

<h1 style="margin: 0;">ACF</h1> <p style="margin: 0;">Administration for Children and Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families	
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To State and Territorial 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 conveys the Preprinted State Plan (ACF-118) for Child Care and Development Fund (CCDF) services for the FY 2002-2003 biennium and the guidance document for completing and submitting the Plan. The 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 as amended; 45 CFR Parts 98 and 99.

Preparing the Plan The content of the State Plan Preprint (ACF-118) for the FY 2002-2003 biennium is generally the same as for the FY 2000-2001 biennium. Lead Agencies should also be guided by the amended Act and the regulations. Each section in the Plan contains references to the applicable sections in the Act and/or the regulations.

Changes have been made to a few parts of the Preprint to make it more easily understood, to reduce redundancy, and to collect information required under the Government Performance and Results Act of 1993. Agencies are encouraged to pay particular attention to modifications in the following Parts: (Please note that this is not an inclusive summary of the modifications.)

- Part 2, Section 2.1. To eliminate redundancy, Sections 2.1 (Consultation) and 2.2 (Coordination) have been combined into a single section.
- Part 3, Section 3.3.1. To reduce confusion, the column "Very low income" has been eliminated in the matrix. "Very low income" is now included as a term to be defined in Appendix 2 - "Eligibility and Priority Terminology." Additionally, Section 3.3.2 now asks that Lead Agencies describe how they determine family income for eligibility purposes.
- Part 5. Note that the sections in this part have been reordered for purposes of clarity.
- Part 6. In Section 6.6, Lead Agencies are asked to provide additional information about their enforcement of health and safety requirements.

Though Agencies will be familiar with most of the information requested in the Plan, they should review the attached guidance, which reflects the current regulations and ACF's experience with Plans submitted in the past.

Why
Detail
Is
Important

By submitting detailed information in their Plans, States and Territories provide readers and researchers with a better understanding of their CCDF programs, describe how the child care needs of children and families are being met, and assure the public and Congress that tax money is being spent responsibly and to best advantage. The public takes considerable interest in the way States and Territories operate their CCDF programs. ACF makes Plan information available to many users including members of Congress, Congressional committees, State and local child care administrators, advocacy groups, researchers and the general public. In addition, CCDF is subject to reauthorization by Congress in FY 2002. ACF anticipates that this will result in heightened interest in the information submitted in the FY 2002-2003 Plans.

Planning
Process

ACF reminds Lead Agencies that in preparing their biennial Plans, the Act requires Lead Agencies to: (1) Consult with appropriate representatives of local governments; (2) Coordinate the provision of services with Federal, State and local child care and early childhood development programs; and (3) Provide statewide notice of at least one hearing before the Plan is submitted to ACF to provide the public an opportunity to comment on the child care services to be provided under the new State Plan. (Section 658D(b)(1) and (2); 45 CFR 98.14(c))

The regulations further specify that the statewide notice of the public hearing be given at least 20 days before the hearing and that the contents of the proposed Plan be made available to the public in advance of the hearing. (45 CFR 98.14(c)) A meaningful public comment process must consider written comments from private citizens or representatives of organizations unable to attend a hearing. The importance of the hearing is such that the Preprint requires the Lead Agency to describe its public hearing process. (Section 2.2)

While the Act requires a minimum of one public hearing, ACF encourages Lead Agencies to convene additional public hearings, since the concern of the Act is to allow broad public participation in preparing a Plan. The hearings are meant to be an integral part of planning a child care program and should not be an occasion merely to comment on an already completed Plan. Many Lead Agencies have on-going Planning processes with broad community involvement that convene regularly during the year.

In the two previous biennial planning cycles, Lead Agencies showed great diversity in fulfilling the public hearing requirement. Some sponsored focus groups with parents and providers, community roundtables, regional meetings and forums spread over several months and culminating in the public hearing(s). Statewide notification of the public hearing has also varied greatly. Most States use the media to publicize the hearing(s), e.g., an announcement in the Legal Notices section of the State's major newspapers. Many States send press releases to a broad array of news and information outlets. Widespread use of the Internet has influenced the way states publicize their public hearings. Many States have posted both their hearing notices and their draft Plans on the Lead Agency's Web site.

Some States allow interested parties to comment on the draft Plan via the Internet; others have an 800 number the public can call to comment.

- Electronic Format** States are encouraged to submit their Plans through electronic means. The State Plan Preprint (ACF-118) is available in word-processing format from ACF Regional Offices. If a Lead Agency intends to submit its Plan electronically, it should: (1) Inform the appropriate Regional Office;
(2) "Write protect" the Plan; (3) 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.
- Reminder: Amending the Plan** To make a substantive change to a CCDF program after the Plan has been approved, a Lead Agency needs to submit a Plan amendment to ACF for approval. Amendments are to be submitted within 60 days of the effective date of the change. ACF will approve amendments not later than the 90th day following the date on which the amendment is received, unless a written agreement to extend that period has been secured. (45 CFR 98.18(b)) Lead Agencies should enter information about the amendment on the Amendment Log at the beginning of the Plan.
- Deadlines and Effective Dates** Lead Agencies must submit their Plans for ACF review by July 1, 2001. Plans approved by the appropriate ACF Regional Office will become effective on October 1, 2001.
- Submitting the Plan** Copies of the Plan should be submitted as follows:

1 copy to the:
ACF Regional Administrator (The attached address list includes the electronic mail address for plans submitted electronically.)

1 copy to the:
Child Care Bureau
330 C Street, S.W.
Washington, D.C. 20447

Electronic mail address:
lreese-smith@acf.dhhs.gov
- Inquiries** All inquiries should be directed to the ACF Regional Administrator.

James Harrell
Acting Commissioner
Administration on Children, Youth
and Families

Attachments

GUIDANCE

Examples in this guidance The examples used in this guidance are illustrative only. They are not intended to prescribe approaches or limit Lead Agency flexibility.

