

ACF

Administration
For Children
And Families

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

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Child Care and Development Fund Tribal Plan Preprint

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 of 1990, as amended, and other interested parties.
- Purpose:** This Program Instruction (PI) conveys the pre-printed Tribal Plan for Child Care and Development Fund (CCDF) services for the Fiscal Year (FY) 2010 – 2011 biennium and provides guidance for completing and submitting the required form. This Plan is required by Section 658E of the CCDBG Act.
- References:** The Child Care and Development Block Grant Act of 1990 (CCDBG), as amended; section 418 of the Social Security Act; 45 CFR Parts 98 and 99.
- Background:** Tribes are required to submit a complete Tribal Plan for the FY 2010 -2011 biennium. The Plan Preprint will be effective for a two-year period beginning October 1, 2009 through September 30, 2011.
- The attached Tribal Plan format is the same as the one used for the FY 2008 - 2009 biennium. We strongly recommend that you review the “**Guidance for Completing the Plan**” (Attachment B), the amended CCDBG Act and the CCDF regulations as you develop your Tribal Plan for the FY 2010 – 2011 Plan period. Each Tribal Plan section includes a statutory citation or reference to the applicable regulation.
- CCDF Eligibility:** Pursuant to 45 CFR 98.62, 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. In order 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; and

- Demonstrate it has authorization from each participating Tribe to receive CCDF funds on behalf of the Tribe.

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. New Tribal applicants in Alaska should contact the Administration for Children and Families (ACF) Region X (Attachment A) with questions about this Special Rule.

Tribal Child Counts: ACF will calculate grant awards based on a self-certified Child Count Declaration for the number of children under age 13 (not age 13 and under) who reside on or near the reservation or service area. Because the definitions for “Indian child” and “reservation/service area” help determine the Tribal grant award amounts, please keep in mind the following information as you prepare annual Tribal child counts for CCDF funds:

- While Tribal Lead Agencies have some flexibility in defining “Indian Child,” the definition must be limited to children from Federally recognized Indian Tribes, 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 (with the exception of 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.

Tribal Lead Agencies are advised that ACF will not accept child count declarations based on child counts that were conducted prior to July 1 of the previous year. For FY 2010 funding, the child count of children under age 13 must be completed **no later than** June 30, 2009, and **no earlier than** July 1, 2008.

Additional child count guidance is provided in the “**Guidance for Competing the Plan**” (Attachment B).

**Exempt vs.
Non-Exempt
Grantee Status:**

The final FY 2009 CCDF funding allocation amounts, which will include the American Recovery and Reinvestment Act (ARRA) of 2009 supplement funds, may cause some Tribes that are currently “exempt” grantees to become “non-exempt.” Tribal Lead Agencies with CCDF allocations equal to or greater than \$500,000 for a fiscal year are considered non-exempt grantees. Non-exempt Tribal Lead Agencies must: 1) use for quality activities at least four percent of the aggregate CCDF funds expended for a fiscal year; and 2) operate a certificate program that offers parental choice from a full range of providers (i.e. center-based, group home, family and in-home care). A Tribal Lead Agency that moves from the exempt to non-exempt category has a phase-in period of one year to meet the CCDF non-exempt requirements. The one year period begins with the issuance date of the grant award

letter indicating that a Tribe's final allocation is equal to or greater than \$500,000. A non-exempt Tribal Lead Agency must describe how it is meeting non-exempt requirements in its FY 2010-2011 CCDF plan, including Plan sections 1.4 (quality funds), 3.1 (descriptions of child care services), 3.2 (payment rates), 3.6 (certificate payment system), and 5.1-5.2 (activities and services to improve the quality of child care).

**Funding Estimates
and Allocation
Formulas:**

Estimated FY 2010 CCDF funding allocations are not yet available, but in the coming weeks will be posted on the Child Care Bureau's website at: <http://www.acf.hhs.gov/programs/ccb/law/allocations/tribal.htm>. Tribal Lead Agencies are advised to check this site for updated allocation amounts prior to the Tribal Plan submission deadline (July 1, 2009).

Grants from Discretionary Funds will include a base amount of \$20,000 plus a per child amount (approximately \$56 per child) for each Tribe or tribal consortium with a minimum of 50 children. Grants from Tribal Mandatory Funds are calculated solely on a per-child basis (approximately \$100 per child) and do not include a base amount.

A new applicant should use the base amount plus approximately \$56 per child to estimate its allotment for Discretionary funding, and should use approximately \$100 per child to estimate its allotment for Tribal Mandatory funding.

A Tribal consortium should estimate its allotment for Discretionary funding for each of its members by calculating a portion of the base amount that is equivalent to the ratio of the number of eligible children in each member Tribe to 50, plus the additional per child amount. For example, a Tribe with 49 children is allotted 49/50ths of \$20,000, or \$19,600. The per child amount is then multiplied by 49 and added to the \$19,600 base amount.

Important Note: Estimated funding amounts may increase or decrease based on the final FY 2010 appropriation level, as well as updated child count data that are used to calculate grant awards.

**Discretionary
Targeted Funds:**

The FY 2010 CCDF allocations may include targeted funds for school-age care and resource and referral activities. This amount must be spent on resource and referral activities and/or school-age care. The amount of targeted funds for resource and referral activities and school-age care is based on \$500 per Tribe plus a per child amount. Further information about the targeted funds will be included on estimated and final allocation tables posted on the Child Care Bureau website.

Note to Non-Exempt Tribal Lead Agencies: The targeted funds are to be used in addition to the "not less than 4 percent" required to be spent on activities that improve the quality and availability of child care.

**Administrative
Costs:**

No more than 15 percent of the aggregate CCDF funds expended from each year's allotment may be used for administrative costs. Tribal Lead Agencies should review the CCDF regulations at 45 CFR 98.52 for a discussion of administrative costs. Note: the Discretionary Funds base amount is neither subject to the 15 percent limitation, nor included in the calculation for the 15

percent limitation.

Construction and Renovation:

In order to use CCDF funds for construction or major renovation projects, all Tribal Lead Agencies are required to follow ACF's construction and renovation application procedures, Program Instruction CCDF-ACF-PI-2007-03, dated May 9, 2007, which is available on the Child Care Bureau's website at: <http://www.acf.hhs.gov/programs/ccb/law/index.htm>. If a Tribal Lead Agency constructs or renovates more than one facility, it must seek ACF approval for each project (even if the projects use identical plans and specifications). Early in the planning process, Tribal Lead Agencies are advised to contact their appropriate ACF Regional Office (Attachment A)

Local Market Rate Survey:

ACF has clarified certain provisions of the CCDF regulation regarding local market rate surveys to address: 1) the conditions under which a Tribal Lead Agency may provide alternative documentation in lieu of conducting or using a market rate survey; 2) conditions under which a Tribal Lead Agency may base its payment rates on the State market rate survey rather than conducting its own survey; 3) State-Tribal coordination around market rate surveys; and 4) local market rate survey completion deadlines. For additional information, see Program Instruction CCDF-ACF- PI-2009-02, which is available on the Child Care Bureau's website at: <http://www.acf.hhs.gov/programs/ccb/law/index.htm>.

Family Co-Payments:

Under section 3.5 of the Tribal Plan, each Tribal Lead Agency must describe and attach a sliding fee scale that provides for cost sharing by families and is based on income and family size. A Tribal Lead Agency may waive contributions from families whose incomes are at or below the poverty level for a family of the same size.

Note: A Tribal Lead Agency cannot use Federal CCDF dollars to pay the parental contribution (co-payment) on behalf of an Indian family who is receiving a CCDF subsidy from a State.

Health and Safety Requirements:

By submitting a Tribal Plan, a Tribal Lead Agency is certifying there are in effect, under tribal, local or State law, requirements designed to protect the health and safety of children. These requirements are applicable to child care providers that provide services for which assistance is made available under the CCDF. To ensure that children are being cared for in safe and clean child care facilities, Tribal Lead Agencies are encouraged to partner with local health agencies, including the Indian Health Service (IHS), which conducts environmental health surveys, and reflect these partnerships in Sections 2.2 and 6 of the Tribal Plan, as appropriate.

