

Dear Colleague:

Enclosed are two Program Instructions that contain application procedures for fiscal year (FY) 2002 Child Care and Development Fund (CCDF) monies. The materials required for FY 2002 CCDF funding must be received by the Administration for Children and Families (ACF) no later than July 1, 2001.

ACYF-PI-CC-01-05 contains the procedures that apply to most Tribes, whether they are current grantees or new applicants. Tribes are required to submit a complete plan pre-print for the FY 2002-2003 biennium.

- ACYF-PI-CC-01-06 contains the procedures for Tribes that choose to consolidate the CCDF program with other employment and training funding sources under an approved P.L. 102-477 plan.

Please note that all Tribal Lead Agencies must submit a self-certified child count to apply for FY 2002 funds.

Construction and Renovation

Tribal Lead Agencies must first request and receive approval from ACF through a separate application process before using CCDF funds for construction or major renovation (see Program Instruction ACYF-PI-CC-01-01, dated February 5, 2001). We would like to remind you of upcoming deadlines related to the construction and renovation procedures:

- If you plan to submit an application to use FY 2001 CCDF funds for construction or renovation, your ACF Regional Office must receive your construction/renovation application prior to July 1, 2001.
- Tribal Lead Agencies with FY 1999 funds in a separate grant award for construction or renovation must liquidate these funds by September 30, 2001.

Sincerely,

James A. Harrell
Acting Commissioner
Administration on Children, Youth and Families

Enclosures

<h1 style="font-size: 48px; margin: 0;">ACF</h1> <p style="font-size: 24px; margin: 0;">Administration For Children And Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families	
	1. Log No: ACYF-PI-CC-01-05	2. Issuance Date: April 24, 2001
	3. Originating Office: Child Care Bureau	
	4. Key Words: Child Care and Development Fund (CCDF) Fiscal Year 2002 Funding; Indian Tribes and Tribal Consortia	
	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 FY 2002 – 2003 biennium and provides guidance for completing and submitting it. This Plan is required by Section 658E of the CCDBG Act.
- References:** Section 418 of the Social Security Act; the Child Care and Development Block Grant Act of 1990 (CCDBG) as amended. 45 CFR Parts 98 and 99.
- Background:** Tribes are required to submit a complete tribal Plan preprint for the FY 2002 -2003 biennium (October 1, 2001 - September 30, 2003). This revised Plan preprint will be effective for a two-year period beginning October 1, 2001.
- The attached tribal Plan preprint format is the same as the one used for the FY 2000 - 2001 biennium. However, we have provided additional guidance and clarification in this year's instructions. Therefore, we strongly recommend that you review the attached "Guidance for Completing the Plan" as you develop your tribal Plan for the FY 2002 – 2003 Plan period. Tribal Lead Agencies should also be guided by the amended Act and the CCDF regulations. Each 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, or such similar age, as determined by the Secretary from the best available data.

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 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
- Adequately 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 specified Alaska Native entities may receive Tribal Mandatory Funds. The Metlakatla Indian Community of the Annette Islands Reserve and the following Alaska Native regional nonprofit corporations are eligible to receive Tribal Mandatory Funds:

- Arctic Slope Native Association;
- Kawerak, Inc.;
- Maniilaq Association;
- Association of Village Council Presidents;
- Tanana Chiefs Conference;
- Cook Inlet Tribal Council;
- Bristol Bay Native Association;
- Aleutian and Pribilof Islands Association;
- Chugachmuit;
- Tlingit and Haida Central Council;
- Kodiak Area Native Association; and
- Copper River Native Association.

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

Tribal Lead Agencies with CCDF allocations equal to or greater than \$500,000 for a fiscal year are considered non-exempt grantees; therefore: 1) no less than 4 percent of the aggregate CCDF funds expended for a fiscal year must be used for quality activities; and 2) the Tribal Lead Agency must 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 up to one year to meet the CCDF non-exempt requirements.

Child Counts

In prior years, ACF had an established procedure to determine the child count for those Tribal Lead Agencies that elected not to include a child count with their Plan preprint or annual CCDF funding application. However, beginning this year, **all Tribal Lead Agencies must 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 1. This new policy (which was originally announced a year ago in ACYF-PI-CC-00-02) is designed to ensure that funds are equitably distributed based on the most recent data.

Funding Estimates And Allocation Formulas:

The CCDF is comprised of two funding sources:

Discretionary Funds – funding that is provided under the Child Care and Development Block Grant Act, as amended; and

Tribal Mandatory Funds – funding that is provided to eligible Tribes and tribal organizations under Section 418 of the Social Security Act.

ACF estimates that \$98,339,748 in FY 2002 CCDF funds will be available for tribal grantees (\$43,999,748 in Discretionary Funds and \$54,340,000 in Tribal Mandatory Funds).

Grants from Discretionary Funds will include a base amount of \$20,000 plus a per child amount (approximately \$56 per child in FY 2001) 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 \$97 per child in FY 2001) and do not include a base amount.

Since the per-child amount for both Discretionary and Tribal Mandatory Funds depends upon the total number of children in all participating Tribes, ACF cannot calculate in advance the exact per-child amount. However, Tribes and tribal organizations may use the FY 2002 Tribal Estimates Chart (See Attachment B) as a guide. A new applicant should use the base amount plus approximately \$56 per child to estimate its allotment for Discretionary funding, and should use approximately \$97 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 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: These amounts shown in Attachment B are provided for the purpose of estimating the allotments that will become available for FY 2002 and may increase or decrease when updated child count data become available before the final grant awards are issued. In addition, the estimates reflect the President's FY 2002 budget request, which is subject to Congressional action. If Congress enacts and the President approves a different appropriation amount, the allocations will be adjusted accordingly.

Discretionary Earmark

The Administration's FY 2002 budget request includes an earmark for school age care and resource and referral and school-age care activities. The FY 2002 Tribal Estimates Chart (Attachment B) shows the estimated earmark requirement for FY 2002. The column labeled Discretionary Earmark shows the estimated amount that must be spent on resource and referral activities and school-age care. The column labeled Discretionary After Earmark is the amount of Discretionary Funds remaining after the earmark that can be spent on any allowable CCDF activities (assuming quality expenditure, administrative cost, and other Federal requirements are met). The earmark for resource and referral activities and school-age care is based on a \$500 amount per Tribe plus a per child amount. Amounts in the FY 2002 Tribal Estimates Chart (Attachment B) are estimates that may increase or decrease when final grant awards are issued

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.

