

ACF

Administration
For Children
And Families

**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration on Children, Youth and Families**

1. Log No: ACYF-PI-CC-05-03

2. Issuance Date: April 28, 2005

3. Originating Office: Child Care Bureau

4. Key Words: Child Care and Development Fund (CCDF) Fiscal Year 2006 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) 2006 – 2007 biennium and provides guidance for completing and submitting it. This Plan is required by Section 658E of the CCDBG Act.
- References:** Section 418 of the Social Security Act; the Child Care and Development Block Grant Act of 1990 (CCDBG), as amended. 45 CFR Parts 98 and 99.
- Background:** Tribes are required to submit a complete Tribal Plan preprint for the FY 2006 - 2007 biennium (October 1, 2005 - September 30, 2007). The Plan preprint will be effective for a two-year period beginning October 1, 2005.
- The attached Tribal Plan preprint format is the same as the one used for the FY 2004 - 2005 biennium. We strongly recommend that you review the “**Guidance for Completing the Plan**” (Attachment C) as you develop your Tribal Plan for the FY 2006 – 2007 Plan period. Tribal Lead Agencies should also 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 2006, 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 2006 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 by July 1, 2005 (Attachment A).

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 2006 funding, the child count of children under age 13 must be completed **no later than** June 30, 2005, and **no earlier than** July 1, 2004.

Special Instructions For Tribal

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

Consortia:

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, 2005 – September 30, 2007). For example, if a new Tribe joins a Tribal consortium to receive FY 2006 CCDF funds, or if a current tribal consortium member elects not to receive FY 2006 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 2005 allocation moved it into the non-exempt category, the Tribal Lead Agency must meet the non-exempt requirements by October 1, 2005. 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 ACF estimates that \$95,998,200 in FY 2006 CCDF funds will be available

**and Allocation
Formulas:**

for Tribal grantees on October 1, 2005 (\$41,658,200 in Discretionary Funds and \$54,340,000 in Tribal Mandatory Funds).

Grants from Discretionary Funds will include a base amount of \$20,000 plus a per child amount (approximately \$56 per child) 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 \$96 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 2006 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 \$96 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, 2005, and may increase or decrease when updated data become available before the final grant awards are issued. The estimates reflect the Administration's FY 2006 budget request.

**Discretionary
Earmark:**

The Administration's FY 2006 budget request includes an earmark for school age care and resource and referral care activities. The FY 2006 Tribal Estimates Chart (Attachment B) shows the estimated earmark requirement for FY 2006. 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 2006 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 earmarked 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

Tribal Lead Agencies are reminded that no more than 15 percent of the

Costs: aggregate CCDF funds expended from each year's allotment may be used for administrative costs. Tribal Lead Agencies are advised to review the CCDF regulations at 45 CFR 98.52 for a discussion of administrative costs. Note: the Discretionary Funds base amount is neither subject to the 15 percent limitation, nor included in the calculation for the 15 percent limitation.

Construction and Renovation: In order to use CCDF funds for construction or major renovation projects, all Tribes receiving CCDF funds are required to follow ACF's construction and renovation application procedures (Program Instruction ACYF-PI-CC-04-01, dated January 23, 2004). This Program Instruction is available on the Child Care Bureau's website at: <http://www.acf.hhs.gov/programs/ccb/policy1/current/pi0401/pi0401.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 2006 Tribal Mandatory and Discretionary Funds by September 30, 2007, and liquidate all funds by September 30, 2008.

Deadlines and Effective Dates: The Plan must be submitted for ACF review by July 1, 2005. When approved by the ACF Regional Office, the Plans are effective on October 1, 2005.

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/policy1/tribelist.htm>.

Submitting the Plan: Submit copies of the Plan as follows:

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

One (1) copy to:
ACYF Operations Center
Attn: Child Care Bureau
CCDF 2006 Tribal Plan
118 Q Street, N.E.
Washington, DC 20002-2132

**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. The instructions contained in this Program Instruction (i.e., for the Tribal Plan preprint) 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-05-04) contains 102-477 application and plan instructions.

Tribes interested in learning more about the 102-477 process are encouraged to contact ACF's Child Care Bureau at (202) 690-6782. 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/policy1/triblist.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/policy1/triblist.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 June 30, 2005. ACF is requesting an extension of this information collection with no changes. Since the authority to collect information under OMB number 0970-0198 is extended during the OMB review process, Tribal Lead Agencies are required to submit the information requested in this Program Instruction.

Inquiries:

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

Joan E. Ohl
Commissioner

Attachments:

Attachment A - ACF Regional Administrators List
Attachment B - FY 2006 Tribal Estimates Chart
Attachment C - Guidance for Completing the Plan