In 2000, after three years of consultation with Tribes, Tribal organizations and Tribal child care programs, the Child Care Bureau issued *Minimum Tribal Child Care Standards* as voluntary guidelines that represent the baseline from which all programs should operate to ensure that children are cared for in healthy and safe environments and that their basic needs are being met. These voluntary guidelines express minimum standards for health and safety in child care and are not intended to supersede any existing federal, state, Tribal or local laws or regulations. An updated (June 2005) copy of this resource document is available on the Child Care Bureau's website at: <http://www.acf.hhs.gov/programs/ccb/ta/pubs/ms/ms1.htm>.

Obligation and Liquidation Periods: Tribal Lead Agencies must obligate FY 2010 Tribal Mandatory and Discretionary Funds by September 30, 2011, and liquidate all funds by September 30, 2012. These terms are further defined in Program Instruction CCDF-ACF-PI-2008-05, which is available on the Child Care Bureau's website at: <http://www.acf.hhs.gov/programs/ccb/law/index.htm>

Deadlines and Effective Dates: Tribal Plans must be submitted for ACF review by July 1, 2009 for the FY 2010 – 2011 biennium (October 1, 2009 - September 30, 2011). When approved by ACF, the Tribal Plans are effective on October 1, 2009.

Electronic Format: The Tribal Plan is available in word processing format from the ACF Regional Offices. If you would like a copy of the Tribal Plan in an electronic format, or to submit the Tribal Plan electronically, contact your ACF Regional Office. If submitting a Tribal Plan electronically, a Tribal Lead Agency should: (1) "write protect" the Tribal Plan, and (2) submit a letter signed by the program administrator to the appropriate Regional Office confirming that on a specific date the Tribal Plan is submitted for review and approval. A copy of the Tribal Plan is also available on the Child Care Bureau's website at: <http://www.acf.hhs.gov/programs/ccb/law/index.htm>.

Plan Amendments: Any substantive change to the CCDF program requires an amendment to the approved Tribal Plan (45 CFR 98.18(b)). Tribal Lead Agencies should enter amendment information on the Amendment Log at the beginning of the Tribal Plan and submit the Log and amendment within 60 days of the effective date of the change. ACF will make determinations on amendments no later than 90 days following the date on which the amendment is received, unless a written agreement to extend that period has been secured (45 CFR 98.18(b)). ACF Program Instruction CCDF-ACF-PI-2009-01 provides additional clarification regarding CCDF Plan amendments. This Program Instruction is available on the Child Care Bureau's website at: <http://www.acf.hhs.gov/programs/ccb/law/index.htm>.

Submit copies of the Tribal Plan as follows:

Submitting the Tribal Plan:

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

One (1) copy to:
Tribal Technical Assistance Center (TriTAC)
c/o Native American Management
Services
re: CCDF 2010-2011 Tribal Plans
12110 Sunset Hills Road, Suite 450
Reston, VA 20190

Note: TriTAC is only serving as a receipt point for Tribal Plans. ACF will conduct the review and approval of FY 2010-2011 CCDF Tribal Plans. All other correspondence with the Child Care Bureau should be addressed to: 370 L'Enfant Promenade, 5th Floor East, Washington, D.C. 20024.

Public Law 102-477 Option:

The "Indian Employment, Training and Related Services Demonstration Act of 1992" (P.L. 102-477) permits tribal governments to consolidate several Federally funded employment, training and related services programs into a single, coordinated comprehensive plan. CCDF is one of the programs that may be consolidated under P.L. 102-477. This Program Instruction (i.e., for the Tribal Plan) does not apply to those Tribes and Tribal organizations that consolidate CCDF funds under P.L. 102-

477. A separate Program Instruction (CCDF-ACF-PI-2009-03) containing the 102-477 application and plan requirements is available on the Child Care Bureau's website at: <http://www.acf.hhs.gov/programs/ccb/law/index.htm>.

Reporting Requirements:

By the end of December each year, Tribal Lead Agencies are required to report CCDF aggregate program data on the ACF-700 report form, and CCDF financial expenditures on the ACF-696T report. Separate Program Instructions are issued each year providing information on the ACF-700 and ACF-696T reporting requirements. These Program Instructions are available on the Child Care Bureau's website at: <http://www.acf.hhs.gov/programs/ccb/law/index.htm>.

Audits:

Tribes must follow the audit requirements established in OMB Circular A-133 "Audits of States, Local Governments and Non-Profit Organizations," pursuant to the Single Audit Act Amendments of 1996.

Paperwork Reduction Act:

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The information collection required under this Program Instruction is approved under OMB Number 0970-0198, which expires September 30, 2011.

Technical Assistance Trainings:

During March and April 2009 the Child Care Bureau sponsored the *Tribal Plan Trainings* in ACF Regional Office cities to provide Tribal Lead Agency Administrators with a thorough review of the Tribal CCDF plan sections, including requirements for: coordination; family eligibility; payment rates/family co-payments; parental choice; and health and safety. For additional information about the regional *Tribal Plan Trainings* please contact your Regional Office (Attachment A) or TriTAC at 1-800-388-7670.

Inquiries:

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

/s/

Ann H. Barbagallo
Acting Director
Office of Family Assistance

Attachments:

- Attachment A - ACF Regional Child Care Program Managers List
- Attachment B - Guidance for Completing the Plan
- Attachment C - Tribal Plan Checklist: Attachments & Appendices
- Attachment D - Tribal Plan Preprint 10/1/09 – 9/30/11

GUIDANCE FOR COMPLETING THE PLAN

The examples used in this guidance are illustrative only. They are not intended to prescribe approaches or limit Tribal Lead Agency flexibility. Examples are not provided for all sections.

COVER PAGE Insert the Tribe's name on the line: Tribal Plan For _____.

AMENDMENTS LOG

This page is left blank when submitting the initial plan. The Amendments Log is only for plan amendments that are submitted after the plan has been approved by ACF.

PART 1 - ADMINISTRATION

Tribal grantees must designate a Lead Agency to administer the CCDF. If a Tribal grantee applies for both Tribal Mandatory Funds and Discretionary funds, the programs must be integrated and administered by the same Lead Agency.

Tribal Consortia

If a Tribe participating in a consortium arrangement elects to receive only part of the CCDF (e.g., Discretionary Funds), it may not join a different consortium to receive the other part of the CCDF (Tribal Mandatory Funds), or apply as a direct grantee to receive the other part of the fund. **Note:** an Alaska Native village that must receive Tribal Mandatory funds indirectly through an Alaska Native Regional Nonprofit Corporation may still apply directly for Discretionary Funds.

Questions

1.1 - 1.4

The purpose of sections 1.1 - 1.4 is to provide the public with an indication of the amount of funding available for child care and related activities through the CCDF. The amounts provided in response to these sections are informational only and will not be subject to compliance actions, nor will ACF distribute funds based on these estimates. Pursuant to section 658K(a)(1) of the Act, information on the actual use of funds must be provided to ACF on other designated financial management forms and reports.

Estimates are for the one year period 10/1/09 -- 9/30/10 (FY 2010) even though the Plan covers a two-year period. Collecting information on FY 2010 CCDF funds in the Plan replaces the need to collect it in a separate application.

1.1 In section 1.1 the Tribal Lead Agency provides an estimate of the total funds that will be received in FY 2010 for CCDF child care services and related activities from the Federal CCDF, i.e., the Discretionary Fund and Tribal Mandatory Fund (including CCDF funds used for administration, quality and construction and renovation activities). This estimate does not include any carry-over funds from previous fiscal years.

1.3 In section 1.3 the Tribal Lead Agency estimates the amount (or percentage) of CCDF funds awarded in FY 2010 that will be used to administer all services and activities under the CCDF (i.e., for administrative costs).

Tribal Lead Agencies are reminded that no more than 15 percent of the aggregate CCDF funds expended from each year's allotment may be used for administrative costs. Tribal Lead Agencies are advised to review the CCDF regulations at 45 CFR 98.52 for a discussion of administrative costs. Note: the Discretionary Funds base amount is neither subject to the 15 percent limitation, nor included in the calculation for the 15 percent limitation.

1.6 A Tribal consortium is not considered a non-governmental entity for purposes of this section. However, if a Tribal consortium delegates responsibility for administering or implementing any part of its CCDF program to another non-governmental organization or entity, answer "yes" to this question and list the non-governmental entity(ies).

