, 2019.
- Tribes who have consolidated their CCDF program into an approved Plan under Indian Employment, Training and Related Services Consolidation Act of 2017 (known as Public Law 102-477) are not required to update their definition of Indian Reservation or Service area until their next Public Law 102-477 Plan submission.
- Deadline:** July 1, 2019

CCDF Tribal Eligibility

Under 45 CFR 98.80, a Tribe is eligible to receive CCDF funds if the Tribe is federally recognized, and the tribal population includes at least 50 children under age 13.

A Tribe with fewer than 50 children under age 13 may participate in a consortium of eligible Tribes. To be eligible to receive CCDF funds on behalf of its member Tribes, a tribal consortium must:

- Consist of Tribes that meet the eligibility requirements for the CCDF program or that would meet the eligibility requirements if the Tribe or tribal organization had at least 50 children under age 13;
- Demonstrate it has the current authorization from each participating Tribe to receive CCDF funds on behalf of the Tribe; and
- Demonstrate that it has the managerial, technical, and administrative staff with the ability to administer funds, manage a CCDF program, and comply with the provisions of the CCDF Act and regulations.

Consortium Membership Changes – It is the responsibility of a tribal consortium to notify the Administration for Children and Families (ACF) of any changes in its membership for CCDF funding purposes during the approved plan period. For example, if a new Tribe joins a tribal consortium to receive FY 2021 CCDF funds, or if a current tribal consortium member elects not to receive FY 2021 CCDF funds through that tribal consortium, these changes must be conveyed to ACF in writing by the tribal consortium.

Tribal Child Count Declaration Form:

ACF will calculate grant awards based on a self-certified Child Count Declaration for the number of children under age 13 (e.g., up through age 12) who reside on or near the reservation or service area. Keep in mind the following information as you prepare annual tribal child counts for CCDF funds:

- Tribal Lead Agencies have flexibility in defining “Indian Child,” and may include children from other Tribes, provided that such Tribes are federally recognized, consistent with the Child Care and Development Block Grant Act’s definition of Indian Tribe.
- “Service area” must be “on or near the reservation,” and therefore must be within a reasonably close geographic proximity to the delineated borders of a Tribe’s reservation (except 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. ACF will not approve an entire state as a Tribe's service area.

PLEASE BE ADVISED: The Tribal Lead Agency may not count any children 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.

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 previous year. The child count of children under age 13 must be completed no later than June 30, 2019, and no earlier than July 1, 2018.

Special Instructions for Tribal Consortium

- Comprehensive Tribal List - A tribal consortium must provide a summary section listing the name of each participating Tribe and its child count, as well as the total child count for the entire consortium.
- Individual Child Counts Required - A tribal consortium must submit an individual Child Count Declaration for each participating Tribe. An individual authorized to act for the Tribe must sign each Child Count Declaration.

"Special Rule for Indian Tribes in Alaska" - Only the Metlakatla Indian Community of the Annette Islands Reserve and the 12 Alaska Native Regional Nonprofit Corporations are eligible to receive Tribal Mandatory Funds.

Alaska Native Regional Nonprofit Corporations will have to provide a separate child count certification for Discretionary Funding purposes. This count will consist of its self-certified Tribal Mandatory Funding count, minus the child count number for any Alaska tribal grantee in its Region that applies directly for Discretionary Funding. In instances where a Regional Corporation has separate child counts for Discretionary and Tribal Mandatory Funds, both counts may be reported on the Child Count Declaration.

Contact your ACF Regional Office if you have questions or need assistance (See Attachment A).

Indian Reservation or Service Area

OCC has amended the FY 2020-2022 CCDF Tribal Plan Preprint submission date to September 6, 2019, but OCC needs to have the child count declaration data submitted by the July 1, 2019 deadline to process the formula for the FY 2020 CCDF Tribal allocations.

This creates some challenges, as there may be new Tribal applications submitted or changes with current CCDF Tribes' service areas. To make this transition as clean as possible, all direct funded CCDF Tribes will need to submit their definition of Indian Reservation or Service Area along with the child count declaration in Attachment 1.

Direct funded Tribes are those that receive funding from ACF rather than from the Department of Interior, Bureau of Indian Affairs as part of a consolidated Public Law 102-477 Plan. All Tribes that intend to submit an FY 2020-2022 CCDF Plan, regardless of whether they currently receive CCDF funding, must submit the child count declaration by July 1, 2019.

Public Law 102-477

A number of Tribes have consolidated their CCDF funds under the Public Law 102-477. This law allows Tribes to streamline a number of tribal services funded through +twelve federal agencies in a single Public Law 102-477 Plan.

All Tribes, including those under a Public Law 102-477 Plan, shall submit triennial child count declarations by the designated due date of July 1, 2019. Tribes that consolidate CCDF under an approved Public Law 102-477 Plan should submit the child count declaration located in Appendix 2.

Because, the Public Law 102-477 Tribes with current approved Plans will submit new Public Law 102-477 Plans on a rolling basis, with different end dates, Public Law 102-477 Tribes are not required at this time to submit their definition of Indian Reservation or Service Area.

Effective Period of the Triennial Child Count Data

The Triennial child count data shall be collected between July 1, 2018, through June 30, 2019. Child count data is due on July 1, 2019. During non-Plan submission years (e.g. FY 2021 or FY 2022) child count data may be changed for the following reasons:

- New CCDF Tribal applicant.
- In the case of a Tribal Consortia, the consortia gains or losses one of its member organizations.

During these fiscal years new child count submissions are due by July 1.

Format: The Child Count Declaration/Indian Reservation or Service Area form is a MS Word document available on the OCC website at: <https://www.acf.hhs.gov/occ>.

Submitting the Materials Tribes are required to submit the FY 2020-2022 Child Count Declaration form as follows:

- One (1) copy to:
ACF Regional Office
Attn: Child Care Regional Manager (See Attachment A)

The completed form can be send in as an email attachment to the OCC Regional Managers.

Inquires: Direct all inquiries to the ACF Regional Offices (Attachment A)

Shannon Christian
Director
Office of Child Care

Attachments:

Appendix 1 – Child Count Declaration

Appendix 2 – Child Count Declaration (Public Law 102-477)

Attachment: A – ACF Regional Offices