Completing the Plan when other entities are involved

Section 658D(b)(1)(A) of the Act requires the Lead Agency to “administer, directly, or through other governmental or non-governmental agencies” the funds received. The regulations at 45 CFR 98.11 further provide that, in addition to retaining “overall responsibility” for the administration of the program, the Lead Agency must also (among other things):

- Promulgate all rules and regulations governing the overall administration of the CCDF program;
- Ensure compliance with the approved Plan and all Federal requirements;
- Oversee the expenditure of funds by subgrantees and contractors;
- Ensure that any State, local or non-governmental agencies through which the State administers the program – including agencies and contractors that determine individual eligibility – operate according to the rules established for the CCDF.

Some States permit other non-CCDF administrative entities, for example, county governments or multi-area entities, to set additional eligibility criteria, establish sliding fee scales, or select the quality activities to be undertaken, within broad parameters established by the Lead Agency. Section 1.5 of the Plan asks the Lead Agency how the Lead Agency maintains overall control when other non-CCDF administrative entities are involved.

Two sections in the Plan (section 3.3.3 on eligibility criteria and section 3.5.2 on sliding fee scales) specifically ask about the application of policy across the entire State. It is in these two areas that local variations most often exist. However, there may be other areas where local variations exist, but are not specifically addressed by the section. Where local variations exist, the Lead Agency should so indicate. The following sections may require Lead Agencies to note the existence of local variations:

- 3.4 - Priorities for Children
- 3.5.3 - Fee waiver policy
- 3.6 – Certificate Payment System
- Part 4 – Processes with Parents
- Part 5 – Quality Activities/Services

The notation need not specify the details of each local variation unless the

Lead Agency chooses to provide such detail. For example, in response to

section 3.4, the Lead Agency could list the State-level priorities, but note that local counties have the flexibility to change the order of the priorities. It would not be necessary to list the priorities in each county. An acceptable approach would be: “*Counties must submit their priorities to the State Lead Agency office for approval.*” Responses that only indicate that counties set their own priorities may not be acceptable if it is not clear that the Lead Agency maintains its required “overall responsibility.”

1.1 & 1.2

Lead Agency Information: Identify the Lead Agency and Lead Agency’s Chief Executive Officer as designated by the State Chief Executive Officer. ACF will send grant awards, grant adjustments, plan approvals and disallowance notifications to the address shown here. **State Child Care (CCDF) Contact Information:** Identify the contact with day-to-day responsibilities and knowledge of the operations of the State’s CCDF-funded child care program. Typically, the Lead Agency information will identify a State cabinet-level incumbent, while the State Child Care (CCDF) Contact Information will identify the State child care program administrator.

Responses to questions 1.1 and 1.2 serve as the Lead Agency's official and formal notification to ACF of any changes in the administration and location of the Lead Agency and contact for the State child care (CCDF) program.

1.3 & 1.4

The purpose of questions 1.3 and 1.4 is to provide the public with an indication of the amount of funds available for child care and related activities. The amounts provided in response to these questions are informational only and will not be subject to compliance actions, nor will ACF distribute funds based on these estimates. Estimates are for the 1-year period 10/1/01--9/30/02 even though the Plan covers a 2-year period. Quarterly requests for funds and information on the actual use of funds must be provided to ACF on other designated financial management forms (e.g., ACF-696) and reports.

For purposes of this question, the Federal CCDF amount is the total of the Discretionary, Mandatory, and Matching Funds of the CCDF. On separate lines, Lead Agencies indicate the funds expected to be transferred from the Federal TANF Program and the anticipated Direct Federal TANF spending on child care (if known).

Lines are also provided for the estimate of State (i.e., non-Federal) funds available to meet the maintenance of effort (MOE) requirement and share of the Matching Fund of the CCDF. States have the option to include other State-only funds that exceed the amounts required to meet the MOE and Match provisions, if they choose.

1.3 & 1.4
(continued)

Territories may indicate "NA" in the State amount line or indicate any Territory-only funds used for the CCDF.

In question 1.4, estimate the amount and percentage of the total CCDF that will be used to administer all services and activities under the CCDF. Show only the amount of Federal funds and required State CCDF expenditures, i.e., do not include the cost of administering other State programs. The Lead Agency is reminded that not more than 5% of the total CCDF (which includes the State's share of the Matching fund) may be used for administration. The regulations at 45 CFR 98.52 discuss what constitutes an administrative cost.

1.5

Examples of how the 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 Lead Agency monitors the other agencies;
 - Whether other agencies must certify that Lead Agency guidelines are followed;
 - The benchmarks, performance indicators, or standards that are applied to the other agency;
 - When administration has devolved to localities, whether those localities/agencies must submit plans to the Lead Agency or otherwise seek Lead Agency approval;
 - A discussion of the contract/grant process, including an indication of how often a contract/grant is opened to new competition;
 - Requirements specified in interagency agreements, memoranda of understanding, state statute, etc.
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1.6

This question addresses only the child care services that are provided under §98.50, i.e., those services for which individual eligibility must be determined. When local offices of the Lead Agency perform the task, the appropriate answer is "Yes". If other entities such as contracted child care providers perform any of the functions listed, the answer should be "No".

If the Lead Agency answers "NO" to any of the four questions, please identify the entity that performs the task. When more than one entity performs the same task, indicate all entities. For example, when a CCR&R provides payments in one part of the State and the TANF agency performs this function in another part of the State, identify both.

It is only necessary to identify the highest level of the other entity involved. For example, if the Lead Agency has an interagency agreement with county

1.6

(continued)

TANF agencies to determine eligibility, but the county TANF agencies have the authority to further contract those services through a competitive bid process, it is only necessary to indicate “*County TANF agencies*”. It would be helpful if the Lead Agency would explain that further contracting may occur in an example such as this one.

To facilitate comparisons across States, Lead Agencies are encouraged to indicate the type of entity performing the task by using one of the following identifiers:

- The State/County TANF agency;
- A non-TANF State/County agency. Examples, State Employment Services, Food Stamp agency;
- A non-governmental community/area multiservice agency. Examples; United Way, County Council of Churches;
- Child Care Resource & Referral Service;
- School/school district;
- Child care provider;
- Other – if the entity does not fall into one of the above types, please describe.

1.8.1

The regulations provide for the designation of only one entity in the State to receive donated funds, and only donations received by that agency may be counted for match purposes. The Lead Agency may designate itself as that entity.