Construction and Renovation

In order to use CCDF funds for construction or major renovation projects, all Tribes receiving CCDF funds are required to follow ACF's construction and renovation application procedures (Program Instruction ACYF-PI-CC-01-01, dated February 5, 2001). Early in the planning process, Tribes are advised to contact their appropriate ACF Regional Office (Attachment A). If a Tribe constructs or renovates more than one facility, it must seek ACF approval for each project (even if the projects use identical plans and specifications).

Obligation and Liquidation Periods

For FY 2002 Tribal Mandatory and Discretionary CCDF Funds (other than funds approved for construction/renovation), Tribal Lead Agencies must obligate all funds by September 30, 2003 and liquidate all funds by September 30, 2004. FY 2002 CCDF funds approved for construction/renovation must be liquidated by September 30, 2004--with no separate obligation deadline.

Deadlines and Effective Dates:

The Plan must be submitted for ACF review by July 1, 2001. When approved by the ACF Regional Office, the Plans are effective on October 1, 2001.

Amending the Plan:

After the Plan is approved by ACF, substantive changes to the CCDF program must be reflected by amending the Plan per 45 CFR 98.18(b). Tribal Lead Agencies should enter information about the amendment on the Amendment Log at the beginning of the Plan.

Electronic Format:

The Plan is available in word processing format from the ACF Regional Offices. If you would like a copy of the Plan in an electronic format, or to submit the Plan electronically, contact your ACF Regional Office. If submitting a Plan electronically, a Tribal Lead Agency should: (1) "write protect" the Plan, and (2) submit a letter signed by the program administrator to the appropriate Regional Office confirming that on a specific date the Plan is submitted for review and approval.

Submitting the Plan:

Submit copies of the Plan as follows:

One (1) copy to:
ACF Regional Administrator
(see Attachment A)

One (1) copy to:
Administration on Children,
Youth and Families
Child Care Bureau
Room 2046
330 C Street, S.W.
Washington, D.C. 20447

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 a number of Federal programs to integrate their federally funded employment, training, and related services programs into a single, coordinated comprehensive program. The CCDF is one of the programs that may be consolidated under P.L. 102-477.

The instructions contained in this Program Instruction and the Plan preprint process do not apply to those Tribes and tribal organizations that apply to have CCDF funds consolidated under P.L. 102-477. A separate Program Instruction (ACYF-PI-CC-01-06) containing 102-477 application and plan requirements will be issued simultaneously and mailed with this Program Instruction.

Inquiries:

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

James A. Harrell
Acting Commissioner
Administration on Children, Youth and Families

Attachments:

- Attachment A - ACF Regional Administrators List
- Attachment B - FY 2002 Tribal Estimates Chart
- Attachment C - Guidance for Completing the Plan

ESTIMATED FY 2002 CCDF TRIBAL SUMMARY

TRIBE	ESTIMATED MANDATORY ALLOCATION	ESTIMATED FY 2002 DISC. BASE	ESTIMATED FY 2002 DISC. PER CHILD	ESTIMATED DISCRETIONARY ALLOCATION	ESTIMATED DISCRETIONARY EARMARK	ESTIMATED DISCRETIONARY AFTER EARMARK	ESTIMATED TOTAL FY 2002 CCDF FUNDING*
ALABAMA							
Poarch Band of Creeks	17,368	20,000	10,799	30,799	581	30,218	48,167
ALASKA							
Agdaagux Tribal Council	-	20,000	12,077	32,077	591	31,486	32,077
Akaichak Native Community	-	20,000	13,674	33,674	603	33,071	33,674
Akiak Native Community	-	20,000	7,540	27,540	557	26,983	27,540
Aleutian/Pribilof Island Association, Inc.	38,025	98,400	23,643	122,043	677	121,366	160,068
Arctic Slope Native Association	155,490	140,000	79,171	219,171	1,094	218,077	374,661
Association of Village Council President, Inc.	804,787	778,400	335,405	1,113,805	3,015	1,110,790	1,918,592
Bristol Bay Native Association	179,949	369,200	111,887	481,087	1,339	479,748	661,036
Chugachmiut	41,313	91,200	25,687	116,887	693	116,194	158,200
Cook Inlet Tribal Council, Inc.	732,643	96,400	431,956	528,356	3,739	524,617	1,260,999
Copper River Native Association	27,850	61,200	13,802	75,002	603	74,399	102,852
Hoonah Indian Assoc.	-	20,000	5,495	25,495	541	24,954	25,495
Kawerak, Inc.	241,713	361,600	150,290	511,890	1,627	510,263	753,603

Kenaitze Indian Tribe IRA	-	28,000	16,550	44,550	624	43,926	44,550
Kivalina IRA Council	-	20,000	9,457	29,457	571	28,886	29,457
Knik Tribal Council	-	20,000	59,362	79,362	945	78,417	79,362
Kodiak Area Native Association	146,960	118,800	91,375	210,175	1,185	208,990	357,135
Kugpagmiut, Inc	-	40,000	24,665	64,665	685	63,980	64,665
Maniilaq Manpower, Inc	229,998	199,600	133,549	333,149	1,501	331,648	563,147
Metlakatla Indian Community	56,523	20,000	35,144	55,144	764	54,380	111,667
Mt. Sanford Tribal Consortium	-	22,000	3,514	25,514	526	24,988	25,514
Native Village of Point Hope	-	20,000	17,508	37,508	631	36,877	37,508
Ninilchik Traditional Council	-	20,000	12,141	32,141	591	31,550	32,141
Orutsararmuit Native Council	-	20,000	141,600	161,600	1,562	160,038	161,600
Sitka Tribe of Alaska	-	20,000	43,260	63,260	824	62,436	63,260
Tanana Chiefs Conference, Inc.	528,337	483,600	328,504	812,104	2,963	809,141	1,340,441
Central Council Tlingit & Haida Tribes of Alaska	474,589	264,800	259,749	524,549	2,448	522,101	999,138
Yakutat Tlingit Tribe	-	20,000	6,901	26,901	552	26,349	26,901
Organized Village of Kwethluk	-	20,000	19,425	39,425	646	38,779	39,425
ARIZONA		-	-	-			
Cocopah Indian Tribe	20,657	20,000	12,844	32,844	596	32,248	53,501

