

Assurances and Certifications

The applicant Tribe or tribal consortium 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 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 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 Child Care and Development Fund 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 applicant Tribe or tribal consortium 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 afford parents unlimited access to their children and to the providers caring for their children during the normal hours of operation 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 State (or 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 Child Care and Development Fund. (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 Child Care and Development Fund comply with all applicable health and safety requirements. (658E(c)(2)(G), 98.15(b)(6), 98.41)
- (7) Payment rates under the Child Care and Development Fund 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 that Fiscal Year. (98.67(c))

Statutory and Regulatory Requirements That Will Not be Waived

The following are the CCDF statutory and regulatory requirements that will not be waived under a consolidated 102-477 plan.

- Grantees 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. (658O(c)(2)(A), 98.12, 98.14(a)&(b), 98.81(b)(3)(1), 98.82)
- Grantees must describe the results of the 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))
- With the exception of applicants located in Alaska, California, or Oklahoma, CCDF programs and activities will be carried out for the benefit of Indian children on Indian reservations. (658O(c)(2)(B), 98.81(b)(3)(ii), 98.83(b))
- Applicants must demonstrate the administrative capability to successfully administer the proposed program in their initial plan. (658O(c)(3)(B))
- Grants and/or contracts are limited to a period of no more than 3 years. (658O(c)(4))
- Funds may not be used for the purchase or improvement of land. (658F(b)(1), 98.54(b)(1))
- Funds may not be used to pay for tuition or to contract for sectarian activities including worship or instruction. (658M, 98.54(c)&(d))
- Applicants must assure they will comply with provisions regarding a drug-free workplace, nondiscrimination, section 504 of the Rehabilitation Act of 1973, Education Amendments, and Age Discrimination Act of 1975, as amended at 45 CFR part 91. (98.13(b)(5))

Note: Since these certifications and assurances are required as part of the consolidated 102-477 plan, they do not need to be submitted with the CCDF application.

- At least one public hearing must be held by Tribes to allow for public comment. (98.14(c))

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- Grantees shall establish, and periodically revise a sliding fee scale(s) that provides for cost sharing by families, and is based on income and family size. Grantees may waive contributions and may apply different sliding fee scales. (658E(c)(5), 98.42)
- There are in effect, under tribal, local or State law, requirements designed to protect the health and safety of children that are applicable to child care providers of services for which CCDF assistance is provided. These requirements shall include the prevention and control of infectious diseases (including immunizations); building and physical premises safety; and minimum health and safety training appropriate to the provider setting. (98.41(a))
- Grantees must submit a request to the Secretary of the Department of Health and Human Services, in accordance with uniform procedures, to use funds for construction and renovation purposes. Funds may not be used for construction or major renovation of child care facilities until the Tribe's 102-477 scope of work has been modified to allow for construction or major renovation. (658O(c)(6)(C), 98.84(a)&(b))
- Grantees are not permitted to use amounts for construction or renovation purposes if such use will result in a decrease in the level of services provided by the grantee in the preceding fiscal year. (658O(c)(6)(C), 98.84(b)(3))
- Not more than 15 percent of the aggregate CCDF funds expended by a Tribal Lead Agency from each fiscal year (including amounts used for construction and renovation in accordance with section 98.84, but not including the base amount provided under section 98.83(e)) shall be expended for administrative activities. Amounts used for construction and major renovation in accordance with section 98.84 are not considered administrative costs. (98.52(b), 98.83(g))
- Grantees' fiscal and accounting procedures shall be sufficient to permit the preparation of required reports and the tracing of expenditures to a level of expenditure adequate to establish that such funds have not been used in violation of 45 CFR 98 Subpart G. (98.67(c))