1.9.2

Some examples of State efforts to ensure that pre-K programs meet the needs of working parents include:

- Making pre-K programs full-day;
 - Making pre-K programs full-year;
 - Delivering pre-K through other community-based childhood service providers.
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- 1.9.3 Examples of how the Lead Agency can coordinate its pre-K and child care services to expand the availability of child care include:
- The distribution of pre-K funding in the State takes into account the local availability of child care;
 - School-based transportation is made available to child care programs;
 - Child care programs and schools collaborate to make better use of school facilities, especially in the summer or when schools are not used.
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2.1 The regulations at §98.12 (a)-(c) stipulate that the Lead Agency shall coordinate the provision of services with other Federal, State, and local child care and early childhood development programs, including such programs for the benefit of Indian children. This includes consultation with representatives of local government during the development of the plan and coordination with any Indian Tribes in the State receiving CCDF funds. The regulations at §98.14(a)(1)(A)-(D) specify that the Lead Agency must also coordinate with the State/tribal agency responsible for:

- Public health
- Employment Services
- Public Education
- TANF

This section now requires a description of the consultation and coordination the Lead Agency used in developing this Plan and the “results” or outcomes of the coordination.

2.2 Lead Agencies are reminded that at least one hearing must be held to allow the public the opportunity to comment on the provision of child care services under the Plan. At least 20 days of statewide public notice must be provided in advance of the hearing. The hearing shall be held before the Plan is submitted to ACF but no earlier than nine months before the effective date of the Plan, i.e., no earlier than January 1, 2001. The content of the proposed Plan shall be made available to the public in advance of the hearing.

2.3 This section requests that the Lead Agency describe activities, including planned activities, to encourage public-private partnerships in meeting child care needs. Consistent with 98.14(a)(2), Lead Agencies are required to discuss the results or expected results of these activities.

3.1.1 This question addresses contracts or grants to child care programs or providers

for the direct purchase of a specified number of slots. Do not check “Yes” if every provider is simply required to sign a “contract” in order to be paid through your certificate program.

3.1.3 The Lead Agency is not required to offer services statewide nor must the same services be offered statewide. If all services are not offered statewide, however, indicate the services that are not available and identify the area where the services are not offered.

3.2 The regulations provide that the local market survey must have been conducted “no earlier than two years prior to the effective date of the currently approved Plan.” Plans will not be approved unless a local market survey has been completed within the allowable time period (10/1/99 – 9/30/01). Lead Agencies are required to provide the month and year of their local market rate survey, a copy of their payment rates for all categories of care, and the effective date of those rates. If the Lead Agency provides tiered reimbursements, i.e., pays more for higher quality care, or has payment rates that vary for children with special needs, non-standard hour care, or other types of care, a copy of those payment rates should be included as well.

The explanation of how rates ensure equal access should include a description of how the rates correspond to market charges as evidenced by the survey. For example, the explanation might include: *“Rates for center-based and regulated family child care are set at the 75th percentile of market charges as demonstrated by our local market survey. Rates for unregulated providers are set at 50% of family child care home rates as a sufficient number of unregulated providers could not be identified and surveyed. Additionally, unregulated providers are not currently required to undertake the same high level of ongoing training as are the regulated providers. Rates for unregulated providers were set at a lower amount in the past and we experienced no reluctance to provide care at that rate.”*

Where the State’s payment rates do not show the same categories of care described in the parental choice requirement at 98.30(e)(1) (i.e., centers, group homes, family, and in-home care) include a definition of the categories that the State uses. For example, if the State’s rates include only centers, family homes, and in-home care: *“Centers are facilities caring for groups of children in a non-residential setting. A family child care home is a licensed provider in a private residence caring for up to 12 unrelated children depending on the ages of the children and availability of an assistant. An in-home provider cares for the children of only one family in that family’s home. The State does not distinguish between group and family child care homes, therefore rates for only three categories are shown.”*

3.3.1 Eligibility for CCDF services is limited to families with income at or below 85% of

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the State Median Income (SMI) for a family of the same size. Whether or not the Lead Agency offers services to families with income up to 85% of SMI, this upper eligibility level must be recorded in column (a). Column (b) is completed only if the Lead Agency uses an income level lower than 85% of SMI to limit eligibility.

Neither the statute nor the regulations specify a source or basis for State Median Income (SMI), and the Lead Agency has flexibility in determining its SMI. However, in calculating the proportion of potentially eligible children served by States for the new child care component of the TANF high performance bonus, ACF will use the SMI information provided by the Bureau of Census for the Fiscal Year corresponding to the performance year. For that reason, Lead Agencies are encouraged to use the most recent fiscal year information provided by the Bureau of Census in completing column (a). The Bureau of the Census publishes estimates of SMI on its web site at: www.census.gov/hhes/income/4person.html. SMI estimates for FY 2002 (starting October 1, 2001) are also expected to be published in the Federal Register in March 2001 for use in the LIHEAP program. When published, the estimates will be available at: www.access.gpo.gov.

This section no longer requires that Lead Agencies provide dollar amounts associated with “very low income” for purposes of the priorities under 98.44. “Very low income” is now included as a term to be defined by Lead Agencies in Appendix 2 of the Plan.

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- 3.3.2 CCDF regulations provide that Lead Agencies are to include in their Plans any additional eligibility criteria, priority rules and definitions that have been established. This section requires that Lead Agencies describe and/or attach information about how income is defined for CCDF eligibility purposes.
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- 3.3.3 If there are different/multiple income levels (e.g., 3.3.1 column “b”) in use in the State, explain the variations here and include a copy of the income levels as an attachment. For example, a Lead Agency may have entrance and exit eligibility thresholds that differ, allow local counties to set eligibility levels, or have eligibility that differs for families that include a child with special needs.
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- 3.3.4 Waiving fees for children receiving (or in need of) protective services may only be done on a case-by-case basis. There is no provision for automatically waiving fees in every protective service case.
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- 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”).

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3.3.8 The Lead Agency is reminded that respite care is allowable for only brief, occasional periods, in excess of the normal "less than 24 hours period."

3.4.1 The Lead Agency must give priority for child care services to children:

- With special needs (as defined in Appendix 2);
- In families with very low incomes (as defined in Appendix 2).

