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INFORMATION MEMORANDUM

- To:** State, Territorial and Tribal Lead Agencies administering child care programs under the Child Care and Development Block Grant (CCDBG) Act of 1990, as amended, and other interested parties.
- Subject:** Transmittal of Federal Emergency Management Agency (FEMA) Disaster Assistance Fact Sheet 9580.107 – Public Assistance for Child Care Services.
- References:** The CCDBG Act (42 U.S.C. 9858 et seq.); section 418 of the Social Security Act; 45 CFR Parts 98 and 99; sections 403(a)(3) and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. §5121-5207); 44 CFR Part 206; 75 FR 13777-13778.
- Purpose:** This Information Memorandum transmits a FEMA Fact Sheet regarding reimbursement for child care services during federally declared major disasters and emergencies and provides guidance to CCDF grantees regarding certain reimbursable activities. Grantees are encouraged to share this guidance with their State or local emergency management officials.
- Background:** After a disaster or emergency, child care can be an important human service activity needed to help protect the safety of children and support the stabilization of families and communities. Many Lead Agencies have responsibility for assisting State and local emergency management officials with the provision of temporary child care in the aftermath of a disaster, supporting child care providers in their efforts to rebuild and repair damaged facilities, and ensuring continuity of care and services for families receiving assistance through the CCDF program.

As the primary federal agency responsible for supporting State and local efforts to respond and recover from disasters, FEMA provides reimbursement through the Public Assistance (PA) Grant Program to assist State, Tribal and local governments, and certain types of Private Nonprofit organizations so that communities can quickly respond to and recover from major disasters or emergencies declared by the President. Through the PA Program, FEMA

provides supplemental Federal disaster grant assistance for debris removal, emergency protective measures, and the repair, replacement, or restoration of disaster-damaged, publicly owned facilities and the facilities of eligible private non-profit (PNP) organizations. FEMA provides supplemental assistance for State and local government recovery expenses, and the Federal share will always be at least 75 percent of the eligible costs.

On March 23, 2010, FEMA published in the Federal Register a notice of availability of Disaster Assistance Fact Sheet DAP9580.107, *Child Care Services* (75 FR 13777-13778). This fact sheet identified certain child care services that are eligible for reimbursement under the Category B, Emergency Protective Measures provision of the FEMA Public Assistance Program. In this guidance FEMA provides examples of eligible reimbursable costs associated with the provision of child care services during federally declared major disasters and emergencies. (Attached)

For more information about FEMA's Public Assistance grant program and the application process, visit their website at:

<http://www.fema.gov/government/grant/pa/index.shtm>

Guidance: The following is a summary of eligible child care activities outlined in the FEMA Disaster Assistance Fact Sheet.

Emergency Sheltering

Reimbursement for setting up standalone and temporary child care centers.

FEMA has established that a State, local, or tribal government may be reimbursed through the PA program for costs associated with providing child care services to families as part of emergency sheltering efforts, including the operation of stand alone child care centers. This includes reimbursement for the cost to provide services and for the facility and its operations (e.g., labor costs, supplies and commodities). The State or local government may use its own resources directly or can contract with a private entity to provide temporary child care services.

The provision of child care services to accommodate families who need temporary relief in the immediate aftermath of a disaster can be an important supportive service. Child care can protect children from disaster-related hazards and ensure children are safe while parents visit damaged property, access benefits, and make efforts to rebuild their lives. Child care also helps expedite recovery efforts by ensuring emergency and volunteer workers have access to child care and by enabling businesses and local government agencies to re-open and re-establish services.

CCDF Lead Agencies should consider incorporating the capability to provide temporary child care services, consistent with FEMA guidelines for reimbursement under the PA program, into formal emergency planning and

preparedness efforts. This should include development of regulatory standards for operating emergency or temporary child care. Child care administrators are encouraged to engage their State and local emergency management officials to discuss processes for implementing temporary child care services directly through government agencies or by establishing standing contracts or agreements with outside private organizations that have expertise in provision of temporary child care, such as child care resource and referral agencies or state voluntary organizations active in disasters.

Resources:

- “Is Child Care Ready,” A Disaster Planning Guide for Child Care Resource and Referral Agencies. [Chapter 3 - Temporary Child Care; Appendices - Standards and Procedures for Emergency Child Care Centers] National Association of Child Care Resource and Referral Agencies (NACCRRRA). <http://www.naccrra.org/disaster/>
- National Voluntary Organizations Active in Disasters (VOADS) <http://www.nvoad.org/index.php/member/statevoad.html>
- “State Licensing Regulations about Emergency Preparedness,” National Child Care Information Center (NCCIC). http://nccic.acf.hhs.gov/poptopics/ep_regulations.html

Temporary Relocation Facilities

Reimbursement for re-establishing child care services provided by States, localities, or non-profit organizations prior to a disaster.

FEMA has established that the provision of child care services is considered to be an essential community service and will provide assistance for the lease, purchase, or construction of temporary facilities to re-establish child care services provided prior to a disaster. Assistance is limited to child care facilities operated by a governmental or eligible private nonprofit (PNP) entity prior to a disaster. If the facility was damaged, the cost of obtaining temporary facilities to re-establish operation of the program until the damaged facility can be repaired is an activity eligible for reimbursement by FEMA. Child care facilities that are privately owned and operated are not considered eligible applicants for FEMA reimbursement.

