

# ACF

Administration  
for Children  
and Families

U.S. DEPARTMENT OF HEALTH AND HUMAN  
SERVICES

Administration for Children and Families

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**4. Key Words:** Child Care and Development Fund (CCDF) Fiscal Year 2007 Funding; Application Requirements for Tribal Lead Agencies

## PROGRAM INSTRUCTION

**TO** Tribal Lead Agencies administering Child Care Development Fund (CCDF) child care programs under the Child Care and Development Block Grant (CCDBG) Act of 1990, as amended, and other interested parties.

**PURPOSE** To inform Tribes and Tribal Organizations of the process for obtaining Fiscal Year (FY) 2007 CCDF Tribal Mandatory and Discretionary Funds.

**REFERENCES** Section 418 of the Social Security Act; the CCDBG Act of 1990, as amended; 45 CFR Parts 98 and 99.

**BACKGROUND** Federal regulations at 45 CFR 98.81 require Tribal Lead Agencies to apply for CCDF funds. For years in which the Tribal Lead Agency submits a biennial CCDF Plan, the Plan itself serves as the application. However, in non-Plan years, the Tribal Lead Agency must apply for funds in accordance with the guidance in this Program Instruction.

The CCDF is comprised of two funding sources:

- Discretionary Funds – funding that is provided under the CCDBG Act of 1990, as amended; and
- Tribal Mandatory Funds – funding that is provided to eligible Tribes and Tribal organizations under Section 418 of the Social Security Act.

## **ELIGIBILITY**

A Tribe is eligible to receive CCDF funds if the Tribe is Federally recognized and the Tribal population includes at least 50 children under age 13.

A Tribe with fewer than 50 children under age 13 may participate in a consortium of eligible Tribes. In order to be eligible to receive CCDF funds on behalf of its member Tribes, a 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 for the duration of the Plan period.

Special Rule for Indian Tribes in Alaska – Only the Metlakatla Indian Community of the Annette Islands Reserve and the 12 Alaska Native Regional Non-profit Corporations are eligible to receive Tribal Mandatory Funds. New Tribal applicants in Alaska should contact the Administration for Children and Families (ACF) Region X (Attachment C) with questions about this Special Rule.

## **APPLICATION PROCESS**

**New Tribal CCDF Applicants** – Tribes that did not receive FY 2006 CCDF funds must submit a CCDF Biennial Plan. Please contact your ACF Regional Office (Attachment C) to obtain a copy of the plan preprint document.

**Current Tribal CCDF Grantees** – Tribal Lead Agencies that received FY 2006 CCDF funds must submit a new Child Count Declaration (Attachment A). By submitting a signed, completed Child Count Declaration, the Tribal Lead Agency is thereby making an application for FY 2007 CCDF funds, according to the estimated allocation for the Tribe on the FY 2007 Tribal Estimates Chart (Attachment B).

By applying for FY 2007 CCDF funds, the Tribal Lead Agency:  
1) agrees to follow the provisions of the CCDBG Act of 1990, as amended, and applicable regulations at 45 CFR Parts 98 and 99; and  
2) continues to be subject to the assurances and certifications provided in the CCDF Plan for the remainder of the FY 2006-2007 Plan period.

## Tribal Child Counts

For funds that become available in FY 2007, 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 Child Count Declaration must certify the number of Indian children (as defined in Appendix 2, #2 in the Tribal Lead Agency's current 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 current CCDF Plan). The Child Count Declaration must be signed by the governing body of the Tribe or a person authorized to act for the applicant's Tribe or organization.

An application submitted without a Child Count Declaration will be treated as an incomplete application. Therefore, to facilitate the approval process, a signed, completed Child Count Declaration must be submitted to the ACF Regional Office by July 1, 2006.

**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 CCDBG Act of 1990 definition of an 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 2007 funding, the child count of children under age 13 must be completed no later than June 30, 2006, and no earlier than July 1, 2005.

### **SPECIAL INSTRUCTIONS FOR TRIBAL CONSORTIA**

**Individual Child Counts Required** – A Tribal consortium must submit an individual Child Count Declaration, signed by an individual authorized to act for the Tribe, for each Tribal member in a Tribal consortium. A Tribal consortium must also provide a summary section listing each Tribal 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 Non-profit Corporations will have to provide a separate child count certification for Discretionary Funding purposes. This count will consist of its self-certified Tribal Mandatory Funding count, minus the child count number for any Alaska Tribal grantee in its Region that applies directly for Discretionary Funding. In instances where a Regional Corporation has separate child counts for Discretionary and Tribal Mandatory Funds, both counts may be reported on the Child Count Declaration.

**Membership Changes** – It is the responsibility of a Tribal consortium to notify ACF of any changes in its membership for CCDF funding purposes during the approved Plan period. If a new Tribe(s) joins a Tribal consortium to receive FY 2007 funding, the Tribal consortium must submit an amendment to Plan Section 1.8, adding the new member Tribe(s), and submit a child count for this Tribe(s). Alternately, if a member Tribe elects not to receive FY 2007 CCDF funds through a Tribal consortium, it is the Tribal consortium’s responsibility to notify ACF of this change through an amendment to Plan Section 1.8.