However, neither the statute nor the regulations prescribes how to "give priority". Therefore, while the list of priorities for services must include special needs and very low income children, they need not appear first on the list. For example, priority can be achieved by setting aside specific funds or slots for special needs or very low income children. "Special needs" in this context may be broadly defined. It is not limited to children with physical or mental disabilities.

3.5.1 & 3.5.2 The attachment must include an explanation -- for example, an excerpt from an eligibility worker's manual -- of how the sliding fee scale works; whether, e.g., it varies by number of children in care or the cost of care.

3.5.3 The 2000 HHS Poverty Guideline published in the Federal Register on February 15, 2000 is \$14,150 for a family of three. For other family sizes apply \$2,900 per person, except in Alaska and Hawaii. For Alaska, the 2000 HHS Poverty Guideline for a family of 3 is \$17,690 (apply \$3,630/person for other family sizes). For Hawaii, the 2000 HHS Poverty Guideline for a family of 3 is \$16,720 (apply \$3,340/person for other family sizes). The 2001 HHS Poverty Guidelines should be published in February 2001. They will be available from the Federal Register at **www.access.gpo.gov**.

The Lead Agency is not required to use the 2001 HHS Poverty Guidelines, but must indicate the poverty level it is using if it elects to waive the required fee.

3.5.4 Allowing providers to charge parent fees in addition to those included under the sliding fee scale may have serious implications for the affordability of child care in low-income families. Lead Agencies are asked whether they prohibit providers from charging families fees in addition to the co-payment described in 3.5.1 and 3.5.2.

3.5.4 The preamble to the regulations suggests that co-payments that are no more than 10% of family income would be "affordable." It should be noted, however, that the

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regulations do not establish this or any other standard or criteria that co-payments must meet. The explanation, at a minimum, should indicate the percent of family income that typically would be used to meet its co-payment. Lead Agencies are reminded that co-pays may not vary based on a family's eligibility status or circumstances.

3.6.1 The Lead Agency is encouraged to provide a copy of the certificate in addition to its description.

3.6.3 The explanation should include an estimate of the mix of \$98.50 services available through certificates versus grants/contracts. This may be expressed in terms of dollars, number of slots, or percentages of services.

4.1 A description of the eligibility process for families should be provided. Include any variations in eligibility process based on eligibility category as well as information about how parents who receive TANF benefits are informed about the exception to individual penalties as described in 4.4.

The description should also address the length of the CCDF eligibility determination period including any extension to the eligibility period in support of collaborative arrangements between child care and Head Start or pre-K programs. For example: *“Generally, eligibility is redetermined every 6 months via a mailed certification. Where the child is receiving child care service in a collaborative arrangement with another program, the CCDF eligibility period will be the same as the eligibility period or service delivery criteria of the collaborative program. For Head Start/child care collaborative programs, the CCDF eligibility period is 2 years, for pre-K programs, the CCDF eligibility period coincides with the school year (e.g., 9 months).”*

The Lead Agency can forestall audit questions by documenting in its Plan CCDF eligibility periods when different eligibility determination periods apply depending on the nature of the services provided.

4.2 It is not necessary that the Lead Agency maintain the records of substantiated parent complaints. That function may be undertaken by another State agency. Regardless of who maintains the records, the Lead Agency must provide the required detailed description about how the information is made available to the public on request. The description should include the contact for obtaining information about parental complaints.

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4.3 Examples of procedures include: *“All provider contracts include a certification that the provider affords unlimited parental access, and all providers must sign a contract in order to be paid.” “This is a requirement of the State licensing and registration process.” “The Lead Agency sends periodic reminders to all providers about this.”*

4.4 The regulations do not establish any criteria or standard against which the requested TANF definitions are to be judged. This information is requested as a means of providing information to the public. ACF recognizes that the TANF definitions are not the responsibility of the CCDF Lead Agency. Therefore, the question also asks that the TANF agency be identified.

Attaching a copy of the applicable TANF Plan pages is sufficient. However, merely referring to a State TANF document (e.g., “as described in the TANF Plan submitted to ACF”) would not fulfill the public information purpose of this question.

In this section, as is true of many sections of the Plan, approval of the Plan means that the Lead Agency has submitted the required information, not that ACF approves of the definitions provided.

5.1 Since Congress has earmarked funds for specific quality and access activities, the Plan requests separate descriptions of Lead Agency activities and services to improve the quality of care for infants and toddlers as well as its resource and referral services and school-aged activities. (See Information Memorandum ACYF-IM-CC-99-01, January 22, 1999.)

In identifying the entity performing a specific task, Lead Agencies are encouraged to use one of the indicators listed in the guidance for section 1.6 (above).

5.2 Estimate the amount and percentage of the total CCDF that will be used for activities and services to improve the quality and availability of child care, provide comprehensive consumer education, and/or increase parental choice. Show only the amount of the Federal funds – including earmarked amounts -- and required State matching expenditures (i.e., do not include the cost of services and activities paid for with State MOE funds). The Lead Agency is reminded that no less than 4% of the total CCDF (which includes the State's share of the Matching fund and earmarked funds) must be used for quality activities. (While the earmarked funds are included in calculating the "not less than 4% expenditure requirement," they do not count toward meeting the 4% expenditure requirement.)

5.3 - 5.5 The list provided reflects options many Lead Agencies have selected in the past. It is not intended to be inclusive nor is it intended to exclude other services or activities

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that meet the intent of the Act. The Lead Agency may include other services or activities not on the list by indicating "Yes" in the last selection. All activities and services marked "Yes" must be described in 5.4.

In identifying the entity performing a specific task, Lead Agencies are encouraged to use one of the indicators listed in the guidance for section 1.6 (above).

Part 6
6.1 – 6.4

NOTE: Part 6 is completed by the 50 States and the District of Columbia only. Territories complete Part 7.