Fort McDowell Mohave-Apache	5,241	20,000	3,259	23,259	524	22,735	28,500
Gila River Indian Community	588,046	20,000	365,629	385,629	3,242	382,387	973,675
Hopi Tribe	227,840	20,000	141,664	161,664	1,562	160,102	389,504
Hualapai Tribal Council	143,672	20,000	89,331	109,331	1,170	108,161	253,003
Havasupai Tribal Council	16,340	20,000	10,160	30,160	576	29,584	46,500
Navajo Nation	13,121,480	20,000	8,158,543	8,178,543	61,679	8,116,864	21,300,023
Pascua Yaqui	333,898	20,000	207,607	227,607	2,057	225,550	561,505
Quechan Indian Tribe	154,873	20,000	96,296	116,296	1,222	115,074	271,169
Salt River Pima-Maricopa	200,606	20,000	124,731	144,731	1,435	143,296	345,337
San Carlos Apache Tribe	294,948	20,000	183,390	203,390	1,875	201,515	498,338
Tohono O'Odham	629,565	20,000	391,444	411,444	3,435	408,009	1,041,009
White Mountain Apache Tribe	526,282	20,000	327,226	347,226	2,954	344,272	873,508
Yavapai-Apache Tribe (Camp Verde)	54,468	20,000	33,866	53,866	754	53,112	108,334
CALIFORNIA		-	-				
Bear River Band of Rohnerville (Rohnerville Rancheria)	15,210	20,000	9,457	29,457	571	28,886	44,667
Bishop Paiute Tribe	41,108	20,000	25,560	45,560	692	44,868	86,668
California Indian Manpower, Inc	119,623	243,600	74,378	317,978	1,058	316,920	437,601
California Rural Indian Health Board	58,990	80,000	36,678	116,678	775	115,903	175,668

Campo Consortia	31,345	74,800	19,489	94,289	646	93,643	125,634
Mechoopda Indian Tribe of Chico Rancheria	25,281	20,000	15,719	35,719	618	35,101	61,000
Chukchansi Tribe of Picayane	35,764	20,000	22,237	42,237	667	41,570	78,001
Cloverdale Rancheria	13,463	20,000	8,371	28,371	563	27,808	41,834
Cortina Indian Rancheria	6,680	20,000	4,153	24,153	531	23,622	30,833
Dry Creek Rancheria	18,498	20,000	11,502	31,502	586	30,916	50,000
Enterprise Rancheria	16,957	20,000	10,543	30,543	579	29,964	47,500
Fort Mojave Tribe	31,345	20,000	19,489	39,489	646	38,843	70,834
Hoopa Tribe (Hoopa Valley)	111,402	20,000	69,266	89,266	1,019	88,247	200,668
Hopland Band of Pomo Indians	12,435	20,000	7,732	27,732	558	27,174	40,167
Inter Tribal Council of California	232,567	353,200	144,603	497,803	1,584	496,219	730,370
Karuk	94,137	20,000	58,531	78,531	939	77,592	172,668
La Jolla	19,834	20,000	12,332	32,332	592	31,740	52,166
Lytton Rancheria	9,352	20,000	5,815	25,815	544	25,271	35,167
Mooretown Rancheria	28,262	20,000	17,572	37,572	632	36,940	65,834
North Fork Rancheria	21,993	20,000	13,674	33,674	603	33,071	55,667
Pala Band of Mission Indians	21,068	20,000	13,099	33,099	598	32,501	54,167
Pauma Band of Mission Indians	6,372	20,000	3,962	23,962	530	23,432	30,334

Pinoleville Indian Community	11,305	20,000	7,029	27,029	553	26,476	38,334
Pit River Tribe	56,112	20,000	34,889	54,889	762	54,127	111,001
Pechanga Indian Reservation	19,423	20,000	12,077	32,077	591	31,486	51,500
Potter Valley Little Lake	5,138	20,000	3,195	23,195	524	22,671	28,333
Quartz Valley Indian Commun.	8,016	20,000	4,984	24,984	537	24,447	33,000
Redding Rancheria	221,160	20,000	137,510	157,510	1,531	155,979	378,670
Rincon San Luiseno Band	8,735	20,000	5,431	25,431	541	24,890	34,166
Round Valley Indian Tribe	117,568	20,000	73,100	93,100	1,048	92,052	210,668
Scotts Valley Band of Pomo	5,961	20,000	3,706	23,706	528	23,178	29,667
Shingle Springs Rancheria	7,708	20,000	4,792	24,792	536	24,256	32,500
Soboba Band of Mission Indians	31,756	20,000	19,745	39,745	648	39,097	71,501
Southern California Tribal Chairmen's Association	13,668	41,600	8,499	50,099	564	49,535	63,767
Susanville Rancheria/Lassen	15,415	20,000	9,585	29,585	572	29,013	45,000
Table Bluff Rancheria	8,530	20,000	5,304	25,304	540	24,764	33,834
Torres Martinez Desert Cahuilla	12,435	20,000	7,732	27,732	558	27,174	40,167
Tyme Maidu Berry Creek Rancheria	16,032	20,000	9,968	29,968	575	29,393	46,000
Yurok Tribe	113,663	20,000	70,672	90,672	1,030	89,642	204,335
COLORADO		-	-	-			

Southern Ute	71,219	20,000	44,282	64,282	832	63,450	135,501
Ute Mountain Ute Tribe	56,318	20,000	35,017	55,017	763	54,254	111,335
FLORIDA		-	-	-			
Miccosukee Corporation	28,159	20,000	17,508	37,508	631	36,877	65,667
IDAHO		-	-	-			
Coeur d'Alene Tribes	103,078	20,000	64,091	84,091	981	83,110	187,169
Nez Perce Tribe	83,449	20,000	51,886	71,886	889	70,997	155,335
Northwestern Band of Shoshoni Nation	16,238	20,000	10,096	30,096	576	29,520	46,334
Shoshone-Bannock Tribes	245,413	20,000	152,590	172,590	1,644	170,946	418,003
KANSAS		-	-	-			
Kickapoo	26,720	20,000	16,614	36,614	625	35,989	63,334
Prairie Band of Potawatomi	43,060	20,000	26,774	46,774	701	46,073	89,834
LOUISIANA		-	-	-			
Chitimacha Tribe	30,522	20,000	18,978	38,978	642	38,336	69,500
Coushatta Tribe	17,882	20,000	11,118	31,118	583	30,535	49,000
Tunica Biloxi	8,016	20,000	4,984	24,984	537	24,447	33,000
MAINE		-	-	-			
Aroostook Band of Micmac Indians	27,234	20,000	16,933	36,933	627	36,306	64,167