1.7 Examples of how the Tribal Lead Agency can demonstrate that it maintains overall control when services and activities are provided through other agencies include:

- A discussion of how frequently and in what manner the Tribal Lead Agency monitors the other agencies.
- Whether other agencies must certify that Tribal Lead Agency guidelines are followed.
- What benchmarks, performance indicators, or standards are applied to the other agency.
- A discussion of the contract process, including an indication of how often a contract is opened to new competition.
- Requirements specified in interagency agreements or memoranda of understanding.

1.8 A Tribal consortium is required to provide a list of its participating Tribes in this section. In addition, a Tribal consortium must demonstrate that it has the authority to seek funding on behalf of its constituent Tribes. A "demonstration" of this authority for the 10/1/09 – 9/30/11 plan period must be provided for each individual consortium member in the two-year plan. A Tribal consortium can "demonstrate" members' agreement to participate in several ways, including: submission of a Tribal resolution or other agreement signed by the Tribal leader, or submission of supporting documentation that a Tribal leader participated in a vote adopting the agreement to participate in the consortium.

It is the responsibility of a Tribal consortium to notify ACF, in writing, of any changes in its consortium membership for purposes of CCDF funding during this two-year period.

1.9 For funds that become available for FY 2010, ACF will calculate grant awards based on the number of children under age 13. A Tribe must submit a self-certified child count declaration for children **under age 13** (not age 13 and under). The declaration must certify the number of Indian children (as defined in Appendix 2, #2 in the Tribal Lead Agency's CCDF Plan), under age 13, who reside on or near the reservation or service area (as defined in Appendix 2, #3 in the Tribal Lead Agency's CCDF Plan).

The Tribal Lead Agency should use the "Child Count Declaration" format at Appendix 3. The declaration must be signed by the governing body of the Tribe or a person authorized to act for the applicant Tribe or organization.

IMPORTANT NOTE REGARDING CHILD COUNTS: All Tribal Lead Agencies are required to submit a self-certified child count with their Plan preprint submission. A CCDF Plan preprint submitted without a child count will be treated as an incomplete plan. Therefore, to facilitate the approval process, the information requested on the child count declaration at Appendix 3 of the Plan preprint must be included with the Plan submission due by July 2.

PLEASE BE ADVISED: The Tribal Lead Agency may not count any children who are 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 reminded that CCDF funds are allocated based on child counts of children from Federally recognized Indian Tribes, consistent with the Child Care and Development Block Grant Act's definition of Indian Tribe.

Tribal Lead Agencies are also advised that ACF will not accept declarations based on child counts that were conducted prior to July 1 of the previous year. For FY 2010 funding, the child count of children under age 13 must be completed no later than June 30, 2009 and no earlier than July 1, 2008.

Special Note for Tribal Consortia: A Tribal consortium must submit Individual self certified child count declarations signed by the governing body of the Tribe, or an individual authorized to act for the Tribe, for each of its members participating in the consortium. Also include a summary section listing each member's name and child count, and the total child count for all members.

Because of the statutory "Special Rule for Indian Tribes in Alaska" under Tribal Mandatory Funding, some 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, which 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 declaration, which is requested as an attachment under 1.9.

PART 2 - DEVELOPING THE CHILD CARE PROGRAM

- 2.1 In this section, the Tribal Lead Agency is requested to describe its consultation efforts in developing the CCDF plan. Extensive resources are available on the Child Care Bureau's website to assist you in designing your plan at: <http://www.acf.hhs.gov/programs/ccb/ta/index.htm>. **NOTE:** In many Tribal communities Tribal Colleges and Universities are a valuable resource for professional development opportunities. Tribal Lead Agencies are encouraged to consult with Tribal Colleges and Universities, and other local higher education institutions, as appropriate, as they design their CCDF program activities.
- 2.2.1 The Tribal Lead Agency must describe how it coordinates the delivery of services with other Tribal, Federal, State, and local child care, early childhood development programs, and before and after-school care services. For example, a Tribal Lead Agency may need to coordinate with the following local entities, if applicable, before designing its CCDF plan:
- Tribal Head Start program;
 - Tribal Early Head Start program
 - 21st Century Community Learning Centers program;
 - Bureau of Indian Affairs school programs; and
 - the local school system's before and after-school program(s).
- 2.2.2 The Tribal Lead Agency must coordinate with agencies responsible for: 1) health (including the agency responsible for immunizations); 2) education; 3) employment services or workforce development; and 4) the State TANF agency, and/or Tribal TANF agency -- if the Tribe is operating its own TANF program. The Tribal Lead Agency must specifically describe efforts in these four categories and include any results of these coordination activities.
- 2.3 All Tribal Lead Agencies are required to conduct public hearings before the revised Tribal plan preprint is submitted to ACF by July 1, 2009, but no earlier than January 1, 2009. The hearings are meant to solicit public comment and input into the services that will be provided through the CCDF. Tribal Lead Agencies must provide public notice of the hearing at least 20 days prior to the hearing. The notice must be made available across the reservation or service area. Tribal Lead Agencies shall make the contents of the plan available to the public in advance of the hearing. The required hearing must be held before the Plan is submitted to ACF. The description of the public hearing process must include: 1) the date(s) and location(s) of the hearing(s); and 2) how and when the public was notified of the hearing.
- 2.4 Provide only examples of partnerships or planned activities with the business community or other private organizations (such as foundations). **NOTE:** Coordination activities with Head Start programs and schools for before and after-school care should be described under section 2.2.1.

PART 3 – CHILD CARE SERVICES OFFERED

3.1.1 Examples of child care services include, but are not limited to: full-day child care; early childhood development; and before and after-school care. Examples of child care providers include: center-based; group home; and family and in-home providers; or other providers of child care services for compensation, which meet licensing and regulatory requirements.

Certificate vs. Voucher – Exempt Tribal Lead Agencies are reminded that they are not required to operate certificate programs that offer parental choice from a full range of child care providers (i.e., center-based, group home, family and in-home care). Since the law is clear about parental choice and certificates, exempt Tribal Lead Agencies that offer some type of parent reimbursement system, but do not offer the full choice of child care providers are advised to refer to this type of payment system as a “voucher” program, **not** a certificate program.

A Tribe is operating a certificate program if it offers parents the choice of all of the following types of child care categories:

- 1) Center-based child care;
- 2) Group-home child care;
- 3) Family child care; and
- 4) In-home care.

To promote parental choice under each of the above categories, care by sectarian providers (i.e., faith-based) may not be limited or excluded.

If a Tribal Lead Agency is offering all 4 types of care listed above, then check “Yes” under 3.1.1. **REMINDER:** Tribal Lead Agencies with CCDF allocations of \$500,000 or more must offer all four types of care. If a Tribal Lead Agency does not offer all four types of care listed above, then check “No” under 3.3.1. A Tribal Lead Agency that also provides care through grants or contracts for child care slots will check “Yes” by that option.

3.1.2 Section 98.30(e)(1)(iv) provides flexibility for limiting in-home care. If a Tribal Lead Agency intends to limit in-home care, it must describe the limits and the reasons for these limits. Non-exempt Tribal Lead Agencies must respond to this question. If you checked "yes," you must describe how you limit access to care provided in the home of the child.

3.1.3 The Lead Agency is not required to offer CCDF services, or the same services, throughout the entire reservation or service area (as defined in Appendix 2, #3. If all services are not offered throughout the area defined in Appendix 2, #3, indicate which services are not available and the area where the services are not offered. For example, a Tribal Lead Agency may contract for infant care in only one village or in one child care center on its reservation or Tribal service area.

3.2 Section 98.43(b)(2) requires that the Lead Agency provide a summary of the facts relied on to determine that its payment rates ensure equal access to comparable child care services provided to children whose parents are not eligible to receive child care assistance under the CCDF and other governmental programs. The payment rates must be based on a local market rate survey “conducted no earlier than two years prior to the effective date of the currently approved plan.” For plans due by July 1, 2009, the survey must have been conducted no earlier than October 1, 2007 and no later than September 30, 2009.

A Tribal Lead Agency may base its payment rates on the State’s market rate survey rather than conducting its own survey if the Tribe’s reservation or Tribal service area is included in the State’s survey. If a Tribal Lead Agency elects to use the State’s survey, they must indicate which State and the date (including year) of the survey under 3.2. While Tribal Lead Agencies have additional flexibility in meeting this requirement, they are strongly encouraged to survey their local providers in order to establish a payment rate, which is an accurate reflection of the child care market in their area – especially if their respective State survey(s) does not reflect local market rates or conditions.