Section 658E(c)(2)(E) of the CCDBG Act requires the Lead Agency to provide "a detailed description" of its licensing requirements. The National Resource Center for Health and Safety in Child Care (NRCHSCC) provides a comprehensive, current, on-line listing of the licensing and regulatory requirements for child care in the 50 States and the District of Columbia. The listing, which is maintained by the University of Colorado Health Sciences Center School of Nursing, is readily available to the public on the World Wide Web at: <http://nrc.uchsc.edu>

ACF accepts the NRCHSCC compilation as fulfilling the statutory requirement. Nevertheless, the Lead Agency should verify that the NRCHSCC listing accurately reflects the State requirements. If the NRCHSCC listing is inaccurate contact them at 800.598.5437 or e-mail: Natl.child.res.ctr.@UCHSC.edu

The first question in each section of Part 6 (6.1.1, 6.2.1, 6.3.1 and 6.4.1) is designed to show if all care in the stated category is licensed. As indicated, if all care is licensed, the Lead Agency answers "Yes" to the first question, responds to the second question related to changes in licensing requirements, and skips the third question. If any care in the stated category is not licensed, the Lead Agency must complete the health and safety requirements that apply only to that unlicensed care (6.1.3, 6.2.3, 6.3.3, and/or 6.4.3).

Example: All center-based care in the State is licensed except that provided in school-based programs. The Lead Agency checks "NO" in the response to 6.1.1 and describes in 6.1.3 the health and safety requirements that apply to school-based centers.

Legal care that is not licensed by the State is not included in the

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Part 6
(continued)

NRCHSCC listing and must be described in the appropriate section of Part 6.

Example: A caregiver caring for fewer than three unrelated children is registered by the Lead Agency, but is not licensed. Because such caregivers are not licensed they are not included in the State NRCHSCC listing. The health and safety requirements for these providers must be described.

6.5

The Lead Agency has the option to exempt only those relatives specifically mentioned in the Act from its health and safety requirements -- the Lead Agency is not required to exempt them. The Lead Agency should indicate its policy regarding relative providers. If relative providers are subject to different requirements from licensed providers, please describe the requirements that apply to relatives.

6.6

Under the statute and regulations that govern CCDF, each Lead Agency is required to certify the procedures that are in effect to ensure that providers serving children whose care is subsidized through CCDF comply with applicable health and safety standards.

The new questions in this section are intended to assist ACF in tracking its performance measures under the Government Performance and Results Act of 1993. Lead Agencies are to indicate whether or not they conduct routine unannounced visits on child care providers, perform background checks on providers (or their family members), and/or require that providers report serious injuries that occur while a child is in care. In addition, Lead Agencies are asked to describe other methods used to ensure that health and safety requirements are enforced. This might include information about the percent of providers inspected annually, the number of inspections conducted annually, the length of time between inspections, etc.

For purposes of this section, “routine” unannounced visits are those that are conducted as a matter of policy, not for purposes of licensing or formal complaint investigation. “Serious injuries” are defined as injuries to a child in care that require medical treatment by a doctor, nurse, dentist, or other medical professional.

Part 7
7.1 - 7.4

Only Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands and American Samoa complete Part 7.

Because the Territories are not included in NRCHSCC compilation, the health and safety requirements must be described for all 4 categories of care. The health and safety requirements for all care, whether licensed, regulated, or otherwise legal, that is paid for with CCDF funds must be described.

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7.5 The Lead Agency has the option to exempt only those relatives specifically mentioned in the Act from its health and safety requirements -- the Lead Agency is not required to exempt them. The Lead Agency should indicate its policy regarding relative providers. If relative providers are subject to different requirements than licensed providers, please describe the requirements that apply to relatives.

7.6 Under the statute and regulations that govern CCDF, each Lead Agency is required to certify the procedures that are in effect to ensure that providers serving children whose care is subsidized through CCDF comply with applicable health and safety standards.

The new questions in this section are intended to assist ACF in tracking its performance measures under the Government Performance and Results Act of 1993. Lead Agencies are to indicate whether or not they conduct routine unannounced visits, perform background checks on providers (or their family members), and/or require that providers report serious injuries that occur while a child is in care. In addition, Lead Agencies are asked to describe other methods used to ensure that health and safety requirements are enforced. This might include information about the percent of providers inspected annually, the number of inspections conducted annually, the length of time between inspections, etc.

For purposes of this section, “routine” unannounced inspections are those that are conducted as a matter of policy, not for purposes of licensing or complaint investigation. “Serious injuries” are defined as injuries to a child in care that require medical treatment by a doctor, nurse, dentist, or other medical professional.

Appendix 1 – Program Assurances and Certifications Note that the Plan does not include the additional certifications listed at 45 CFR 98.13(b)(2)-(6), i.e., lobbying, drug-free workplace, debarment, nondiscrimination and smoking prohibitions. These certifications were obtained in the 1997 Plan and need not be collected again. Even if the Lead Agency has changed, these certifications apply to the successor agency.

Appendix 2 - Definitions: The Lead Agency must complete the required definitions in Appendix 2, and include any special terms that are used.

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“in loco
parentis”

Please identify who may serve “in the parent’s place” for purposes of the CCDF. For example: “any blood relative with custody (whether or not court ordered) or any person with court-ordered custody”. A definition such as “a person acting in the parent’s place” is not adequate.

“Protective
Services”

A Lead Agency that chooses to provide respite care to children in protective services (as indicated in questions 3.3.7 & 3.3.8) must explain the circumstances under which respite care is offered. As explained in the preamble at 63 FR 39949, respite care can only be used in cases where a child receives or needs to receive protective services.

Because the use of respite child care may differ from how it is used/defined for other purposes (such as child welfare), the definition should address who makes the determination that a child “needs to receive” protective services.

“Special
Needs”

The Lead Agency should distinguish between “special needs” for purposes of payment rates (i.e., children with disabilities) if applicable, and “special needs” for purposes of prioritizing services.

“Very low
income”

As indicated in section 3.3.1, the Act governing the CCDF requires States to give priority to families with “very low income.” While there may not be a practical need to make such a distinction, for example, because the Lead Agency is able to serve all families below 85% of the SMI, a definition of “very low income” is required.

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**CHILD CARE AND DEVELOPMENT FUND PLAN
FOR
FFY 2002-2003**

This Plan describes the CCDF program to be conducted by the State for the period 10/1/01 – 9/30/03. As provided for in the applicable statutes and regulations, the Lead Agency has the flexibility to modify this program at any time, including changing the options selected or described herein.