Houlton Band of Maliseet Indians	15,518	20,000	9,649	29,649	572	29,077	45,167
Indian Township Passamaquoddy	20,554	20,000	12,780	32,780	596	32,184	53,334
Penobscot Nation	40,080	20,000	24,921	44,921	687	44,234	85,001
Pleasant Point Passamaquoddy	39,669	20,000	24,665	44,665	685	43,980	84,334
MASSACHUSETTS		-	-	-			
Wampanoag of Gay Head	8,016	20,000	4,984	24,984	537	24,447	33,000
MICHIGAN		-	-	-			
Bay Mills Indian Community	31,756	20,000	19,745	39,745	648	39,097	71,501
Grand Traverse Band of Ottawa/Chippewa	43,471	20,000	27,029	47,029	703	46,326	90,500
Hannaville Indian Community (Potawatomi)	28,673	20,000	17,828	37,828	634	37,194	66,501
Keweenaw Bay Indian Community	13,052	20,000	8,115	28,115	561	27,554	41,167
Lac Viex Desert	12,846	20,000	7,987	27,987	560	27,427	40,833
Little Traverse Bay Bands of Odawa Indians	17,162	20,000	10,671	30,671	580	30,091	47,833
Saginaw Chippewa Indian Tribe	62,484	20,000	38,850	58,850	791	58,059	121,334
Sault St. Marie Tribe of Chippewas	312,933	20,000	194,572	214,572	1,959	212,613	527,505
MINNESOTA		-	-	-			
Bois Forte Reservation (Nett Lake)	64,231	20,000	39,937	59,937	799	59,138	124,168
Fond Du Lac	249,113	20,000	154,891	174,891	1,661	173,230	424,004

Grand Portage	11,613	20,000	7,221	27,221	554	26,667	38,834
Leech Lake	405,631	20,000	252,209	272,209	2,391	269,818	677,840
Mille Lacs Band of Chippewa	77,899	20,000	48,435	68,435	863	67,572	146,334
Red Lake	339,036	20,000	210,802	230,802	2,081	228,721	569,838
Shakopee Mdewakanton Sioux Community	22,095	20,000	13,738	33,738	603	33,135	55,833
Upper Sioux	10,277	20,000	6,390	26,390	548	25,842	36,667
White Earth	349,930	20,000	217,576	237,576	2,132	235,444	587,506
Lower Sioux Indian Tribe of Minnesota	20,657	20,000	12,844	32,844	596	32,248	53,501
Prairie Island Indian Community of Minn.	25,898	20,000	16,103	36,103	621	35,482	62,001
MISSISSIPPI	-	-	-	-	-	-	-
Mississippi Band of Choctow	265,453	20,000	165,051	185,051	1,738	183,313	450,504
MONTANA	-	-	-	-	-	-	-
Blackfeet Nation	279,738	20,000	173,933	193,933	1,804	192,129	473,671
Chippewa-Cree Tribe (Rocky Boys)	118,801	20,000	73,867	93,867	1,054	92,813	212,668
Confederated Tribe of Salish & Kootenai	452,904	20,000	281,602	301,602	2,612	298,990	754,506
Crow Tribe	359,179	20,000	223,326	243,326	2,175	241,151	602,505
Fort Belknap Community Council	278,710	20,000	173,294	193,294	1,799	191,495	472,004
Fort Peck Assiniboine & Sioux	310,569	20,000	193,102	213,102	1,948	211,154	523,671

Northern Cheyenne Tribe	198,756	20,000	123,580	143,580	1,427	142,153	342,336
NEBRASKA		-	-	-			
Omaha	83,551	20,000	51,950	71,950	890	71,060	155,501
Ponca Tribe of Nebraska	25,692	20,000	15,975	35,975	620	35,355	61,667
Santee Sioux	30,831	20,000	19,170	39,170	644	38,526	70,001
Winnebago	99,583	20,000	61,918	81,918	964	80,954	181,501
NEVADA		-	-	-			
Ely Shoshone Duck Water Tribe	13,360	34,000	8,307	42,307	562	41,745	55,667
Fallon Paiute-Shoshone Tribe	44,088	20,000	27,413	47,413	706	46,707	91,501
Fort McDermitt	26,617	20,000	16,550	36,550	624	35,926	63,167
Inter Tribal Council of Nevada	202,661	193,600	126,008	319,608	1,445	318,163	522,269
Las Vegas Paiute	168,131	20,000	104,538	124,538	1,284	123,254	292,669
Pyramid Lake Paiute Tribal Council	46,452	20,000	28,882	48,882	717	48,165	95,334
Reno-Sparks Indian Colony	31,961	20,000	19,873	39,873	649	39,224	71,834
Shoshone-Paiute Tribe of Duck Valley	59,709	20,000	37,125	57,125	778	56,347	116,834
Walker River Paiute Tribe	28,775	20,000	17,892	37,892	634	37,258	66,667
Lovelock Paiute Tribe	7,502	20,000	4,665	24,665	535	24,130	32,167
NEW MEXICO		-	-	-			

Eight Northern Indian Pueblos	155,387	140,000	96,615	236,615	1,224	235,391	392,002
Mescalero Apache	119,623	20,000	74,378	94,378	1,058	93,320	214,001
Pueblo of Acoma	97,220	20,000	60,448	80,448	953	79,495	177,668
Pueblo of Cochiti	33,092	20,000	20,575	40,575	654	39,921	73,667
Pueblo of Isleta	103,797	20,000	64,538	84,538	984	83,554	188,335
Pueblo of Jemez(Jemus Pueblo)	72,041	20,000	44,793	64,793	836	63,957	136,834
Pueblo of Laguna	164,328	20,000	102,174	122,174	1,266	120,908	286,502
Pueblo of Sandia	11,407	20,000	7,093	27,093	553	26,540	38,500
Pueblo de San Felipe	89,409	20,000	55,592	75,592	917	74,675	165,001
Pueblo of Zia	17,676	20,000	10,991	30,991	582	30,409	48,667
Pueblo of Zuni	223,832	20,000	139,172	159,172	1,544	157,628	383,004
Santa Ana Pueblo	16,751	20,000	10,416	30,416	578	29,838	47,167
Santo Domingo Pueblo	132,675	20,000	82,493	102,493	1,119	101,374	235,168
Taos Pueblo	73,788	20,000	45,879	65,879	844	65,035	139,667
NEW YORK	-	-	-	-	-	-	-
St. Regis Mohawk	121,371	20,000	75,465	95,465	1,066	94,399	216,836
Seneca Nation	119,110	20,000	74,059	94,059	1,055	93,004	213,169
NORTH CAROLINA	-	-	-	-	-	-	-

