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**CHILD CARE AND DEVELOPMENT FUND**

**TRIBAL PLAN FOR**

**FOR THE PERIOD 10/1/07 -- 9/30/09**

This Plan describes the program that the Lead Agency will operate on 10/1/07. As provided for in the applicable statutes and regulations, the Lead Agency has the flexibility to modify this program at any time, including changing the options selected or described herein.

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

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

[http://www.acf.dhhs.gov/programs/ccb/law/tribal\\_topic\\_application.htm](http://www.acf.dhhs.gov/programs/ccb/law/tribal_topic_application.htm)

**(Form ACF 118-A; OMB Approval Number: 0970-0198, expires 08/31/2008)**

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

**AMENDMENTS LOG**  
**Child Care and Development Fund Plan**  
**For the period: 10/1/07 -- 9/30/09**

**GRANTEE NAME:**

<b>{PRIVATE } Section Amended</b>	<b>Effective/ Proposed Effective Date</b>	<b>Grantee Signature and Date Submitted to ACF</b>	<b>ACF Approving Official's Signature and Date</b>

Instructions:

- 1) Lead Agency completes the first 3 columns and sends a photocopy of this log (showing the latest amendment sent to ACF) and the amended section(s) to the ACF Regional contact. A copy of the log, showing the latest amendment pending in ACF, is retained in the Lead Agency's Plan.
  
- 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.



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**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 2008 (October 1, 2007 through September 30, 2008) based on the estimated CCDF allotment for the applicant (see funding estimates section in the Program Instruction and Attachment B, FY 2008 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 2008 will be used for construction or renovation purposes:  
\$\_\_\_\_\_

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This Application does not give approval to spend funds on construction or renovation. Funds for this purpose cannot be spent until a Tribe has applied for and received approval, through a separate application process, from the Administration for Children and Families). As a part of the separate construction/ renovation application process, a Tribe must show that adequate facilities are not otherwise available to carry out child care programs, and that the lack of facilities will inhibit future program operations. Furthermore, a Tribe cannot reduce the level of child care services, as compared to the preceding fiscal year, in order to spend funds on construction or renovation. Procedures regarding the separate construction/renovation application process are contained in ACYF-PI-CC-04-01, dated January 23, 2004 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 2008 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 2008 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



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

( ) No.

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

1.7) Describe:

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

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

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

These demonstrations are provided as Attachment \_\_\_\_\_.

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

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

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

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



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### PART 2 -- DEVELOPING THE CHILD CARE PROGRAM

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

#### **Section 2.1 - Consultation:**

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

#### **Section 2.2 - Coordination of Services:**

- 2.2.1) Describe how the Lead Agency is coordinating the delivery of CCDF-funded child care services with other tribal, Federal, State, and local child care, early childhood development programs, and before and after-school care services. (658D(b)(1)(D), 658O(c)(2)(A), 98.16(d), 98.82(b))
  
- 2.2.2) Describe the results of the Tribal Lead Agency's coordination activities with agencies responsible for health (including the agency responsible for immunizations), education, employment services or workforce development, and the State TANF agency and/or tribal TANF agency – if the Tribe is operating its own TANF program (98.14(a), 98.16(d))

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

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

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

### **Section 2.3 - Public Hearing Process:**

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

### **Section 2.4 - Public-Private Partnerships:**

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

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**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))



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

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

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

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

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

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**Section 3.3 - Eligibility Criteria for Child Care:**

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

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

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

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

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

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

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



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

No

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

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

No

Yes

Not Applicable

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

No

Yes, and the upper age is \_\_\_\_.

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

No

Yes, and the upper age is \_\_\_\_.

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

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

No.

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

Yes.

No.

**Section 3.4 - Priority Rules for Children:**

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

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

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

No

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

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

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**Section 3.5 - Sliding Fee Scale for Child Care Services:**

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

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

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

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

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

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

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

The Lead Agency must elect ONE of these options:

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

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

**Section 3.6 - Certificate Payment System:**

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

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

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

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

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

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### PART 4 - PROCESSES WITH PARENTS

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

#### **Section 4.1 – Family Application Process**

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

The description must include:

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

#### **Section 4.2 – Record of Substantiated Parental Complaints**

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

#### **Section 4.3 – Description of Procedures for Unlimited Parental Access**

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

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

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

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

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

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

\_\_\_\_\_  
Tribal TANF Agency (if applicable)

\_\_\_\_\_  
State TANF Agency (if applicable)



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

- "appropriate child care":
  
- "reasonable distance":
  
- "unsuitability of informal child care":
  
- "affordable child care arrangements":

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

- "appropriate child care":
  
- "reasonable distance":
  
- "unsuitability of informal child care":
  
- "affordable child care arrangements":

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

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

**Yes No**

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

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

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

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## **PART 6 - HEALTH AND SAFETY REQUIREMENTS FOR PROVIDERS**

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

### **Section 6.1 - Health and Safety Requirements for Center-Based Providers** (658E(c)(2)(F), 98.16(j), 98.41)

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

- Prevention and control of infectious disease (including immunizations)
  
  
  
  
  
  
  
  
  
  
- Building and physical premises safety
  
  
  
  
  
  
  
  
  
  
- Health and safety training

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**Section 6.2 - Health and Safety Requirements for Group Home Providers**

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

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

- Prevention and control of infectious disease (including immunizations)

- Building and physical premises safety

- Health and safety training

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### **Section 6.5 - Exemptions to Health and Safety Requirements**

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

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

### **Section 6.6 - Enforcement of Health and Safety Requirements**

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

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

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### APPENDIX 1 -- ASSURANCES AND CERTIFICATIONS

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

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

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The Tribal Lead Agency also certifies that:

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

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**APPENDIX 2 - ELIGIBILITY AND PRIORITY TERMINOLOGY:**

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

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

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(10) working -

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

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**APPENDIX 3 – CHILD COUNT DECLARATION**

\_\_\_\_\_  
Name of Tribal Lead Agency

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

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

\_\_\_\_\_  
Signature of Individual Authorized to  
Act for the Tribe

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## **APPENDIX 4 – LIST OF CERTIFICATIONS**

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

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

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

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

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