

ACF

Administration
For Children
And Families

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

1. Log No: CCDF-ACF-PI-2007-01

2. Issuance Date: May 9, 2007

3. Originating Office: Child Care Bureau, Office of Family Assistance

4. Key Words: Child Care and Development Fund (CCDF) Fiscal Year 2008 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 Fiscal Year (FY) 2008 – 2009 biennium and provides guidance for completing and submitting it. This Plan is required by Section 658E of the CCDBG Act.
- References:** The Child Care and Development Block Grant Act of 1990 (CCDBG), as amended; section 418 of the Social Security Act; 45 CFR Parts 98 and 99.
- Background:** Tribes are required to submit a complete Tribal Plan preprint for the FY 2008 - 2009 biennium (October 1, 2007 - September 30, 2009). The Plan preprint will be effective for a two-year period beginning October 1, 2007.
- The attached Tribal Plan preprint format is the same as the one used for the FY 2006 - 2007 biennium. We strongly recommend that you review the “**Guidance for Completing the Plan**” (Attachment C) as you develop your Tribal Plan for the FY 2008 – 2009 Plan period. Tribal Lead Agencies also should be guided by the amended CCDBG 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.
- 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 the Metlakatla Indian Community of the Annette Islands Reserve and the 12 Alaska Native Regional Nonprofit Corporations are eligible to receive Tribal Mandatory Funds. New Tribal applicants in Alaska should contact the Administration for Children and Families (ACF) Region X (Attachment A) with questions about this Special Rule.

Tribal Child Counts:

For funds that become available in FY 2008, 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), in order to receive FY 2008 CCDF funds.

The Child Count Declaration must certify the number of Indian children (as defined by a Tribal Lead Agency in Appendix 2, #2 of the Plan), under age 13, who reside on or near the reservation or service area (as defined by a Tribal Lead Agency in Appendix 2, #3 of the Plan). The Child Count Declaration must be signed by the governing body of the Tribe or a person authorized to act for the applicant 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 (Attachment A) by July 2, 2007.

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 2008 funding, the child count of children under age 13 must be completed **no later than** June 30, 2007, and **no earlier than** July 1, 2006.

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 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 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 (October 1, 2007 – September 30, 2009). For example, if a new Tribe joins a tribal consortium to receive CCDF funds, or if a current tribal consortium member elects not to receive CCDF funds through that tribal consortium -- these changes must be conveyed to ACF in writing by the tribal consortium.

**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 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).

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. Therefore, if a Tribal Lead Agency's FY 2007 allocation moved it into the non-exempt category, the Tribal Lead Agency must meet the non-exempt requirements by October 1, 2007. In this case, the Tribal Lead Agency must describe how it is meeting non-exempt requirements in 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 (Attachment A) if you have any questions about non-exempt grantee status.

**Funding Estimates
and Allocation
Formulas:**

ACF estimates that \$99,581,618 in FY 2008 CCDF funds will be available for tribal grantees starting October 1, 2007 (\$41,241,618 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 \$56 per child) for each Tribe or tribal

consortium with a minimum of 50 children. Grants from Tribal Mandatory Funds are calculated solely on a per-child basis (approximately \$100 per child) and do not include a base amount.

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 2008 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 \$100 per child to estimate its allotment for Tribal Mandatory funding.

A tribal consortium should estimate its allotment for Discretionary funding for each of its members by calculating a portion of the base amount that is equivalent to the ratio of the number of 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 beginning October 1, 2007, and may increase or decrease when updated data become available before the final grant awards are issued. The estimates reflect the Administration's FY 2008 budget request.

Discretionary Targeted Funds:

The Administration's FY 2008 budget request includes targeted funds for school-age care and resource and referral care activities. The FY 2008 Tribal Estimates Chart (Attachment B) shows the estimated targeted funds requirement for FY 2008. The column labeled Discretionary Targeted Funds shows the estimated amount that must be spent on resource and referral activities and school-age care. The column labeled Discretionary Excluding Targeted Funds is the amount of Discretionary Funds remaining (other than targeted funds) that can be spent on any allowable CCDF activities (assuming quality expenditure, administrative cost and other Federal requirements are met). The amount of targeted funds for resource and referral activities and school-age care is based on a \$500 amount per Tribe plus a per child amount. All amounts in the FY 2008 Tribal Estimates Chart (Attachment B) are estimates that may increase or decrease when final grant awards are issued.

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

Administrative Costs:

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 CCDF-ACF-PI-2007-03, dated May 9, 2007). This Program Instruction is available on the Child Care Bureau's website at: http://www.acf.hhs.gov/programs/ccb/law/tribal_topic_construction.htm. 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:

Tribal Lead Agencies must obligate FY 2008 Tribal Mandatory and Discretionary Funds by September 30, 2009, and liquidate all funds by September 30, 2010.

Family Co-Payments:

Under section 3.5 of the Tribal Plan preprint, each Tribe must describe and attach a sliding fee scale that provides for cost sharing by families and is based on income and family size. A grantee may waive contributions from families whose incomes are at or below the poverty level for a family of the same size. [Note: A Tribe cannot use Federal CCDF dollars to pay the parental contribution (co-payment) on behalf of an Indian family who is receiving CCDF subsidy from a State].

Deadlines and Effective Dates:

The Plan must be submitted for ACF review by July 2, 2007. When approved by ACF, the Plans are effective on October 1, 2007.

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. A copy of the Plan is also available on the Child Care Bureau's website at: http://www.acf.dhhs.gov/programs/ccb/law/tribal_topic_application.htm.

Submitting the Plan:

Submit copies of the Plan as follows:

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

One (1) copy to:
Tribal Technical Assistance Center
c/o Native American Management
Services
re: CCDF 2008-2009 Tribal Plans
12110 Sunset Hills Road, Suite 450
Reston, VA 20190

Note: TriTAC is only serving as a receipt point for plans. ACF will conduct the review and approval of Tribal FY 2008-2009 CCDF plans.

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. CCDF is one of the programs that may be consolidated under P.L. 102-477. This Program Instruction (i.e., for the Tribal Plan preprint) does not apply to those Tribes and Tribal organizations that consolidate CCDF funds under P.L. 102-477. A separate Program Instruction (CCDF-ACF-PI-2007-02) contains 102-477 application and plan requirements. A copy of the 102-477 Program Instruction is also available on the Child Care Bureau's website at: http://www.acf.dhhs.gov/programs/ccb/law/tribal_topic_application.htm.

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

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

Paperwork Reduction Act: An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The information collection required under this Program Instruction is approved under OMB Number 0970-0198, which expires August 31, 2008.

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

/s/

Sidonie Squier
Director
Office of Family Assistance

Attachments:
Attachment A - ACF Regional Child Care Program Managers List
Attachment B - FY 2008 Tribal Estimates Chart
Attachment C - Guidance for Completing the Plan

Attachment A

Child Care Bureau Program Managers in ACF Regional Offices

Region I	Roy Walker HHS/ACF JFK Federal Building Room 2000 Boston, MA 02203 Phone: (617) 565-1152 Fax: (617) 565-2493 E-mail: roy.walker@acf.hhs.gov	Region VI	Gwendolyn Jones HHS/ACF 1301 Young Street Suite 914 Dallas, TX 75202 Phone: (214) 767-3849 Fax: (214) 767-8890 E-mail: gwendolyn.jones@acf.hhs.gov
Region II	Nitza Lopez-Munoz HHS/ACF 26 Federal Plaza Room 4114 New York, NY 10278 Phone: (212) 264-2890 X182 Fax: (212) 264-4881 E-mail: nlopez-munoz@acf.hhs.gov	Region VII	Betty Lammle HHS/ACF Federal Office Building Room 276 601 East 12th Street Kansas City, MO 64106 Phone: (816) 426-2264 Fax: (816) 426-2888 E-mail: betty.lammle@acf.hhs.gov
Region III	Darlene Tart HHS/ACF 150 S. Independence Mall West—Suite 864 Public Ledger Bldg. Philadelphia, PA 19106-3499 Phone: (215) 861-4060 Fax: (215) 861-4070 E-mail: darlene.tart@acf.hhs.gov	Region VIII	Karen Knoll-Moran HHS/ACF Federal Office Building 1961 Stout Street 9 th Floor Denver, CO 80294-3538 Phone: (303) 844-1164 Fax: (303) 844-3642 E-mail: kknollmoran@acf.hhs.gov
Region IV	Ramona Warren HHS/ACF Atlanta Federal Center 61 Forsyth Street, S.W. Suite 4M60 Atlanta, GA 30303 Phone: (404) 562-2892 Fax: (404) 562-3088 E-mail: ramona.warren@acf.hhs.gov	Region IX	Robert Garcia HHS/ACF 90 7 th Street, Ninth Floor San Francisco, CA 94103-6710 Phone: (415) 437-8439 Fax: (415) 437-8444 E-mail: rogarcia@acf.hhs.gov
Region V	Kathleen Penak HHS/ACF 233 N. Michigan Ave. Suite 400 Chicago, IL 60601 Phone: (312) 353-3270 Fax: (312) 886-5373 E-mail: kathleen.penak@acf.hhs.gov	Region X	Paul Noski HHS/ACF Blanchard Plaza 2201 Sixth Avenue Room 610-M/S RX-70 Seattle, WA 98121 Phone: (206) 615-2547 Fax: (206) 615-2574 E-mail: paul.noski@acf.hhs.gov