Eastern Band of Cherokee	303,581	20,000	188,757	208,757	1,915	206,842	512,338
NORTH DAKOTA		-	-	-			
Spirit Lake Nation	289,707	20,000	180,131	200,131	1,851	198,280	489,838
Standing Rock Sioux Tribe	660,293	20,000	410,550	430,550	3,579	426,971	1,090,843
Three Affiliated Tribes	207,183	20,000	128,820	148,820	1,466	147,354	356,003
Trenton Indian Service Area	66,286	20,000	41,215	61,215	809	60,406	127,501
Turtle Mountain Band of Chippewa	506,036	20,000	314,638	334,638	2,859	331,779	840,674
OKLAHOMA		-	-	-			
Absentee Shawnee Tribe	44,602	20,000	27,732	47,732	708	47,024	92,334
Alabama-Quassarte Tribal Town	59,195	20,000	36,806	56,806	776	56,030	116,001
Apache Tribe of Oklahoma	59,709	20,000	37,125	57,125	778	56,347	116,834
Caddo Indian Tribe of Oklahoma	30,831	20,000	19,170	39,170	644	38,526	70,001
Central Tribes of Shawnee Area, Inc.	320,229	20,000	199,109	219,109	1,993	217,116	539,338
Cherokee Nation	3,918,286	20,000	2,436,271	2,456,271	18,769	2,437,502	6,374,557
Cheyenne & Arapaho	329,684	20,000	204,987	224,987	2,037	222,950	554,671
Chicksaw Nation	839,523	20,000	521,990	541,990	4,414	537,576	1,381,513
Choctaw Nation	1,869,271	20,000	1,162,256	1,182,256	9,215	1,173,041	3,051,527
Cit Band Potawatomi	1,048,453	20,000	651,896	671,896	5,388	666,508	1,720,349

Comanche Tribe of Oklahoma	128,462	20,000	79,874	99,874	1,099	98,775	228,336
Delaware Tribe of Indians	503,570	20,000	313,104	333,104	2,848	330,256	836,674
Delaware Tribe of Western Oklahoma	20,554	20,000	12,780	32,780	596	32,184	53,334
Eastern Shawnee	325,984	20,000	202,687	222,687	2,020	220,667	548,671
Fort Sill Apache Tribe	10,688	20,000	6,645	26,645	550	26,095	37,333
Iowa Tribe of Oklahoma	103,386	20,000	64,282	84,282	982	83,300	187,668
Kaw	118,390	20,000	73,611	93,611	1,052	92,559	212,001
Kialegee	8,119	20,000	5,048	25,048	538	24,510	33,167
Kickapoo	65,772	20,000	40,895	60,895	807	60,088	126,667
Kiowa	188,171	20,000	116,999	136,999	1,377	135,622	325,170
Miami Tribe of Oklahoma	419,196	60,000	260,643	320,643	2,454	318,189	739,839
Modoc Tribe of Oklahoma	179,538	20,000	111,631	131,631	1,337	130,294	311,169
Muscogee-Creek Nation	2,444,677	20,000	1,520,025	1,540,025	11,898	1,528,127	3,984,702
Osage Nation	522,582	20,000	324,926	344,926	2,937	341,989	867,508
Otoe-Missouria	52,207	20,000	32,461	52,461	743	51,718	104,668
Pawnee	34,736	20,000	21,598	41,598	662	40,936	76,334
Ponca Tribe	78,310	20,000	48,691	68,691	865	67,826	147,001
Quapaw Tribe	237,808	20,000	147,862	167,862	1,609	166,253	405,670

Seminole Tribe of Oklahoma	230,203	20,000	143,133	163,133	1,573	161,560	393,336
Seneca Cayuga Tribe of Oklahoma	325,984	20,000	202,687	222,687	2,020	220,667	548,671
Thlopthlocco Tribal Town	16,443	20,000	10,224	30,224	577	29,647	46,667
Tonkawa Tribe	38,744	20,000	24,090	44,090	681	43,409	82,834
Wichita and Affiliated Tribes	64,539	20,000	40,128	60,128	801	59,327	124,667
Wyandotte Tribe	325,984	20,000	202,687	222,687	2,020	220,667	548,671
OREGON		-	-	-			
Burns Paiute Tribe	7,913	20,000	4,920	24,920	537	24,383	32,833
Confederated Tribes of Coos, Lower Umpqua, Siuslaw	16,957	20,000	10,543	30,543	579	29,964	47,500
Confederated Tribes of Grande Ronde	135,039	20,000	83,963	103,963	1,130	102,833	239,002
Conf. Tribes of Siletz Indians	57,243	20,000	35,592	55,592	767	54,825	112,835
Confederated Tribes of Umatilla Indian Reservation	120,959	20,000	75,209	95,209	1,064	94,145	216,168
Conf. Tribes of Warm Springs	118,904	20,000	73,931	93,931	1,054	92,877	212,835
Coquille Indian Tribe	11,921	20,000	7,412	27,412	556	26,856	39,333
Cow Creek Band Of Umpqua Tribe	14,593	20,000	9,074	29,074	568	28,506	43,667
Klamath Tribes	100,817	20,000	62,685	82,685	970	81,715	183,502
RHODE ISLAND		-	-	-			
Narragansett	52,823	20,000	32,844	52,844	746	52,098	105,667

SOUTH CAROLINA		-	-	-			
Catawba Indian Nation	93,006	20,000	57,828	77,828	934	76,894	170,834
SOUTH DAKOTA		-	-	-			
Cheyenne River Sioux	360,206	20,000	223,965	243,965	2,179	241,786	604,171
Crow Creek Sioux Tribe	111,710	20,000	69,458	89,458	1,021	88,437	201,168
Flandreau Santee Sioux Tribe	43,677	20,000	27,157	47,157	704	46,453	90,834
Lower Brule Sioux	49,638	20,000	30,863	50,863	731	50,132	100,501
Oglala Sioux	1,351,417	20,000	840,270	860,270	6,801	853,469	2,211,687
Rosebud Sioux	603,359	20,000	375,150	395,150	3,313	391,837	998,509
Sisseton-Wapheton Sioux Tribe	142,336	20,000	88,500	108,500	1,164	107,336	250,836
Yankton Sioux Tribe	153,332	20,000	95,337	115,337	1,215	114,122	268,669
TEXAS		-	-	-			
Alabama-Coushatta	20,143	20,000	12,524	32,524	594	31,930	52,667
Ysleta Del Sur Pueblo	24,048	20,000	14,952	34,952	612	34,340	59,000
UTAH		-	-	-			
Paiute Indian Tribe	17,471	20,000	10,863	30,863	581	30,282	48,334
Ute Indian Tribe	141,719	20,000	88,116	108,116	1,161	106,955	249,835
WASHINGTON		-	-	-			