3.3.3 If a Tribal Lead Agency checks "yes," indicating that it has established additional eligibility criteria, a definition or description of this criteria must be provided in Appendix 2, #11. Examples of additional eligibility could include: the Tribal Lead Agency serves children ages 0-4 (infants, toddlers and pre-schoolers); and/or the Tribal Lead Agency only serves Tribal members who live **and** work on the reservation, but not those who live on the reservation and work off the reservation.

3.3.4 If a Tribal Lead Agency checks "yes," indicating that it will waive the co-payment and income eligibility requirements for children receiving or in need of receiving child protective services, "protective services" must be defined in Appendix 2, #7.

3.3.5 If a Tribal Lead Agency checks "yes," indicating that it will serve children age 13 and above who are physically and/or mentally incapable of self-care, "physical or mental incapacity" must be defined in Appendix 2, #6.

3.3.5 &
3.3.6 The upper age limit may not be over age 19 (e.g., not 19 years, 1 month or “up to age 20”).

3.3.7 &
3.3.8 A Tribal Lead Agency must include foster care and respite care in its definition of protective services (Appendix 2, #7) if the Tribal Lead Agency proposes to provide CCDF-funded protective services child care in those circumstances. CCDF child care can be provided in two circumstances: 1) for children of parents who are working or in education and training; or 2) for children in protective services. Respite care is allowable only for children in protective services.

3.4.1 Tribal Lead Agencies are reminded that they are required to give priority for child care services to children with special needs. However, the definition of "special needs" provided in Appendix 2, #9 does not have to be limited to children with disabilities. For instance, children of teenage parents or children in foster care could be considered children with special needs.

Ways to prioritize services could include: special recruitment efforts for children with special needs; and/or earmarking part of the CCDF grant award to ensure sufficient services are available for these children.

- 3.4.2 A Tribal Lead Agency may elect to establish other priorities, in addition to children with special needs. Any other priority rules and categories must be defined in Appendix 3, #11. Examples could include: children of teenage parents; children of homeless parents; children in foster care; TANF families; and/or students.
- 3.4.3 A Tribal Lead Agency must describe how it is coordinating child care with the State TANF and/or Tribal TANF programs and how it plans to serve the needs of TANF participants, including individuals who are transitioning off TANF or "at risk" of receiving TANF assistance. Note: this question is for informational purposes only.
- 3.5.1 An example of an "additional factor" used to determine the family co-payment would be reducing the family co-payment for each additional child in a family receiving CCDF services.
- 3.5.3 The 2009 HHS Poverty Guidelines for the 48 contiguous States and the District of Columbia for a family of 1 = \$10,830. Add \$3,740 for each additional family member (e.g., family of 3 = \$18,310). In Alaska, a family of 1 = \$13,530. Add \$4,680 for each additional family member (e.g., family of 3 = \$22,890).
- A Lead Agency is not required to use the 2009 HHS Poverty Guidelines, but must indicate the poverty level it is using if it elects to waive the required fee. The 2009 HHS Poverty Guidelines are located on HHS' website at: <http://aspe.hhs.gov/poverty/09poverty.shtml>.
- 3.5.4 The preamble to the regulations suggests that co-payments, which are no more than 10 percent of family income would be considered "affordable." It should be noted, however, that the regulations do not establish this or any other standard or criteria that copayments must meet. The Tribal Lead Agency explanation, at a minimum, should indicate the percent of family income that typically would be used to meet its required copayment.
- 3.6 A Tribal Lead Agency completes this section only if it operates a certificate program. Non-exempt Tribal Lead Agencies must complete this section. A Tribal Lead Agency is considered non-exempt if it received a FY 2009 CCDF grant allotment of \$500,000 or greater.

PART 4 – PROCESSES WITH PARENTS

- 4.4 The regulations do not establish, nor has ACF suggested, any criteria or standard against which the requested TANF definitions may be judged. This section is asked as a means of providing information to the public. ACF recognizes that the TANF definitions requested are not the responsibility of the CCDF Lead Agency. Therefore, the section also asks that the TANF agency/agencies be identified.

In this section, as is true of many sections of the Plan, approval of the Plan means that the Tribal Lead Agency has submitted the required information, not that ACF approves of the definitions provided.

PART 5 – ACTIVITIES AND SERVICES TO IMPROVE THE QUALITY OF CHILD CARE

- 5.1 The list provided reflects the options Tribal Lead Agencies have selected in the past. It is not intended to be all inclusive nor is it intended to exclude other services or activities that meet the intent of the Act. The Tribal Lead Agency may include other services or activities not on the list by indicating "Yes" in the last selection. All activities and services (including culturally-based activities) must be described in 5.2. Non-exempt Tribal Lead Agencies are reminded that no less than 4 percent of the aggregate CCDF funds expended must be used for quality activities.

Tribal Lead Agencies are reminded that these activities must reflect the estimate for quality activities at section 1.4. If a Tribal Lead Agency lists activities in this section that are paid for with other funding sources (i.e., not with CCDF funds), this should be stated under section 5.2.

Extensive resources for professional development are available on the National Child Care Information Center's website at: <http://nccic.acf.hhs.gov/>. Tribal Lead Agencies are encouraged to explore quality enhancement activities at Tribal Colleges and Universities, and other local higher education institutions, where applicable.

PART 6 – HEALTH AND SAFETY REQUIREMENTS FOR PROVIDERS

The three health and safety requirements (prevention and control of infectious disease, building and physical premises safety, and health and safety training) must be described separately by category of care. The requirements for all care, whether licensed, regulated, or otherwise legal, that is paid for with CCDF funds must be described. Non-exempt grantees, who are required to operate certificate programs, must fill out Parts 6.1 through 6.4. NOTE: Health and Safety requirements must be listed for all child care categories listed in 3.1

The CCDBG Act (658E(c)(2)(E)(ii)) requires the development of minimum child care standards for Indian Tribes and Tribal organizations. In 2000, the Child Care Bureau issued Tribal Child Care Minimum Standards as "guidance." The standards were updated in 2005 (see: <http://nccic.acf.hhs.gov/tribal/min-std.html>). Tribal Lead Agencies are reminded that they must have in place: requirements designed to protect the health and safety of children (in accordance with section 98.41 of the regulations, as referenced above); and State or Tribal licensing requirements, in accordance with section 98.40.

- 6.5 Tribal Lead Agencies have the option to exempt only those relatives specifically mentioned in the Act from its health and safety requirements -- Tribal Lead Agencies are not required to exempt them. Tribal Lead Agencies should indicate the policy they follow regarding relative providers. If relative providers are subject to different requirements than apply to licensed providers, describe the requirements that do apply to the relative providers.
- 6.6 Tribal Lead Agencies must describe how they will ensure that all providers of child care services will comply with applicable health and safety standards. Examples could include: all licensed and regulated centers are periodically inspected for building and physical premises safety; exempt or unlicensed providers provide a completed and signed "safety" checklist semi-annually; and/or all providers are monitored by Tribal child care staff semi-annually.

APPENDIX 2 – ELIGIBILITY AND PRIORITY TERMINOLOGY

The Lead Agency must complete the required definitions in Appendix 2, and include any special terms that are used. The following provides Tribal Lead Agencies with additional guidance in defining these terms.

(1) Attending (a job training or educational program) – Tribal Lead Agencies must list the criteria they will apply in determining whether a parent's participation in a job training or educational program is sufficient to be considered attendance for purposes of establishing eligibility (See section 98.20). Examples include any educational institution's definition of full-time attendance. The definition could also specify whether child care is available for travel and study time, as well as class time.

(2) Indian Child - Tribal Lead Agencies have broad latitude in defining this term. Since the definition is used to determine eligibility, it can be used to limit or expand eligibility. **Note:** The certified child count described in Part 1.9 must reflect this definition. For example, if a Tribe chooses to serve only its members, the child count declaration should only include that Tribe's children, and not a count of all Indian children on the reservation or in the service area (as defined in #3, below).

(3) Indian Reservation or Service Area - Tribal Lead Agencies must define the area in which services will be offered. Examples include: reservation boundaries; on or near the reservation; or some other area determined by the Tribal Lead Agency. **Note:** The certified child count described in Part 1.9 must reflect this definition.

(4) In Loco Parentis – Tribal Lead Agencies must describe the criteria they will use to determine if an individual is “standing in place of” a parent of the child and, therefore, will be considered as the parent for the purpose of determining eligibility for CCDF services. This definition can be a previously established legal definition or can be specific for the purposes of the CCDF. For example, a person acting in loco parentis is one who has assumed guardianship and control of the child. The Tribal Lead Agency could specify whether guardianship must be formalized through a court.

(5) Job Training and Educational Program – The definition must include the criteria necessary for a program to be considered a “job training and educational program” for the purposes of determining a family’s eligibility. Examples include: the program must lead to a high school diploma (or its equivalent); the program must be accredited by the Board of Education; job training must lead to a skilled trade; or, job training must be approved by the local unemployment office.

(6) Physical or Mental Incapacity – Tribal Lead Agencies have the option to provide child care for children age 13 and older if such children have a physical or mental condition which makes the child incapable of self-care. The Tribal Lead Agency must define such condition and describe who will make such determinations.

(7) Protective Services – Tribal Lead Agencies must describe the criteria a child must meet to be considered receiving, or in need of receiving, protective services. For example, the child and the parent(s) must be receiving protective services interventions and/or under court ordered supervision. The definition must indicate who makes such determinations. **Note:** The definition of protective services must include foster care and respite care if the Tribal Lead Agency proposes to provide CCDF-funded child care in those circumstances. Respite care is available for the parents of children in protective services only for short, temporary periods. A Tribal Lead Agency that intends to include respite care must explain the circumstances under which respite care is offered.

(8) Residing With – Tribal Lead Agencies must specify the conditions under which a child will be considered to be “residing with” a parent. For example, the child must live with the parent for at least six months of the year, or the child must live in the same household as the parent during the time period for which child care services are requested.

(9) Special Needs Child – In section 3.4, Tribal Lead Agencies are asked how they will prioritize children with special needs. Tribal Lead Agencies must define or list the children they consider to have “special needs” and for whom they will give priority for service. Examples include: children who meet the definition of physical and mental incapacity; children from homeless families; children in need of protective services; or children of teenage parents.

(10) Working – The definition must describe the types of activities Tribal Lead Agencies will accept as “work” for the purpose of determining eligibility. Examples include: the parent must be paid; the parent must be paid the minimum wage; the parent is looking for work (one-time only) for a maximum of 24 hours within one calendar quarter; or, the parent must work a minimum of 20 hours per week.

APPENDIX 3 – CHILD COUNT DECLARATION

Instructions for the Child Count Declaration are provided under 1.9 of this Guidance.

APPENDIX 4 – LIST OF CERTIFICATIONS

Only new Tribal CCDF applicants must complete and submit the certifications listed in Appendix 4. New applicants should contact their ACF Regional Office to obtain copies of the required certifications.

Tribes are reminded that even if they have changed their Lead Agency, the certifications apply to the successor agency, unless there is a change in the Tribal government. In this case, new certifications must be signed and submitted by the new Tribal government with the Plan preprint.

SUMMARY SHEET

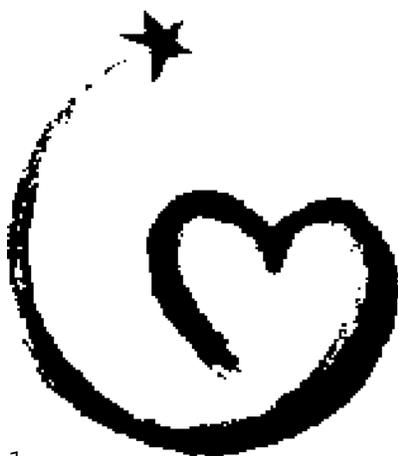
The following items must be submitted with the Tribal Plan Preprint:

- Appendix 1 - - Assurances and Certifications
- Appendix 2 - - Eligibility and Priority Terminology
- Appendix 3 - - Child Count Declaration
- Appendix 4 - - List of Certifications

NOTE: Only **new** Tribal CCDF grantees are required to submit the certifications at Appendix 4. A new tribal grantee is an Indian Tribe or Indian organization (i.e., Tribal consortium) that did not receive CCDF funds in the previous Federal fiscal year.

Attachment C

Check if included in Plan	<i>Tribal Plan Checklist: Attachments & Appendices</i>
<input type="checkbox"/>	Section 1.8 - - Tribal Consortium List A tribal consortium list of participating members is provided. (This description can be provided at Tribal Plan section 1.8 or as an attachment).
<input type="checkbox"/>	Section 1.8 Tribal Consortium Demonstrations Tribal consortium member demonstrations are provided as an attachment.
<input type="checkbox"/>	Section 1.9 Child Count Declaration The child count declaration is provided in Appendix 3. NOTE: A tribal consortium provides child count declarations for all participating members.
<input type="checkbox"/>	Section 2.2.3 - - Tribal Consortium Coordination Description/Summary A tribal consortium's coordination description and summary of direct services is provided. (This description can be provided at Tribal Plan section 2.2.3 or as an attachment.)
<input type="checkbox"/>	Section 3.2 - - Payment Rates Payment rates for child care services are provided as an attachment.
<input type="checkbox"/>	Section 3.5.1 - - Sliding Fee Scale A copy of the sliding fee scale for child care services is provided as an attachment.
<input type="checkbox"/>	Section 3.5.2 - - Other Sliding Fee Scale (if applicable) If the sliding fee scale provided in Tribal Plan section 3.5.1 is not used in all parts of the tribal service area, the other scale used is provided as an attachment.
<input type="checkbox"/>	Section 3.6.1 - - Child Care Certificate A copy of the child care certificate is provided as an attachment.
<input type="checkbox"/>	Appendix 1 - - Assurances and Certifications
<input type="checkbox"/>	Appendix 2 - - Eligibility and Priority Terminology Additional terminology related to conditions of eligibility (Tribal Plan section 3.3.3) and/or priority (Tribal Plan section 3.4.2) is included, if applicable.
<input type="checkbox"/>	Cover Letter to Accompany Tribal Plan Submission Letter signed by head of Lead Agency or a higher-level official indicates the official transmission of the plan (recommended, but not required).



1

CHILD CARE AND DEVELOPMENT FUND

TRIBAL PLAN FOR

FOR THE PERIOD 10/1/09 -- 9/30/11

This Plan describes the program that the Lead Agency will operate on 10/1/09. As provided for in the applicable statutes and regulations, the Lead Agency has the flexibility to modify this program at any time, including changing the options selected or described herein.

The official text of the applicable laws and regulations govern, and the Lead Agency acknowledges its responsibility to adhere to them regardless of the fact that, for purposes of simplicity and clarity, the specific provisions printed herein are sometimes paraphrases of, or excerpts and incomplete quotations from, the full text.

An ACF document “*Guidance for Completing the Plan*” provides additional information and explanations to assist applicants in responding to items in the Tribal Plan Preprint. This document is on the Child Care Bureau’s website at:

http://www.acf.dhhs.gov/programs/ccb/law/tribal_topic_application.htm

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Public reporting burden for this collection of information is estimated to average 35 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.



PLAN FOR

CHILD CARE & DEVELOPMENT FUND SERVICES

10/1/09 - 9/30/11

PART 1 – ADMINISTRATION

The Lead Agency has been designated by the applicant Tribe or tribal consortium to represent the Tribe or tribal organization as the Lead Agency. The Lead Agency agrees to administer the program in accordance with applicable Federal laws, regulations and in accordance with the provisions of this Plan, including the assurances and certifications appended hereto. (658D, 658E)

Name of Lead Agency:
Address of Lead Agency:
Name and Title of the Lead Agency's Administrator:
Phone Number:
Fax Number:
E-Mail Address (if applicable):

- 1.1) The Tribal Lead Agency estimates the following amount of funds to be awarded in fiscal year 2010 (October 1, 2009 through September 30, 2011) based on the estimated FY 2010 CCDF allotment for the applicant. See Child Care Bureau Website for FY 2010 Estimates.

Federal Child Care & Development Fund \$_____.