The official text of the applicable laws and regulations govern, and the Lead Agency acknowledges its responsibility to adhere to them regardless of the fact that, for purposes of simplicity and clarity, the specific provisions printed herein are sometimes paraphrases of, or excerpts and incomplete quotations from, the full text.

Public reporting burden for this collection of information is estimated to average 162.57 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information.

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.

(Form ACF 118 Approved OMB Number: 0970-0114 expires 02-29-2004)

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PART 1 -- ADMINISTRATION

The agency shown below has been designated by the Chief Executive Officer of the State (or Territory), to represent the State (or Territory) as the Lead Agency. The Lead Agency agrees to administer the program in accordance with applicable Federal laws and regulations and the provisions of this Plan, including the assurances and certifications appended hereto. (658D, 658E)

1.1 Lead Agency Information: (as designated by State chief executive officer)

Name of Lead Agency:

Address of Lead Agency:

Name and Title of the
Lead Agency's Chief Executive Officer:

Phone & Fax Numbers:

1.2 State Child Care (CCDF) Contact Information: (day-to-day contact)

Name and Title of the
State Child Care Contact (CCDF):

Address of Contact:

Phone & Fax Numbers:

E-Mail Address:

1.3 The Lead Agency estimates that the following amounts will be available for child care services and related activities during the 1-year period: October 1, 2001 through September 30, 2002. (§98.13(a))

- Federal Child Care & Development Fund: \$
- Federal TANF Transfer to CCDF (if known): \$
- Direct Federal TANF Spending on Child Care (if known): \$
- State Maintenance of Effort Funds: \$
- State Matching Funds: \$

1.4 The Lead Agency estimates that the following amount (and percentage) of the CCDF will be used to administer the program (not to exceed 5 percent): \$ _____ (____ %). (658E(c)(3), §§98.13(a), 98.52)

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1.5 Does the Lead Agency directly administer and implement all services, programs and activities funded under the CCDF Act, including those described in Part 5 – Activities & Services to Improve the Quality and Availability of Child Care?

- () Yes. – GO to Section 1.8.
() No, and the following describes how the Lead Agency maintains overall control when services or activities are provided through other agencies. (658D(b)(1)(A), §98.11)

1.6 For **child care services** funded under §98.50 (i.e., certificates, vouchers, grants/contracts for slots **based on individual eligibility**), does the Lead Agency itself: (§98.11)

- Determine individual eligibility of non-TANF families? YES ___ NO ___
If NO, identify the name and type of agency that determines eligibility of non-TANF families for child care:

- Determine individual eligibility of TANF families? YES ___ NO ___
If NO, identify the name and type of agency that determines eligibility of TANF families for child care:

- Assist parents in locating child care? YES ___ NO ___
If NO, identify the name and type of agency that assists parents:

- Make payments to providers? YES ___ NO ___
If NO, identify the name and type of agency that makes payments:

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1.7 Is any entity named in response to section 1.6 a non-governmental entity? (658D(b), §§98.10(a), 98.11(a))

- No.
- Yes, the following entities named in section 1.6 are non-governmental:

Section 1.8 - Use of Private Donated Funds

1.8.1 Will the Lead Agency use private donated funds to meet a part of the matching requirement of the CCDF pursuant to §98.53(e)(2) and (f)?

- No. GO TO 1.9
- Yes, and the entity designated to receive private donated funds is:
Name of entity:
Address:
Contact:

1.8.2 Is the entity designated to receive private donated funds (named above) a non-governmental agency? (§98.11(a))

- Yes.
- No.

Section 1.9 - Use of State Pre-Kindergarten (Pre-K) Expenditures

1.9.1 During this plan period, will State expenditures for Pre-K programs be used to meet any of the CCDF maintenance of effort (MOE) requirement?

- No.
- Yes, and the State assures that its level of effort in full day/full year child care services has not been reduced, pursuant to §98.53(h)(1).

1.9.2 During this plan period, will State expenditures for Pre-K programs be used to meet any of the CCDF Matching Fund requirement? (§98.53(h))

- No.
- Yes, and the following describes State efforts to ensure that pre-K programs meet the needs of working parents (§98.53(h)(2)):

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1.9.3 Will the State use Pre-K expenditures to meet more than 10% of the:

- Maintenance of effort requirement, OR
- Matching fund requirement?

If No to both, CHECK HERE ____.

If Yes to either, the following describes how the State will coordinate its Pre-K and child care services to expand the availability of child care (§98.53(h)(4)).

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PART 2 -- DEVELOPING THE CHILD CARE PROGRAM

Section 2.1 – Consultation and Results of Coordination:

Describe the consultations the Lead Agency held in developing this Plan. At a minimum, the description must include the following: 1) the representatives of local governments (including tribal organizations when such organizations exist within the boundaries of the State) that were consulted (658D(b)(2), §§98.12(b), 98.14(b)); and, 2) the results of coordination with other Federal, State, local, and tribal (if applicable) agencies and programs including those involved with public health, employment, public education, and TANF. (658D(b)(1)(D), §§98.12(a), 98.14(a)(1) & (2))

Section 2.2 - Public Hearing Process:

Describe the Statewide public hearing process held to provide the public an opportunity to comment on the provision of child care services under this Plan. At a minimum, the description must include the date(s) of the hearing(s), how and when the public was notified Statewide of the hearing(s), the hearing site(s), and how the content of the Plan was made available to the public in advance of the hearing. (658D(b)(1)(C), §98.14(c))

Section 2.3 - Public-Private Partnerships: Describe the activities, including planned activities, to encourage public-private partnerships which promote private-sector involvement in meeting child care needs. (658D(b)(1), §98.16(d))

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PART 3 -- CHILD CARE SERVICES OFFERED

Section 3.1 - Description of Child Care Services:

REMINDER: The Lead Agency must offer certificates for services funded under 45 CFR 98.50. (98.30) Certificates must permit parents to choose from a variety of child care categories including center-based care, group home care, family child care and in-home care. (§98.30(e))

3.1.1 In addition to offering certificates, does the Lead Agency also have grants or contracts for child care slots?

- No.
- Yes, and the following describes the types of child care services and the range of providers that will be available through grants or contracts: (658A(b)(1), 658P(4), §§98.16(g)(1), 98.30(a)(1) & (b))

3.1.2 The Lead Agency must allow for in-home care, but may limit its use. Does the Lead Agency limit the use of in-home care in any way?