Confederated Tribes of Colville	302,450	20,000	188,054	208,054	1,910	206,144	510,504
Confederated Tribes of Yakama Indian Nation	558,449	20,000	347,226	367,226	3,104	364,122	925,675
Jamestown S'Kallam Tribe	104,722	20,000	65,113	85,113	988	84,125	189,835
Kalispel Tribe of Indians	8,324	20,000	5,176	25,176	539	24,637	33,500
Lower Elwha Tribal Council (Elwha)	104,208	20,000	64,793	84,793	986	83,807	189,001
Lummi Indian Nation	125,173	20,000	77,829	97,829	1,084	96,745	223,002
Makah Tribal Council	91,979	20,000	57,189	77,189	929	76,260	169,168
Muckleshoot Indian Tribe	116,540	20,000	72,461	92,461	1,043	91,418	209,001
Nooksack Indian Tribe	38,847	20,000	24,154	44,154	681	43,473	83,001
Port Gamble S'Kallam	23,534	20,000	14,633	34,633	610	34,023	58,167
Puyallup Tribe of Indians	772,620	20,000	480,391	500,391	4,102	496,289	1,273,011
Quileute Tribal Council	17,985	20,000	11,182	31,182	584	30,598	49,167
Quinault Indian Nation	153,435	20,000	95,401	115,401	1,215	114,186	268,836
Samish Indian Tribe	9,866	20,000	6,134	26,134	546	25,588	36,000
Sauk Suiattle Indian Tribe	5,344	20,000	3,323	23,323	525	22,798	28,667
Skokomish Indian Tribe	47,788	20,000	29,713	49,713	723	48,990	97,501
South Puget Intertribal Planning Agency	224,654	80,000	139,683	219,683	1,547	218,136	444,337
Spokane Tribe of Indians	66,697	20,000	41,470	61,470	811	60,659	128,167

Stillaguamish	50,871	20,000	31,630	51,630	737	50,893	102,501
Suquamish	29,392	20,000	18,275	38,275	637	37,638	67,667
Swinomish Tribal Community	25,898	20,000	16,103	36,103	621	35,482	62,001
Tulalip Tribes	130,209	20,000	80,960	100,960	1,107	99,853	231,169
Upper Skagit Indian Tribe	20,040	20,000	12,460	32,460	593	31,867	52,500
WISCONSIN		-	-	-			
Bad River of Lake Superior	39,566	20,000	24,601	44,601	684	43,917	84,167
Forest County Potawatomi (Potawatomi Community)	45,219	20,000	28,115	48,115	711	47,404	93,334
Ho-Chunk Nation (Winnebago)	80,777	20,000	50,224	70,224	877	69,347	151,001
Lac Court Oreilles	94,239	20,000	58,595	78,595	939	77,656	172,834
Lac Du Flambeau Chippewa	62,381	20,000	38,787	58,787	791	57,996	121,168
Menominee Indian Tribe of Wisconsin	169,261	20,000	105,241	125,241	1,289	123,952	294,502
Oneida Tribe	283,129	20,000	176,041	196,041	1,820	194,221	479,170
Red Cliff Chippewas	53,337	20,000	33,163	53,163	749	52,414	106,500
Sokaogan Chippewa	23,637	20,000	14,697	34,697	610	34,087	58,334
St. Croix Chippewa	59,401	20,000	36,934	56,934	777	56,157	116,335
Stockbridge-Munsee Tribal Council	34,325	20,000	21,342	41,342	660	40,682	75,667

WYOMING							
Eastern Shoshone	73,480	20,000	45,688	65,688	843	64,845	139,168
Northern Arapaho	243,872	20,000	151,632	171,632	1,637	169,995	415,504
OTHER TRIBAL ORGANIZATIONS							
ALU LIKE				1,000,000		1,000,000	1,000,000
TOTALS	54,340,000	9,074,000	33,925,748	43,999,748	382,400	43,617,348	98,339,748

* The estimated allotment amounts are based on the President's FY 2002 Budget Request and are contingent on Congressional appropriations. If Congress enacts and the President approves a different appropriation amount, the allotments will be adjusted accordingly. In addition, the estimated allotment amounts are calculated on FY 2001 child counts, and final allocations will be based on FY 2002 child counts.

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.

Part 1: 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.

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 10/1/01 -- 9/30/02 (FY 2002) even though the Plan covers a 2 year period. Collecting information on FY 2002 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 estimates the total amounts that will be received in FY 2002 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 2000 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.

- 1.4 In section 1.4 the Tribal Lead Agency estimates the amount (or percentage) of CCDF funds awarded in FY 2002 that will be used on quality activities.

This estimate must reflect the activities listed in Section 5.1

- 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. Demonstrations" of this authority for the 10/1/01 – 9/30/03 Plan period must be provided for each individual consortium member in the 2-year plan. 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 2-year period.

- 1.9 For funds that become available for FY 2002, 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: In prior years, ACF had an established procedure to determine the child count for those Tribal Lead Agencies that elected not to include a child count with their plan preprint or annual CCDF funding application. However, beginning this year, **all Tribal Lead Agencies must 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 application. 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 1. This new policy (which was originally announced a year ago in ACYF-PI-CC-00-02) is designed to ensure that funds are equitably distributed based on the most recent data.

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 2002 funding, the child count of children under age 13 must be completed no later than June 30, 2001 and no earlier than July 1, 2000.

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:

2.1 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.

Part 2:

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 local Tribal Head Start program or the local school's before- and after -school program before designing their CCDF plan.

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, 2001, but no earlier than January 1, 2001. 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.

2.4 Provide only examples of partnerships or planned activities with the business community or other private organizations (such as foundations). Coordination activities with Head Start programs and schools for before- and after-school care should be described under section 2.2.1.

Part 3:

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 specified 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.

3.1.2 Section 98.30(e)(1)(iv) now provides additional 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) now 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 2 years prior to the effective date of the currently approved plan.” For plans due by July 1, 2001, the survey must have been conducted no earlier than October 1, 1999 and no later than June 30, 2001.

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. 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) do 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 services 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. Examples of prioritizing 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 2001 HHS Poverty Guidelines for the 48 contiguous States and the District of Columbia for a family of 1 = \$8,590. Add \$3,020 for each additional family member (e.g., family of 3 = \$14,630). In Alaska, a family of 1 = \$10,730. Add \$3,780 for each additional family member (e.g., family of 3 = \$18,290).

A Tribal Lead Agency is not required to use the 2001 HHS Poverty Guidelines, but must indicate the poverty level it is using if it elects to waive the required fee.