NOTE: estimated allotments are provided for planning purposes and may increase or decrease when updated data becomes available before the final grant awards are issued.

- 1.2) The Tribal Lead Agency estimates that the following amount of CCDF funds awarded in FY 2010 will be used for construction or renovation purposes:

\$_____

Effective Date: October 1, 2009 - Amended Date:_____



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CHILD CARE & DEVELOPMENT FUND SERVICES

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This Application does not give approval to spend funds on construction or renovation. Funds for this purpose cannot be spent until a Tribe has applied for and received approval, through a separate application process, from the Administration for Children and Families). As a part of the separate construction/ renovation application process, a Tribe must show that adequate facilities are not otherwise available to carry out child care programs, and that the lack of facilities will inhibit future program operations. Furthermore, a Tribe cannot reduce the level of child care services, as compared to the preceding fiscal year, in order to spend funds on construction or renovation. Procedures regarding the separate construction/renovation application process are contained in CCDF-ACF-PI-2007-03 DATED May 9, 2007 and regulations at 45 CFR 98.2 and 98.84

- 1.3) The Lead Agency estimates that the following amount (or percentage) of the CCDF funds awarded in FY 2010 will be used to administer the program ((658E(c)(3)(C)) \$_____.
- 1.4) The Lead Agency estimates that the following amount (or percentage) of CCDF funds awarded in FY 2010 will be used on quality activities , as described in Section 5 of the plan (658G, 98.51, 98.83(f)) \$_____.
- 1.5) Will the Lead Agency directly administer and implement all programs funded under the Child Care and Development Fund? ((658D(b)(1)(A), 658E(c)(3)(C), 98.11, 98.16(c)(1))
- () Yes. Go to 1.8 and/or 1.9
- () No, the following entity(ies) is/are responsible to administer/implement all or a part of the:

- provision of child care services (including the payment to child care providers)
- activities to improve the quality of child care described in Part 5 of this Plan, if applicable



PLAN FOR

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1.6) Is any entity named in response to 1.5 a non-governmental entity (e.g., an entity outside of the tribal government)?

() No.

() Yes. The non-governmental entities are: (list each)

1.7) Describe:

- the operational aspects of administering and implementing the program through such entities (listed in 1.5 and 1.6), and
- how the Lead Agency will maintain overall control of the program.

NOTE: These descriptions should be 1-2 paragraphs, or less, and should provide sufficient detail to enable a reader to understand how this process works.

1.8) A tribal consortium must provide a list of its participating members and include demonstrations from these participating members ((98.80(c)(1), 98.81(b)(8)(i))

These demonstrations are provided as Attachment _____.

NOTE: For Alaska Native Regional Nonprofit Corporations, the list and demonstrations are for purposes of Discretionary Funds only).

1.9) The Tribal Lead Agency has determined the number of Indian children, under age 13, as defined in Appendix 2, #2 who reside on or near the reservation, or service area (defined in Appendix 2,#3) (98.81(a)(4), 98.81(b)(4))

Complete and attach the "Child Count Declaration" at Appendix 3.

NOTE: See "Guidance for Completing the Plan" regarding age of children to be counted and time frames for the child count.



PLAN FOR

CHILD CARE & DEVELOPMENT FUND SERVICES

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PART 2 -- DEVELOPING THE CHILD CARE PROGRAM

NOTE: With the exception of 2.2.3, responses under Part 2 should provide sufficient detail to enable a reader to understand the Tribal Lead Agency's coordination/consultation activities.

Section 2.1 - Consultation:

Describe when and with whom the Lead Agency consulted in developing this Plan. At a minimum, the description must state what representatives of the tribal community (or tribal communities in the case of a consortium) were consulted. (658D(b)(2), 98.12(b), 98.16(d))

Section 2.2 - Coordination of Services:

- 2.2.1) Describe how the Lead Agency is coordinating the delivery of CCDF-funded child care services with other tribal, Federal, State, and local child care, early childhood development programs, and before and after-school care services. (658D(b)(1)(D), 658O(c)(2)(A), 98.16(d), 98.82(b))
- 2.2.2) Describe the results of the Tribal 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 (98.14(a), 98.16(d))

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- 2.2.3) A tribal consortium must describe how it is coordinating services on behalf of its participating members, including a brief summary of the direct child care services funded by CCDF for each of its participating members (or "constituent" members in the case of Alaskan entities) (98.81(b)(8)(ii), 98.83(c)(1))

NOTE: The general description should be 1-2 paragraphs, or less. Provide one to two sentences (or more, if necessary) describing the services provided to each individual tribal consortium member.

This description may be provided in this space, or as Attachment _____.

Section 2.3 - Public Hearing Process:

Describe the public hearing process held to provide the Tribe (or member Tribes, in the case of a tribal consortium) an opportunity to comment on the provision of child care services under the Tribe's (or tribal consortium's) Plan. The description must include the date(s) and location(s) of the hearing(s), and how and when the public was notified of the hearing(s). (658D(b)(1)(C), 98.14(c), 98.16(e))

Section 2.4 - Public-Private Partnerships:

Describe any activities, including planned activities, to encourage public-private partnerships which promote private-sector involvement in meeting child care needs. (98.16(d))

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PLAN FOR

CHILD CARE & DEVELOPMENT FUND SERVICES

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PART 3 -- CHILD CARE SERVICES OFFERED

Section 3.1 - Description of Child Care Services:

REMINDER: Non-Exempt Tribes are required to operate certificate programs. Certificates must permit parents to choose from a variety of child care categories including center-based care, group home care, family child care and in-home care. (98.30(e))

3.1.1) Does the Lead Agency offer child care services through:

- A certificate program Yes No
- A voucher program (exempt Tribes only) Yes No
- A tribally-operated center Yes No
- Grants or contracts for child care slots Yes No

For those marked "yes," describe the types of child care services and the range of providers available (658A(b)(1), 658E(c)(3)(A)&(B), 658P(5)&(6), 98.16(g)(1), 98.30, 98.50)

3.1.2) **Answer this question only if your Tribe operates a certificate program. Non-exempt tribal Lead Agencies must answer this question.** The Lead Agency must allow for in-home care, but may limit its use.

Does the Lead Agency limit the use of in-home care in any way?

- No.
- Yes, and the limits and the reasons for those limits are:
(98.16(g)(2), 98.30(e)(1)(iv))



PLAN FOR

CHILD CARE & DEVELOPMENT FUND SERVICES

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- 3.1.3) Are all of the child care services described in #3.1.1 above available throughout the entire service area? (658E(a), 98.16(g)(3))
- () Yes
() No, and the following are the areas in which these services are not offered:

Section 3.2 - Payment Rates for the Provision of Child Care:

The Statute (at 658E(c)(4)) requires the Lead Agency to establish payment rates for child care services that ensure eligible children equal access to comparable care. The payment rates are provided as Attachment ____.

The following is a summary of the facts relied on by the Tribal Lead Agency to determine that the attached rates are sufficient to ensure equal access to comparable child care services provided to children whose parents are not eligible to receive child care assistance under the CCDF and other governmental programs. Include, at a minimum: (98.16(l), 98.43)

- The date of the local market rate survey(s):
- How the payment rates are adequate to ensure equal access based on the results of the required local market rate survey (i.e., the relationship between the attached payment rates and the market rates observed in the survey). Indicate if the Tribal Lead Agency based its rates on the State survey(s):
- **For Non-Exempt Tribes Only** – If the payment rates do not reflect individual rates for the full range of providers -- center-based, group home, family and in-home care -- explain how the choice of the full range of providers is made available to parents:
- Additional facts:

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Section 3.3 - Eligibility Criteria for Child Care:

By statute, all eligible children must be under the age of 13 and reside with a family whose income does not exceed 85% of the Grantee Median Income (GMI) for a family of the same size and whose parent(s) are working or attending a job training or educational program or who receive or need to receive protective services. (658E(c)(3)(B), 658P(4), 98.20, 98.80(f), 98.81(b)(1))

3.3.1) Tribal Lead Agencies must select one of the following two definitions of Grantee Median Income (GMI):

_____ Tribal Median Income (TMI) for a family of the same size residing in the area served by the tribal Lead Agency; or

_____ State Median Income (SMI) for a family of the same size.

3.3.2) Complete column (a) of the matrix below based on the definition of Grantee Median Income (GMI) selected above (TMI or SMI).