- No.
- Yes, and the limits and the reasons for those limits are (§§98.16(g)(2), 98.30(e)(1)(iv)):

3.1.3 Are all of the child care services described in 3.1.1 above (including certificates) offered throughout the State? (658E(a), §98.16(g)(3))

- Yes
- No, and the following are the localities (political subdivisions) and the services that are not offered:

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Section 3.2 - Payment Rates for the Provision of Child Care:

The statute (at 658E(c)(4)) requires the Lead Agency to establish payment rates for child care services that ensure eligible children equal access to comparable care and these rates are provided as Attachment _____. The attached payment rates are effective as of _____.

The following is a summary of the facts relied on by the State to determine that the attached rates are sufficient to 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. Include, at a minimum:

- The month and year of the local market rate survey(s): _____ (§98.43(b)(2))
- How the payment rates are adequate to ensure equal access based on the results of the above noted local market rate survey (i.e., the relationship between the attached payment rates and the market rates observed in the survey): (§98.43(b))

- Additional facts that the Lead Agency relies on to determine that its payment rates ensure equal access include: (§98.43(d))

- If the payment rates do not reflect individual rates for the full range of providers -- center-based, group home, family and in-home care -- explain how the choice of the full range of providers is made available to parents:

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Section 3.3 - Eligibility Criteria for Child Care:

By statute, all eligible children must be under the age of 13 and reside with a family whose income does not exceed 85% of the State Median Income (SMI) for a family of the same size and whose parent(s) are working or attending a job training or educational program or who receive or need to receive protective services. (658E(c)(3)(B), 658P(3), §98.20(a))

3.3.1 Complete column (a) in the matrix below. Complete Column (b) ONLY IF the Lead Agency is using income eligibility limits lower than 85% of the SMI.

IF APPLICABLE		
Family Size	(a) 85% of State Median Income (SMI) (\$/month)	(b) Income Level, lower than 85% SMI, if used to limit eligibility (\$/month)
1		
2		
3		
4		
5		

3.3.2 How does the Lead Agency define “income” for the purposes of eligibility? Is any income deducted or excluded from total family income, for instance, work or medical expenses; child support paid to, or received from, other households; Supplemental Security Income (SSI) payments? Is the income of all family members included, or is the income of certain family members living in the household excluded? Please describe and/or include information as Attachment_____. (§§98.16(g)(5), 98.20(b))

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3.3.3 Has the Lead Agency established additional eligibility conditions or priority rules, for example, income limits that vary in different parts of the State, special eligibility for families receiving TANF, or eligibility that differs for families that include a child with special needs? (658E(c)(3)(B), §98.16(g)(5), §98.20(b))

- No
 Yes, and the additional eligibility criteria are: (Terms must be defined in Appendix 2)

3.3.4 Has the Lead Agency elected to waive, on a case-by-case basis, the fee and income eligibility requirements for cases in which children receive, or need to receive, protective services, as defined in Appendix 2? (658E(c)(3)(B), 658P(3)(C)(ii), §98.20(a)(3)(ii)(A))

Not Applicable, CCDF-funded child care is not provided in cases in which children receive, or need to receive, protective services.

- No
 Yes

3.3.5 Does the Lead Agency allow child care for children age 13 and above who are physically and/or mentally incapable of self-care? (Physical and mental incapacity must then be defined in Appendix 2.) (658E(c)(3)(B), 658P(3), §98.20(a)(1)(ii))

- No
 Yes, and the upper age is ____.

3.3.6 Does the Lead Agency allow child care for children age 13 and above who are under court supervision? (658P(3), 658E(c)(3)(B), §98.20(a)(1)(ii))

- No
 Yes, and the upper age is ____.

3.3.7 Does the State choose to provide CCDF-funded child care to children in foster care whose foster care parents are not working, or who are not in education/training activities? (§§98.20(a)(3)(ii), 98.16(f)(7))

- Yes. (**NOTE:** This means that for CCDF purposes the State considers these children to be in protective services.)
 No.

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3.3.8 Does the State choose to provide respite child care to children in protective services?
(§§98.16(f)(7), 98.20(a)(3)(ii)(A) & (B))

Yes.

No.

Section 3.4 Priorities for Children:

3.4.1 The following describes the priorities for serving CCDF-eligible children including how statutorily required priority is given to children of families with very low family income and children with special needs: (Terms must be defined in Appendix 2)
(658E(c)(3)(B))

3.4.2 The following describes how CCDF funds will be used to meet the needs of families who are receiving Temporary Assistance for Needy Families (TANF), families who are attempting through work activities to transition off of TANF, and families that are at risk of becoming dependent on TANF. (658E(c)(2)(H), Section 418(b)(2) of the Social Security Act, §§98.50(e), 98.16(g)(4))

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Section 3.5 - Sliding Fee Scale for Child Care Services:

3.5.1 A sliding fee scale, which is used to determine each family's contribution to the cost of child care, must vary based on income and the size of the family. A copy of this sliding fee scale for child care services and an explanation of how it works is provided as Attachment ____.

Will the Lead Agency use additional factors to determine each family's contribution to the cost of child care? (658E(c)(3)(B), §98.42(b))

- No.
- Yes, and the following describes any additional factors that will be used to determine a family's contribution including, but not limited to, a maximum amount (family cap), number of children in care, and/or whether care is full or part-time:

3.5.2 Is the same sliding fee scale provided in the attachment in response to question 3.5.1 above in use in all parts of the State? (658E(c)(3)(B))

- Yes
- No, and other scale(s) are provided as Attachment ____.

3.5.3 The Lead Agency may waive contributions from families whose incomes are at or below the poverty level for a family of the same size, (§98.42(c)), and the poverty level used by the Lead Agency for a family of 3 is: \$_____.