3.5.4 The preamble to the regulations suggests that copayments 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 2001 CCDF grant allotment of \$500,000 or greater.

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:

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 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.

Note: Tribal Lead Agencies are encouraged to explore quality enhancement activities at tribal colleges and universities, where applicable.

Part 6: The three health and safety requirements 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.

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." During this interim period, Tribal Lead Agencies 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 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

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.

CHILD CARE AND DEVELOPMENT FUND
TRIBAL PLAN FOR
FOR THE PERIOD 10/1/01 -- 9/30/03

This Plan describes the program that the Lead Agency will operate on 10/1/01. 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.

(Form ACF 118-A Approved OMB Number: 0970-0198, expires 05/31/02)
TABLE OF CONTENTS

Amendments Log

PART 1 ADMINISTRATION

PART 2 DEVELOPING THE CHILD CARE PROGRAM

- Section 2.1 - Consultation
- Section 2.2 - Coordination of Services
- Section 2.3 - Public Hearing Process
- Section 2.4 - Public-Private Partnerships

PART 3 CHILD CARE SERVICES OFFERED

- Section 3.1 - Description of Child Care Services
- Section 3.2 - Payment Rates for the Provision of Child Care
- Section 3.3 - Eligibility Criteria for Child Care
- Section 3.4 - Priority Rules for Children
- Section 3.5 - Sliding Fee Scale for Child Care
- Section 3.6 - The Certificate Payment System

PART 4 PROCESSES WITH PARENTS

- Section 4.1 - Family Application Process
- Section 4.2 - Record of Substantiated Parental Complaints
- Section 4.3 - Unlimited Parental Access
- Section 4.4 - TANF Agency's Criteria/Definitions - inability to obtain care.

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

PART 6 HEALTH AND SAFETY REQUIREMENTS FOR PROVIDERS

- Section 6.1 - Health and Safety Requirements for Center-Based providers
- Section 6.2 - Health and Safety Requirements for Group Home providers
- Section 6.3 - Health and Safety Requirements for Family providers
- Section 6.4 - Health and Safety Requirements for In-Home providers
- Section 6.5 - Exemptions to Health and Safety Requirements
- Section 6.6 - Enforcement of Health and Safety Requirements

APPENDIX 1 -- ASSURANCES & CERTIFICATIONS

APPENDIX 2 -- ELIGIBILITY AND PRIORITY TERMINOLOGY

APPENDIX 3 -- CHILD COUNT DECLARATION

APPENDIX 4 -- LIST OF CERTIFICATIONS

REQUIRED ATTACHMENTS

- 2) ACF completes column 4 and returns a photocopy of the log to the Lead Agency.
- 3) The Lead Agency replaces this page in the Plan with the copy of the log received from ACF showing the approval date.

Note: This process depends on repeated subsequent use of the same log page over the life of the Plan. At any time the log should reflect all amendments, both approved and pending in ACF. The Lead Agency is advised to retain those "old" plan pages that are superseded by amendments in a separate appendix to its Plan.

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 2002 (October 1, 2001 through September 30, 2002) based on the estimated CCDF allotment for the applicant (see funding estimates section in the Program Instruction and Attachment B, FY 2002 Tribal Estimates Chart).

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 2002 will be used for construction or renovation purposes:
\$_____

Effective Date: October 1, 2001 – Amended Date:_____

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 ACYF-PI-CC-01-01, dated February 5, 2001 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 2002 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 2002 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

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

Effective Date: October 1, 2001 - Amended Date: _____

() 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.

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.

Effective Date: October 1,2001 - Amended Date:_____

PART 2 -- DEVELOPING THE CHILD CARE PROGRAM

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))
- 2.2.3) A tribal consortium must describe how it is coordinating services on behalf of its participating members. The description must include 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))

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

Effective Date: October 1,2001 - Amended Date:_____

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))

Effective Date: October 1,2001 - Amended Date:_____

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))

Effective Date: October 1, 2001 - Amended Date: _____

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:

Effective Date: October 1, 2001 - Amended Date: _____

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.

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		

Effective Date: October 1, 2001 - **Amended Date:** _____

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? (Physical and mental incapacity must then be defined in Appendix 2.) (658P(4), 658E(c)(3)(B), 98.20(a)(1)iii)

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.

Effective Date: October 1, 2001 - Amended Date: _____

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:

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 to 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))

Effective Date: October 1,2001 - Amended Date:_____

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(l))

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:

Effective Date: October 1,2001 - **Amended Date:**_____

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:

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.

Effective Date: October 1,2001 - Amended Date:_____

PART 4 - PROCESSES WITH PARENTS

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))

Effective Date: October 1, 2001 - **Amended Date:** _____

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)
(if applicable)**

State TANF Agency

Effective Date: October 1,2001 – Amended Date:_____

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":

Effective Date: October 1, 2001 - Amended Date: _____

**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.

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

Effective Date: October 1, 2001 - Amended Date: _____

Section 6.3 - Health and Safety Requirements for Family Providers (658E(c)(2)(F), 98.16(j), 98.41)

6.3) For all Family 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

Effective Date: October 1, 2001 - Amended Date: _____

Section 6.4 - Health and Safety Requirements for In-Home Providers (658E(c)(2)(F), 98.16(j), 98.41)

6.4) For all In-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

Effective Date: October 1, 2001 - Amended Date: _____

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))

Effective Date: October 1, 2001 - **Amended Date:** _____

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)).

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)

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 -
- (10) working -

Effective Date: October 1,2001 - Amended Date:_____

Effective Date: October 1,200~~1~~⁰- Amended Date:_____

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

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

Effective Date: October 1, 2001 – Amended Date: _____

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.

Effective Date: October 1, 2001 – Amended Date: _____

ASSURANCE OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, SECTION 504 OF THE REHABILITATION ACT OF 1973, TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, AND THE AGE DISCRIMINATION ACT OF 1975

The Applicant provides this assurance in consideration of and for the purpose of obtaining Federal grants, loans, contracts, property, discounts or other Federal financial assistance from the Department of Health and Human Services. THE APPLICANT HEREBY AGREES THAT IT WILL COMPLY WITH:

1. Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), as amended, and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 80), to the end that, in accordance with Title VI of that Act and the Regulation, no person in the United State shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department.
2. Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended, and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 84), to the end that, in accordance with Section 504 of that Act and the Regulation, no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department.
3. Title IX of the Educational Amendments of 1972 (Pub. L. 92-318), as amended, and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 86, to the end that, in accordance with Title IX and the Regulation, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives Federal financial assistance from the Department.
4. The Age Discrimination Act of 1975 (Pub. L. 94-135), as amended, and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 91), to the end that, in accordance with the Act and the Regulation, no person in the United States shall, on the basis of race, be denied the benefits of, be excluded from participation in, or be subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department.

