

<h1>ACF</h1> <p>Administration for Children and Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES	
	1. Log No: CCDF-ACF-PI-2009-01	2. Issuance Date: January 5, 2009
	3. Originating Office: Child Care Bureau, Office of Family Assistance	
	4. Key Words: Child Care and Development Fund (CCDF); Approval of Amendments to a Lead Agency's Approved Plan.	

PROGRAM INSTRUCTION

To: Lead Agencies administering child care programs under the Child Care and Development Block Grant (CCDBG) Act of 1990, as amended and other interested parties.

References: Section 658E of the Child Care and Development Block Grant (CCDBG) Act of 1990, as amended; 45 CFR 98.18(b).

Subject: This Program Instruction provides clarification regarding approval of amendments to Lead Agencies' biennial CCDF plans.

Background: 45 CFR 98.18(b) requires Lead Agencies to request approval from the Department of Health and Human Services, Administration for Children and Families (ACF) whenever a "substantial" change in the Lead Agency's approved CCDF plan occurs. The plan amendment must be submitted to ACF within 60 days of the effective date of the change. Under the regulation, the plan amendment must be approved no later than the 90th day following the date on which the amendment is received by ACF unless the Lead Agency and ACF mutually agree in writing to extend the period.

Policy: This Program Instruction reminds Lead Agencies that they must submit plan amendments within 60 days of a substantial change in the Lead Agency's program.

ACF encourages Lead Agencies to formally submit any plan amendment prior to implementation in order to avoid the possibility of implementing a policy that fails to meet Federal requirements (in which case the amendment cannot be approved). If prior submittal is not possible, the Lead Agency must submit the plan amendment within 60 days of implementation. In no case will ACF approve an effective date that is more than 60 days prior to the submission of a plan amendment.

For example, if a Lead Agency makes a substantial change to its program on March 1 in a given year, it must submit a plan amendment to ACF no later than April 30 of that year. If the Lead Agency misses this deadline and

submits an amendment on May 30, ACF will approve an effective date of April 1 (rather than the requested March 1) if ACF determines that the amendment can be approved.

Determining whether a given change is “substantial” (and therefore requires a plan amendment) requires examination of the specific circumstances as well as the content of the existing approved plan. However, substantial changes in a Lead Agency’s plan generally include instances where the grantee:

- Adds a significant additional program activity.
- Eliminates a significant program activity.
- Changes its basic plan for the use of funds, including payment rates, eligibility thresholds, family co-payments or quality initiatives.
- Changes the Lead Agency responsible for administering the program.

In all cases, ACF encourages Lead Agencies to contact the Child Care program staff in the appropriate ACF Regional Office to discuss any proposed amendment as early as possible. Lead Agencies are also reminded that CCDF expenditures are subject to audits and fiscal review. In accordance with 45 CFR 98.66, expenditures that are not made in accordance with the CCDBG statute, the implementing regulations, or the approved plan are subject to disallowance.

Effective Date: This Program Instruction is effective 30 days from the date of issuance.

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

/s/

Sidonie Squier
Director
Office of Family Assistance