Repair, Restoration, or Replacement of Public and Private Nonprofit Facilities

Eligibility of Public and Private Nonprofit (PNP) child care facilities for reimbursement of expenses to repair, restore, or replace child care centers.

FEMA has established that governmental and eligible PNP organizations which operate child care centers may be eligible for assistance in repair, restoration, or replacement of facilities. In order for private non-profit organizations to be

considered for reimbursement, the applicant must first apply for a disaster loan through the Small Business Administration (SBA). If SBA does not approve the loan or approves a loan for less than the amount required to repair the disaster damage, the applicant may apply to FEMA for assistance for the difference. Child care facilities that are privately owned and operated are not considered eligible applicants for FEMA reimbursement.

Resources:

- Disaster Assistance Loans for Businesses, Small Business Administration (SBA). <http://www.sba.gov/services/disasterassistance/>

FEMA Regional Contacts:

<http://www.fema.gov/about/contact/regions.shtm>

Questions: Direct inquiries to the Child Care Program Manager in the appropriate ACF Regional Office.

/s/

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PUBLIC ASSISTANCE FOR CHILD CARE SERVICES

Overview

This fact sheet identifies child care services that are eligible for reimbursement under the *Category B, Emergency Protective Measures* provision of the Federal Emergency Management Agency's (FEMA) Public Assistance Program. FEMA will reimburse eligible applicants' reasonable costs associated with the provision of child care services during federally declared major disasters and emergencies. See Sections 403(a)(3) and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §5121-5207 (Stafford Act) and implementing regulations 44 CFR Part 206.

Public Assistance Eligibility

- **Eligible applicants.** State, local, and tribal governments and private nonprofit (PNP) organizations which provide child care services (44 CFR §206.221 **Definitions**, and 206.222 **Applicant eligibility**). State, local, and tribal governments may provide child care services directly, or may contract (including through mutual aid agreements and memoranda of understanding) with other child care service providers for such services.
- **Emergency Sheltering.** If a State, local, or tribal government provides child care services to families that are in congregate shelters, the cost to provide child care services is considered part of the sheltering operation and the cost for both the facility and its operation are eligible.

FEMA may also reimburse a State and local government the cost to establish and operate standalone child care centers as emergency shelters. The State may use its own resources or contract with other providers for the emergency sheltering operations.

Reimbursement for the costs of providing child care services will terminate when Section 403 emergency sheltering operations end.

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- **Eligible Sheltering Costs.** If required as a result of an emergency or major disaster, eligible child care sheltering costs may include, but are not limited to, the following:
 1. **Labor Costs.** If the regular employees of an eligible applicant perform duties in direct support of child care operations, any overtime pay related to such duties is eligible for reimbursement. However, the straight-time pay of these employees is not eligible. Regular-time and overtime for contract labor, including mutual aid agreements, specifically hired to provide additional support required as a result of the disaster or emergency are also eligible for reimbursement. (See FEMA Recovery Policy RP9525.7, *Labor Costs – Emergency Work*, for information related to eligible labor costs while performing emergency work).
 2. **Facility Costs.**
 - Minor modifications to a building used for child care sheltering, if necessary to make the facility habitable and functional
 - Shelter safety and security
 - Shelter management
 - Cleaning and restoration
 3. **Supplies and Commodities.**
 - Food and beverages
 - Cots/linens/blankets/pillows
- **Temporary Relocation Facilities.** Section 403(a)(3)(D) of the Stafford Act authorizes the provision of temporary facilities for schools and other essential community services. FEMA has determined that the provision of child care services is an essential community service and will provide assistance for the lease, purchase, or construction of temporary facilities to allow the applicant to reestablish child care services it provided prior to the disaster. (See FEMA Recovery Policy RP9523.3, *Provision of Temporary Relocation Facilities*, for information related to eligible temporary relocation costs).
- **Repair, Restoration, or Replacement of Public and Private Nonprofit Facilities.** Section 406 of the Stafford Act authorizes funding to repair, restore, or replace damaged public and PNP facilities. Disaster Assistance Policy DAP9521.3, *Private Nonprofit (PNP) Facility Eligibility* classifies day care centers for children as facilities that provide essential governmental services. In order to receive reimbursement for permanent work, the PNP applicant must apply for a disaster loan from the SBA. (See FEMA Disaster Assistance Policy DAP9521.3, *Private Nonprofit (PNP) Facility Eligibility*).

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More Information

More information on Public Assistance eligibility is available in the FEMA Public Assistance Guide (FEMA 322), dated June 2007; FEMA Disaster Assistance Policy DAP9523.15, *Eligible Costs Related to Evacuations and Sheltering*, dated April 6, 2007; FEMA Disaster Assistance Policy DAP9521.3, *Private Nonprofit (PNP) Facility Eligibility*, dated July 18, 2007; Recovery Policy RP9523.3, *Provision of Temporary Relocation Facilities*, dated July 16, 1998; and FEMA Recovery Policy RP9525.7, *Labor Costs – Emergency Work*, dated November 16, 2006.



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3.5.10

Date