The Applicant agrees that compliance with this assurance constitutes a condition of continued receipt of Federal financial assistance, and that it is binding upon the Applicant, its successors, transferees and assignees for the period during which such assistance is provided. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant by the Department this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant for the period during which it retains ownership or possession of the property. The Applicant further recognizes and agrees that the United States shall have the right to seek judicial enforcement of this assurance.

The person or persons whose signature(s) appear(s) below is/are authorized to sign this assurance, and commit the Applicant to the above provisions.

Signature and Title of Authorized Official Date

Name of Applicant or Recipient

Street Address City State Zip Code

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
AND OTHER RESPONSIBILITY MATTERS PRIMARY COVERED TRANSACTIONS**

Instructions for Certification

- 1) By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
- 2) The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
- 3) The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.
- 4) The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- 5) The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
- 6) The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by HHS.
- 7) The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," provided by HHS, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
- 8) A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is

erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List (of excluded parties).

9) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10) Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, HHS may terminate this transaction for cause or default.

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
AND OTHER RESPONSIBILITY MATTERS -- PRIMARY COVERED TRANSACTIONS**

1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Signature/Date

Title/Organization

DEFINITIONS FOR USE WITH CERTIFICATION REGARDING DEBARMENT

(FROM 45 CFR PART 76)

Covered transaction

For purposes of these regulations, a covered transaction is a primary covered transaction or a lower tier covered transaction. Covered transactions at any tier need not involve the transfer of Federal funds.

Primary covered transaction

Except as noted at 45 CFR 76.110(a)(2), a primary covered transaction is any nonprocurement transaction between an agency and a person, regardless of type, including: grants, cooperative agreements, scholarships, fellowships, contracts of assistance, loans, loan guarantees, subsidies, insurance, payments for specified use, donation agreements and any other nonprocurement transactions between a Federal agency and a person. Primary covered transactions also include those transactions specially designated by the U.S. Department of Housing and Urban Development in such agency's regulations governing debarment and suspension.

Lower tier covered transaction

A lower tier covered transaction is:

- Any transaction between a participant and a person other than a procurement contract for goods or services, regardless of type, under a primary covered transaction.
- Any procurement contract for goods or services between a participant and a person, regardless of type, expected to equal or exceed the Federal procurement small purchase threshold fixed at 10 U.S.C. 2304(g) and 41 U.S.C. 253(g) (currently \$25,000) under a primary covered transaction.

- Any procurement contract for goods or services between a participant and a person under a covered transaction, regardless of amount, under which that person will have a critical influence on or substantive control over that covered transaction. Such persons are:

- Principal investigators
- Providers of Federally-required audit services
- Researchers

Debarment

An action taken by a debarring official in accordance with these regulations to exclude a person from participating in covered transactions. A person so excluded is debarred.

Ineligible

Excluded from participation in Federal nonprocurement programs pursuant to a determination of ineligibility under statutory, executive order, or regulatory authority, other than Executive Order 12549 and its agency implementing regulations; for example, excluded pursuant to the Davis-Bacon Act and its implementing regulations, the equal employment opportunity acts and executive orders, or the environmental protection acts and executive orders. A person is ineligible where the determination of ineligibility affects such person's eligibility to participate in more than one covered transaction.

Participant

Any person who submits a proposal for, enters into, or reasonably may be expected to enter into a covered transaction. This term also includes any person who acts on behalf of or is authorized to commit a participant in a covered transaction as an agent or representative of another participant.

Person

Any individual, corporation, partnership, association, unit of government or legal entity, however organized, except: foreign governments or foreign governmental entities, public international organizations, foreign government owned (in whole or in part) or controlled entities, and entities consisting wholly or partially of foreign governments or foreign governmental entities.

Principal

Officer, director, owner, partner, key employee, or other person within a participant with primary management or supervisory responsibilities; or a person who has a critical influence on or substantive control over a covered transaction, whether or not employed by the participant. Persons who have a critical influence on or substantive control over a covered transaction are:

- Principal investigators
- Researchers

Proposal

A solicited or unsolicited bid, application, request, invitation to consider or similar communication by or on behalf of a person seeking to participate or to receive a benefit, directly or indirectly, in or under a covered transaction.

Suspension

An action taken by a suspending official in accordance with these regulations that immediately excludes a person from participating in covered transactions for a temporary period, pending completion of an investigation and such legal, debarment, or Program Fraud Civil Remedies Act proceedings as may ensue. A person so excluded is suspended.

Voluntary exclusion/voluntarily excluded

A status of nonparticipation or limited participation in covered transactions assumed by a person pursuant to the terms of a settlement.

HHS CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS:

GRANTEES OTHER THAN INDIVIDUALS

Instructions for Certification

By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

1) This certification is required by regulations implementing the Drug-Free Act of 1988, 45 CFR Part 76, Subpart F. The regulations, published in the May 25, 1990 Federal Register, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the Department of Health and Human Services (HHS) determines to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HSS, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

2) Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

3) Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

4) If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see above).

5) Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

The grantee certifies that it will or will continue to provide a drug-free workplace by:

- a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- b) Establishing an ongoing drug-free awareness program to inform employees about --
 - 1) The dangers of drug abuse in the workplace; 2) The grantee's policy of maintaining a drug-free workplace; 3) Any available drug counseling, rehabilitation, and employee assistance programs; and 4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
 - 1) Abide by the terms of the statement; and 2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted:

1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or 2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (use attachments if needed):

Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

---->NOTE: Sections 76.630(c) and (d)(2) and 76.635(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For HHS, the central receipt point is Division of Grants Management and Oversight, Office of Management and Acquisition, HHS, Room 517-D, 200 Independence Ave, S.W., Washington, D.C. 20201

Signature/Date

Title/Organization

CERTIFICATION OF COMPLIANCE WITH THE PRO-CHILDREN ACT OF 1994

Grantees must comply with Public Law 103-227, Part C Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994 (Act). This Act requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments. Federal programs include grants, cooperative agreements, loans or loan guarantees, and contracts. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug and alcohol treatment.

The grantee further agrees that the above language will be included in any subawards which contain provisions for children's services and that all subgrantees shall certify compliance accordingly. Failure to comply with the provisions of this law may result in the imposition of a civil monetary penalty of up to \$1000 per day.

Signature:

Title:

Organization:

Date: