

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 (the Act), Section 418 of the Social Security Act, and all other applicable Federal laws and regulations. (658D(b) of the Act, 658E(a) of the Act, 45 C.F.R. 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) of the Act, 45 C.F.R. 98.2, 45 C.F.R. 98.30, 45 C.F.R. 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) of the Act, 45 C.F.R. 98.15(a)(3), 45 C.F.R. 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) of the Act, 45 C.F.R. 98.15(a)(4), 45 C.F.R. 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. (45 C.F.R. 98.12, 45 C.F.R. 98.14(a)&(b), 45 C.F.R. 98.81(b)(3)(i), 45 C.F.R. 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). (45 C.F.R. 98.81(b)(3)(ii), 45 C.F.R. 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) of the Act, 45 C.F.R. 98.15(a)(5), 45 C.F.R. 98.15(p), 45 C.F.R. 98.30(e)&(f), 45 C.F.R. 98.40(b)(2), 45 C.F.R. 98.41(b), 45 C.F.R. 98.43(d), 45 C.F.R. 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) of the Act, 45 C.F.R. 98.15(b)(1), 45 C.F.R. 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) of the Act, 45 C.F.R. 98.15(b)(2), 45 C.F.R. 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) of the Act, 45 C.F.R. 98.15(b)(3), 45 C.F.R. 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 45 C.F.R. 98.40. (45 C.F.R. 98.15(b)(4), 45 C.F.R. 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) of the Act, 45 C.F.R. 98.15(b)(5), 45 C.F.R. 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) of the Act, 45 C.F.R. 98.15(b)(6), 45 C.F.R. 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) of the Act, 45 C.F.R. 98.15(b)(7), 45 C.F.R. 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. (45 C.F.R. 98.67(c))