Complete column (b) ONLY IF the Lead Agency is using income eligibility limits lower than 85% of the GMI.

{PRIVATE } Family Size	(a) 85% of Grantee Median Income (GMI) (\$/month)	(b) Income Level, lower than 85% GMI, if used to limit eligibility (\$/month)
1		
2		
3		
4		
5		



PLAN FOR

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3.3.3) Has the Lead Agency established additional eligibility criteria, for example higher income limits in one part of the tribal service area? (658E(c)(3)(B), 98.16(g)(5), 98.20(b))

No

Yes, and the additional eligibility criteria that the Lead Agency has established are: (Terms must be defined in Appendix 2)

3.3.4) Has the Lead Agency elected to waive, on a case-by-case basis, the fee and income eligibility requirements for cases in which children receive or need to receive protective services, as defined in Appendix 2? (658P(4), 658E(c)(3)(B), 98.20(a)(3)(ii)(A))

No

Yes

Not Applicable

3.3.5) Does the Lead Agency allow child care for children age 13 and above who are physically and/or mentally incapable of self-care? (If so, physical and mental incapacity must then be defined in Appendix 2.) (658P(4), 658E(c)(3)(B), 98.20(a)(1)ii))

No

Yes, and the upper age is ____.

3.3.6) Does the Lead Agency allow child care for children age 13 and above who are under court supervision? (658P(4), 658E(c)(3)(B))

No

Yes, and the upper age is ____.

3.3.7) Does the Tribe choose to provide CCDF-funded child care to children in foster care whose foster care parent(s) are not working, or who are not in education/training activities? (98.20, 98.16(f)(7))

Yes. (**NOTE:** This means that for CCDF purposes the Tribe considers these children to be in protective services.)

No.

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3.3.8) Does the Tribe choose to provide respite child care to children in protective services? (98.16(f)(7))

Yes.

No.

Section 3.4 - Priority Rules for Children:

NOTE: Responses under Section 3.4 should provide sufficient detail to enable a reader to understand the Tribal Lead Agency's priority rules.

3.4.1) Describe how the Lead Agency will give priority for child care services to children with special needs (as defined in Appendix 2, # 9) (658E(c)(3)(B), 98.44)

3.4.2) Does the Lead Agency have additional priority rules or categories? (658E(c)(3)(B), 98.16(g)(5), 98.20(b))

No

Yes, and the following are the additional priority rules or categories.
(Terms must also be defined in Appendix 2)

3.4.3) Demonstrate the manner in which the Tribe will meet the specific child care needs of families who are receiving Temporary Assistance for Needy Families, families who are attempting through work activities to transition off of such assistance program, and families that are at risk of becoming dependent on such assistance program. (658E(c)(2)(H))

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Section 3.5 - Sliding Fee Scale for Child Care Services:

- 3.5.1) A sliding fee scale, which is used to determine each family's contribution to the cost of child care, must vary based on income and the size of the family (98.42(b))

A copy of the Lead Agency's sliding fee scale for child care services is provided as Attachment_____.

Will the Lead Agency use additional factors to determine each family's contribution to the cost of child care?
(658E(c)(3)(B), 98.16(I))

- No
 Yes, and the following describes those additional factors, including how they will be used to determine the family's contribution:

- 3.5.2) Is the same sliding fee scale provided in the attachment in response to question 3.5.1 above in use in all parts of the tribal service area?
(658E(c)(3)(B), 98.42)

- Yes
 No, and other scale(s) are provided as Attachment _____.

- 3.5.3) The Lead Agency may waive contributions from families whose incomes are at or below the poverty level for a family of the same size. (98.42(c)) The poverty level used by a Lead Agency for a family of 3 is \$_____.

The Lead Agency must elect ONE of these options:

- ALL families with income at or below the poverty level for a family of the same size ARE NOT required to pay a fee.
 ALL families, including those with incomes at or below the poverty level for families of the same size, ARE required to pay a fee.
 SOME families with income at or below the poverty level for a family of the same size ARE NOT required to pay a fee. A description of these families is:

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- 3.5.4) The following is an explanation of how the copayments required by the Tribal Lead Agency's sliding fee scale(s) are affordable:(98.43(b)(3))

Section 3.6 - Certificate Payment System:

NOTE: Responses under Section 3.6 should provide sufficient detail to enable a reader to understand how the Tribal Lead Agency's Certificate Payment System works.

Complete this section only if your Tribe operates a certificate program. Non-exempt tribal Lead Agencies must complete this section.

A child care certificate means a certificate, check or other disbursement, that is issued by the Lead Agency to a parent who may use it to pay for child care services from a variety of providers (including center-based, group home, family and in-home child care) or as a deposit for services. (658E(c)(2)(A)(iii)), 658P(2), 98.2, 98.30, 98.16(k))

Describe the overall child care certificate payment process, including, at a minimum:

- 3.6.1) A description of the form of the certificate (a copy of the certificate, if applicable, is included as Attachment _____);
- 3.6.2) A description of how the certificate program permits parents to choose from a variety of child care settings by explaining how a parent moves from receipt of the certificate to choice of care; and
- 3.6.3) If the Lead Agency is also providing child care services through grants and contracts, explain how it ensures that parents offered child care services are given the option of receiving a child care certificate.

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PART 4 - PROCESSES WITH PARENTS

NOTE: Responses under Part 4 should provide sufficient detail to enable a reader to understand how the Tribal Lead Agency interacts with CCDF-eligible families.

Section 4.1 – Family Application Process

- 4.1) Describe the process involved for a family to apply to receive child care services (658E(c)(2)(D), (658D(b)(1)(A), (658E(c)(3)(B), 98.16(h), 98.30))

The description must include:

- How parents are informed of the availability of child care services and of available child care options;
- Where and how applications are made; and
- Who makes the eligibility determination.

Section 4.2 – Record of Substantiated Parental Complaints

- 4.2) Provide a detailed description of how the Lead Agency maintains a record of substantiated parental complaints and how it makes the information regarding such parental complaints available to the public on request. (658E(c)(2)(C), 98.32, 98.16(m))

Section 4.3 – Description of Procedures for Unlimited Parental Access

- 4.3) Provide a detailed description of the procedures in effect in the tribal service area for affording parents unlimited access to their children whenever their children are in the care of a provider who receives CCDF funds. (658E(c)(2)(B), 98.31, 98.16(n))



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Section 4.4 – TANF Agency’s Criteria/Definitions Regarding Inability to Obtain Care

- 4.4) The regulations at section 98.33(b) require the Lead Agency to inform parents who receive TANF benefits about the exception to the individual penalties associated with the work requirement for any single custodial parent who has a demonstrated inability to obtain needed child care for a child under 6 years of age (98.16(p), 98.33(b))

In fulfilling this requirement, the following criteria or definitions are applied by the TANF agency -- which include both the Tribal TANF agency and the State TANF agency if both provide TANF to tribal members -- to determine whether the parent has a demonstrated inability to obtain needed child care.

NOTE: The TANF agency, not the CCDF Care Lead Agency, is responsible for establishing the following criteria or definitions. These criteria or definitions are offered in this Plan as a matter of public record.

The TANF agency/agencies responsible for these criteria or definitions is/are:

Tribal TANF Agency (if applicable)

State TANF Agency (if applicable)



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Tribal TANF Agency Definitions (if Tribal TANF agency serves tribal members)

- "appropriate child care":

- "reasonable distance":

- "unsuitability of informal child care":

- "affordable child care arrangements":

State TANF Agency Definitions (if State TANF agency serves tribal members)

- "appropriate child care":

- "reasonable distance":

- "unsuitability of informal child care":

- "affordable child care arrangements":

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**PART 5 - ACTIVITIES & SERVICES TO IMPROVE
THE QUALITY OF CHILD CARE**

5.1) Check either "Yes" or "No" for each listed activity indicating which of the following activities the Lead Agency will undertake to improve the availability and quality of child care. (658G, 658E(c)(3)(B), 98.16(h), 98.51, 98.83(f))

Yes No

- resource and referral programs;
- grants or loans to providers to assist in meeting standards;
- monitoring of compliance with licensing and regulatory requirements;
- training and technical assistance;
- compensation for child care providers;
- comprehensive consumer education;
- other quality activities consistent with the purposes and requirements of the CCDF, including: (list each activity)

5.2) Describe each activity that is checked "Yes" above.