**EXEMPT VS.  
NON-EXEMPT  
GRANTEE  
STATUS**

ACF recognizes that a number of small CCDF grantees do not have the necessary infrastructure to support certain CCDF requirements, such as a certificate program. Similarly, in many small rural communities child care options are often limited. Consequently, additional flexibility has been provided for smaller Tribes and Tribal organizations by “exempting” them from certain CCDF requirements (see 45 CFR 98.83(f)). 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 four 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 (e.g., center-based, group home, family and in-home care).

**Transition Period Moving into Non-Exempt Status**

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. For example, if a Tribal Lead Agency’s FY 2006 allocation moved it into the non-exempt category, the Tribal Lead Agency must describe how it is meeting non-exempt requirements in a Plan amendment (due by

July 1, 2006, and effective October 1, 2006). Plan amendments may be necessary for Plan Sections: 1.4 (quality funds); 3.1 (description of child care services); 3.2 (payment rates); 3.6 (certificate payment system); and 5.1 – 5.2 (activities and services to improve the quality of child care). Please contact your ACF Regional Office if you have any questions about potential Plan amendments and non-exempt grantee status.

**FUNDING  
ESTIMATES AND  
ALLOCATION  
FORMULAS**

ACF estimates that \$99,581,620 in FY 2007 CCDF funds will be available for Tribal grantees on October 1, 2006 (\$41,241,620 in Discretionary Funds and \$58,340,000 in Tribal Mandatory Funds).

Grants from Discretionary Funds will include a base amount of \$20,000 plus a per child amount (approximately \$57 per-child in FY 2006) 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 \$105 per-child in FY 2006) 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 2007 Tribal Estimates Chart (Attachment B) as a guide. A new applicant should use the base amount plus approximately \$57 per-child to estimate its allotment for Discretionary funding and should use approximately \$105 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 are provided for the purpose of estimating the allotments that will become available on October 1, 2006, and may increase or decrease when updated data become available before the final grant awards are issued. The estimates reflect the Administration's FY 2007 budget request.

**DISCRETIONARY  
EARMARK**

The Administration's FY 2007 budget request includes an earmark for school-age care and resource and referral and school-

age care activities. The FY 2007 Tribal Estimates Chart shows the estimated earmark requirement for FY 2007. 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 2007 Tribal Estimates Chart are estimates that may increase or decrease when final grant awards are issued.

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

**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, all Tribes receiving CCDF funds are required to follow ACF’s construction and renovation application procedures (Program Instruction ACYF-PI-CC-04-01, dated January 23, 2004). This Program Instruction is available under the “Application & Plan” section of the Child Care Bureau’s Web site at <http://www.acf.hhs.gov/programs/ccb/policy1/triblist.htm>. Early in the planning process, Tribes are advised to contact their appropriate ACF Regional Office. 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** Tribal Lead Agencies must obligate FY 2007 Tribal Mandatory and Discretionary Funds by September 30, 2008, and liquidate all funds by September 30, 2009.

**DEADLINES AND EFFECTIVE DATES** This Program Instruction is effective on issuance. Applications required for FY 2007 CCDF funding, and Plan amendments, if applicable, must be received by ACF no later than July 1, 2006.

**ELECTRONIC FORMAT** The required Child Count Declaration is available in electronic format from ACF Regional Offices and under the “Application & Plan” section of the Child Care Bureau’s Web site at <http://www.acf.hhs.gov/programs/ccb/policy1/triblist.htm>.

**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 (i.e., for the Tribal CCDF FY 2007 application 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-06-03) contains 102-477 application and Plan instructions.

Tribes interested in learning more about the 102-477 process are encouraged to contact Ginny Gorman in ACF’s Child Care Bureau at [ggorman@acf.hhs.gov](mailto:ggorman@acf.hhs.gov) or (202) 401-7260. A copy of the 102-477 Program Instruction is also available on the Child Care Bureau’s Web site at <http://www.acf.hhs.gov/programs/ccb/policy1/triblist.htm>.

**SUBMITTING THE APPLICATION AND/OR PLAN AMENDMENTS** Submit the Application and Plan Amendments, if applicable, to:

<b><u>1 Copy:</u></b>	<b><u>1 Copy:</u></b>
ACF Regional Office (Attachment C)	Tribal Technical Assistance Center c/o Native American Management Services CCDF 2007 Tribal Applications 6858 Old Dominion Drive, Suite 310 McLean, Virginia 22101

Note: TriTAC is serving as a receipt point for applications only. ACF will conduct the review and approval of Tribal FY 2007 CCDF funding applications.

**PAPERWORK** An agency may not conduct or sponsor, and a person is not

**REDUCTION ACT** required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. The information collection required under this Program Instruction is approved under OMB Number 0970-0198, which expires 8/31/08.

**INQUIRIES** All inquiries should be directed to the ACF Regional Offices.

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Joan E. Ohl  
Commissioner

Attachments:

- A – Child Count Declaration
- B – FY 2007 Tribal Estimates Chart
- C – ACF Regional Administrators List