

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. Examples are not provided for all sections.

COVER PAGE Insert the Tribe's name on the line: Tribal Plan For _____.

AMENDMENTS LOG

This page is left blank when submitting the initial plan. The Amendments Log is only for plan amendments that are submitted after the plan has been approved by ACF.

PART 1 - ADMINISTRATION

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.

Questions

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 10/1/07 -- 9/30/08 (FY 2008) even though the Plan covers a two-year period. Collecting information on FY 2008 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 provides an estimate of the total funds that will be received in FY 2008 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 2008 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.

1.6 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. A "demonstration" of this authority for the 10/1/07 – 9/30/09 plan period must be provided for each individual consortium member in the two-year plan. A Tribal consortium can "demonstrate" members' agreement to participate in several ways, including: submission of a Tribal resolution or other agreement signed by the Tribal leader, or submission of supporting documentation that a Tribal leader participated in a vote adopting the agreement to participate in the consortium.

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 two-year period.

1.9 For funds that become available for 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). 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: All Tribal Lead Agencies are required to 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 2.

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 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 - DEVELOPING THE CHILD CARE PROGRAM

- 2.1 In this section, the Tribal Lead Agency is requested to describe its consultation efforts in developing the CCDF plan. Extensive resources are available on the Child Care Bureau's website to assist you in designing your plan at: <http://www.acf.hhs.gov/programs/ccb/ta/index.htm>. **NOTE:** 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.
- 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 following local entities, if applicable, before designing its CCDF plan:
- Tribal Head Start program;
 - Tribal Early Head Start program
 - 21st Century Community Learning Centers program;
 - Bureau of Indian Affairs school programs; and
 - the local school system's before and after-school program(s).
- 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 2, 2007, but no earlier than January 1, 2007. 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. The description of the public hearing process must include: 1) the date(s) and location(s) of the hearing(s); and 2) how and when the public was notified of the hearing.
- 2.4 Provide only examples of partnerships or planned activities with the business community or other private organizations (such as foundations). **NOTE:** Coordination activities with Head Start programs and schools for before and after-school care should be described under section 2.2.1.

PART 3 – CHILD CARE SERVICES OFFERED

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 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.

A Tribe is operating a certificate program if it offers parents the choice of all of the following types of child care categories:

- 1) Center-based child care;
- 2) Group-home child care;
- 3) Family child care; and
- 4) In-home care.

To promote parental choice under each of the above categories, care by sectarian providers (i.e., faith-based) may not be limited or excluded.

If a Tribal Lead Agency is offering all 4 types of care listed above, then check “Yes” under 3.1.1. **REMINDER:** Tribal Lead Agencies with CCDF allocations of \$500,000 or more must offer all four types of care. If a Tribal Lead Agency does not offer all four types of care listed above, then check “No” under 3.3.1. A Tribal Lead Agency that also provides care through grants or contracts for child care slots will check “Yes” by that option.

3.1.2 Section 98.30(e)(1)(iv) provides 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) 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 two years prior to the effective date of the currently approved plan.” For plans due by July 2, 2007, the survey must have been conducted no earlier than October 1, 2005 and no later than September 30, 2007.

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. If a Tribal Lead Agency elects to use the State’s survey, they must indicate which State and the date (including year) of the survey under 3.2. 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) does not reflect local market rates or conditions.

NOTE: A technical assistance document “A Guide to Market Rate Surveys for CCDF Tribal Lead Entities” provides guidance for Tribes in developing a market rate survey. This document can be found on the Tribal Child Care Technical Assistance Center’s website at: <http://nccic.org/tribal/market/toc.html>.

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 serves 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. For instance, children of teenage parents or children in foster care could be considered children with special needs. Ways to prioritize 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 2007 HHS Poverty Guidelines for the 48 contiguous States and the District of Columbia for a family of 1 = \$10,210. Add \$3,480 for each additional family member (e.g., family of 3 = \$17,170). In Alaska, a family of 1 = \$12,770. Add \$4,350 for each additional family member (e.g., family of 3 = \$21,470).
- A Lead Agency is not required to use the 2007 HHS Poverty Guidelines, but must indicate the poverty level it is using if it elects to waive the required fee. The 2007 HHS Poverty Guidelines are located on HHS' website at: <http://aspe.hhs.gov/poverty/07poverty.shtml>.
- 3.5.4 The preamble to the regulations suggests that co-payments, 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 2007 CCDF grant allotment of \$500,000 or greater.

PART 4 – PROCESSES WITH PARENTS

- 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 – ACTIVITIES AND SERVICES TO IMPROVE THE QUALITY OF CHILD CARE

- 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 (including culturally-based activities) 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.

Extensive resources for professional development are available on the National Child Care Information Center's website at: <http://nccic.acf.hhs.gov/>. Tribal Lead Agencies are encouraged to explore quality enhancement activities at Tribal Colleges and Universities, and other local higher education institutions, where applicable.

PART 6 – HEALTH AND SAFETY REQUIREMENTS FOR PROVIDERS

The three health and safety requirements (prevention and control of infectious disease, building and physical premises safety, and health and safety training) 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. NOTE: Health and Safety requirements must be listed for all child care categories listed in 3.1

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." The standards were updated in 2005 (see: <http://nccic.acf.hhs.gov/tribal/min-std.html>). Tribal Lead Agencies are reminded that they 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 – ELIGIBILITY AND PRIORITY TERMINOLOGY

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

Instructions for the Child Count Declaration are provided under 1.9 of this Guidance.

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.

SUMMARY SHEET

The following items must be submitted with the Tribal Plan Preprint:

- Appendix 1 - - Assurances and Certifications
- Appendix 2 - - Eligibility and Priority Terminology
- Appendix 3 - - Child Count Declaration
- Appendix 4 - - List of Certifications

NOTE: Only **new** Tribal CCDF grantees are required to submit the certifications at Appendix 4. A new tribal grantee is an Indian Tribe or Indian organization (i.e., Tribal consortium) that did not receive CCDF funds in the previous Federal fiscal year.