NOTE: Responses under 5.2 should provide sufficient detail to enable a reader to understand how the activities are improving the availability and quality of child care.

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PART 6 - HEALTH AND SAFETY REQUIREMENTS FOR PROVIDERS

NOTE: Responses under Part 6 should provide sufficient detail to enable a reader to understand what Health and Safety requirements the Tribal Lead Agency has in place under each applicable subsection (i.e., 6.1, 6.2, 6.3 and 6.4).

Section 6.1 - Health and Safety Requirements for Center-Based Providers

(658E(c)(2)(F), 98.16(j), 98.41)

6.1) For all Center-Based Child Care Providers, the following health and safety requirements apply to child care services provided under the CCDF (98.16(j), 98.41):

- Prevention and control of infectious disease (including immunizations)

- Building and physical premises safety

- Health and safety training

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Section 6.2 - Health and Safety Requirements for Group Home Providers

(658E(c)(2)(F), 98.16(j), 98.41)

6.2) For all Group Home Child Care Providers, the following health and safety requirements apply to child care services provided under the CCDF:

- Prevention and control of infectious disease (including immunizations)

- Building and physical premises safety

- Health and safety training

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Section 6.5 - Exemptions to Health and Safety Requirements

At Grantee option, the following relatives; grandparents, great grandparents, aunts, uncles, or siblings who live in a separate residence from the child in care, may be exempted from health and safety requirements (658P(5)(B), 98.41(g)). Indicate the Lead Agency policy regarding these relative providers:

- () All relative providers are subject to the same requirements as described in sections 6.1 - 6.4 above, as appropriate; there are no exemptions for relatives or different requirements for them.
- () All relative providers are exempt from all health and safety requirements.
- () Some or all relative providers are subject to different health and safety requirements from those described in sections 6.1 - 6.4 and the following describes those different requirements and which relatives they apply to):

Section 6.6 - Enforcement of Health and Safety Requirements

The following is a description of how health and safety standards are effectively enforced by the Lead Agency: (658E(c)(2)(E), 98.41(d))

NOTE: Responses under Section 6.6 should provide sufficient detail to enable a reader to understand how the Tribal Lead Agency is effectively enforcing the Health and Safety requirements described under Section 6.

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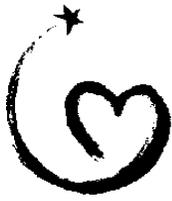
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APPENDIX 1 -- ASSURANCES AND CERTIFICATIONS

The Tribal Lead Agency, named in Part 1 of this Plan, assures that:

- 1) Upon approval, it will have in effect a program that complies with the provisions of the Plan printed herein, and is administered in accordance with the Child Care and Development Block Grant Act of 1990 as amended, Section 418 of the Social Security Act, and all other applicable Federal laws and regulations. (658D(b), 658E(a), 98.15(a)(1))
- (2) The parent(s) of each eligible child within the Tribe or tribal service area who receives or is offered child care services for which financial assistance is provided is given the option either to enroll such child with a child care provider that has a grant or contract for the provision of the service or to receive a child care certificate. (658E(c)(2)(A)(i), 98.2, 98.30, 98.15(a)(2)) **[Exempt Tribal Lead Agencies are not required to operate certificate programs.]**
- (3) In cases in which the parent(s) elect(s) to enroll the child with a provider that has a grant or contract with the Tribal Lead Agency, the child will be enrolled with the eligible provider selected by the parent to the maximum extent practicable. (658E(c)(2)(A)(ii), 98.15(a)(3), 98.30)
- (4) The child care certificate offered to parents shall be of a value commensurate with the subsidy value of child care services provided under a grant or contract. (658E(c)(2)(A)(iii), 98.15(a)(4), 98.30) **[Exempt Tribal Lead Agencies are not required to operate certificate programs.]**
- (5) The Tribe, or tribal consortium, 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. (98.12, 98.14(a)&(b), 98.81(b)(3)(i), 98.82)
- (6) Tribal Child Care and Development Fund (CCDF) programs and activities will be carried out for the benefit of Indian children on an Indian reservation (except for Programs located in Alaska, California, or Oklahoma). (98.81(b)(3)(ii), 98.83(b))
- (7) With respect to State and local regulatory requirements (or tribal regulatory requirements), health and safety requirements, payment rates, and registration requirements, State or local (or tribal) rules, procedures or other requirements promulgated for the purpose of the CCDF will not significantly restrict parental choice from among categories of care or types of providers (658E(c)(2)(A), 98.15(a)(5), 98.15(p), 98.30(e)&(f), 98.40(b)(2), 98.41(b), 98.43(d), 98.45(d)).

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The Tribal Lead Agency also certifies that:

- (1) It has procedures in place to ensure that providers of child care services for which assistance is provided under the Child Care and Development Fund (CCDF) afford parents unlimited access to their children and to the providers caring for their children during the normal hours of operations and whenever such children are in the care of such providers. (658E(c)(2)(B), 98.15(b)(1), 98.31)
- (2) It maintains a record of substantiated parental complaints and makes information regarding such complaints available to the public on request. (658E(c)(2)(C), 98.15(b)(2), 98.32)
- (3) It will collect and disseminate to parents of eligible children and the general public, consumer education information that will promote informed child care choices. (658E(c)(2)(D), 98.15(b)(3), 98.33)
- (4) There are in effect licensing requirements applicable to child care services provided within the area served by the Tribal Lead Agency pursuant to §98.40. (98.15(b)(4), 98.40)
- (5) There are in effect, under tribal, local or State law, requirements designed to protect the health and safety of children; these requirements are applicable to child care providers that provide services for which assistance is made available under the CCDF. (658E(c)(2)(F), 98.15(b)(5), 98.41)
- (6) Procedures are in effect to ensure that child care providers that provide services for which assistance is provided under the CCDF comply with all applicable health and safety requirements. (658E(c)(2)(G), 98.15(b)(6), 98.41)
- (7) Payment rates under the CCDF for the provision of child care services will be sufficient to ensure equal access for eligible children to comparable child care services in the Tribe or tribal service area that are provided to children whose parents are not eligible to receive assistance under this program or under any other Federal or State child care assistance programs. (658E(c)(4)(A), 98.15(b)(7), 98.43)
- (8) By the end of each three year funding period (expenditure period for each Federal fiscal year's grant funding), the Tribe must have expenditures that are equal to grant funds received for that fiscal year. (98.67(c))

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APPENDIX 2 - ELIGIBILITY AND PRIORITY TERMINOLOGY:

For purposes of determining eligibility and priority for CCDF-funded child care services, Tribal Lead Agencies must define the following terms. (658E(a), 98.16(f), 98.81(b)(2))

- (1) attending (a job training or educational program)-
- (2) Indian child -
- (3) Indian reservation or service area -
- (4) in loco parentis -
- (5) job training and educational program -
- (6) physical or mental incapacity (if the Lead Agency provides such services to children age 13 and older).
- (7) protective services -
- (8) residing with -
- (9) special needs child -

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(10) working -

(11) Additional terminology related to conditions of eligibility or priority established by the Tribal Lead Agency:

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APPENDIX 3 – CHILD COUNT DECLARATION

Name of Tribal Lead Agency

This certifies that the number of Indian children under age 13 (as defined in Appendix 2, #2) who reside on or near the reservation or service area (as defined in Appendix 2, #3) is: _____.
number

This count shows the number of Indian children under age 13 as of _____.
date

Signature of Individual Authorized to
Act for the Tribe

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APPENDIX 4 – LIST OF CERTIFICATIONS

New tribal CCDF applicants must complete and submit the following certifications as Appendix 4 of their tribal plan preprint:

- Assurance of compliance with Title VI of the Civil Rights Act of 1964;
- Certification regarding debarment (includes definitions for use with the certification of debarment);
- HHS certification regarding drug-free workplace requirements; and
- Certification of compliance with the Pro-Child Act of 1994.

New applicants should contact their ACF Regional Office to obtain copies of the required certifications.

Current Tribal Lead Agencies were previously required to submit these certifications with their 2-year plan preprint. Therefore, the certifications do not need to be submitted again. Tribes are reminded that even if they have changed their Lead Agency, the certifications apply to the successor agency.

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