The Lead Agency must elect ONE of these options:

- ALL families with income at or below the poverty level for a family of the same size ARE NOT required to pay a fee.
- ALL families, including those with incomes at or below the poverty level for families of the same size, ARE required to pay a fee.
- SOME families with income at or below the poverty level for a family of the same size ARE NOT required to pay a fee. A description of these families is:

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3.5.4 Does the Lead Agency have a policy which prohibits child care providers from charging families any unsubsidized portion of the providers' normal fees (in addition to the contributions discussed in 3.5.1)? (§98.43(b)(3))

- No
- Yes, please describe:

3.5.5 The following is an explanation of how the copayments required by the Lead Agency's sliding fee scale(s) are affordable: (§98.43(b)(3))

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Section 3.6 - Certificate Payment System:

A child care certificate means a certificate, check, or other disbursement that is issued by the Lead Agency directly to a parent who may use it only to pay for child care services from a variety of providers (including center-based, group home, family and in-home child care), or, if required, as a deposit for services. (658E(c)(2)(A)), 658P(2), §§98.2, 98.16(k), 98.30(c)(3) & (e)(1))

Describe the overall child care certificate payment process, including, at a minimum:

3.6.1 A description of the form of the certificate: (§98.16(k))

3.6.2 A description of how the certificate program permits parents to choose from a variety of child care settings by explaining how a parent moves from receipt of the certificate to the choice of provider; (658E(c)(2)(A)(iii), 658P(2), §§98.2, 98.30(c)(4) & (e)(1) & (2))

3.6.3 If the Lead Agency is also providing child care services through grants and contracts, explain how it ensures that parents offered child care services are given the option of receiving a child care certificate. (§98.30(a) & (b))

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PART 4 - PROCESSES WITH PARENTS

- 4.1 The following describes the process for a family to apply/receive child care services (658D(b)(1)(A), 658E(c)(2)(D) & (3)(B), §§98.16(k), 98.30(a) through (e)). If the process varies for families based on eligibility category, for instance, TANF versus non-TANF, please describe. The description should include:
- How parents are informed of the availability of child care services and of available child care options;
 - Where/how applications are made;
 - Who makes the eligibility determination;
 - How parents who receive TANF benefits are informed about the exception to individual penalties as described in 4.4; and
 - Length of eligibility including variations that relate to the services provided, e.g., through collaborations with Head Start or pre-kindergarten programs.
- 4.2 The following is a detailed description of how the State maintains a record of substantiated parental complaints and how it makes the information regarding such parental complaints available to the public on request. (658E(c)(2)(C), §98.32))
- 4.3 The following is a detailed description of the procedures in effect in the State for affording parents unlimited access to their children whenever their children are in the care of a provider who receives CCDF funds. (658E(c)(2)(B), §98.31))

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**PART 5 - ACTIVITIES & SERVICES TO IMPROVE
THE QUALITY AND AVAILABILITY OF CHILD CARE**

5.1 The Child Care and Development Fund provides earmarks for infant and toddler care and school-age care and resource and referral services as well as the special earmark for quality activities.

- The following describes the activities funded to improve the quality of care for infants/toddlers and identifies the entity(ies) providing them:

- The following describes child care resource and referral activities funded and identifies the entity(ies) providing them:

- The following describes school-aged child care activities funded and identifies the entity(ies) providing them.

5.2 The law requires that not less than 4% of the CCDF be set-aside for quality activities (658E(c)(3)(B), 658G, §§98.13(a), 98.16(h), 98.51, 98.16(h)). The Lead Agency estimates that the following amount and percentage will be used for the quality activities (not including earmarked funds):

\$ _____ (%)

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5.3 Check either "Yes" or "No" for each activity listed to indicate which activities the Lead Agency will undertake to improve the availability and quality of child care (include activities funded through the 4% quality set-aside as well as the special earmark for quality activities). (658E(c)(3)(B), §§98.13(a), 98.16(h))

Yes No

- comprehensive consumer education; (§98.51(a)(1)(i))
- grants or loans to providers to assist in meeting State and local standards; (§98.51(a)(2)(ii))
- improving the monitoring of compliance with licensing and regulatory requirements; (§98.51(a)(2)(iii))
- training, education, and technical assistance; (§98.51(a)(2)(iv))
- improving salaries and other compensation for child care providers; (§98.51(a)(2)(v))
- other quality activities that increase parental choice, and improve the quality and availability of child care. (§98.51(a)(1)(ii) & (ii))

5.4 Describe each activity that is checked "Yes" above and identify the entity(ies) providing them.

5.5 Is any entity identified in sections 5.1 or 5.4 a non-governmental entity?
() No.
() Yes, the following entities named in this Part are non-governmental:

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PART 6 - HEALTH AND SAFETY REQUIREMENTS FOR PROVIDERS

(ONLY THE 50 STATES AND THE DISTRICT OF COLUMBIA COMPLETE PART 6.
ONLY TERRITORIES COMPLETE PART 7.)

The National Resource Center for Health and Safety in Child Care (NRCHSCC) of DHHS's Maternal and Child Health Bureau supports a comprehensive, current, on-line listing of the licensing and regulatory requirements for child care in the 50 States and the District of Columbia. In lieu of requiring a State Lead Agency to provide information that is already publicly available, ACF accepts this compilation as accurately reflecting the States' licensing requirements. The listing, which is maintained by the University of Colorado Health Sciences Center School of Nursing, is available on the World Wide Web at: <http://nrc.uchsc.edu/>

Section 6.1 - Health and Safety Requirements for Center-Based Providers (658E(c)(2)(F), §§98.41, §98.16(j))

6.1.1 Are all center-based providers paid with CCDF funds subject to licensing under State law which is reflected in the NRCHSCC's compilation referenced above? If:

- YES, answer 6.1.2 and proceed to 6.2.
- NO, answer 6.1.2 and 6.1.3.

6.1.2 Have center licensing requirements as relates to staff-child ratios, group size, or staff training been modified since approval of the last State Plan? (§98.41(a)(2) & (3))

- YES
- NO

6.1.3 For that center-based care which is NOT licensed, and therefore not reflected in NRCHSCC's compilation, the following health and safety requirements apply to child care services provided under the CCDF for:

- The prevention and control of infectious disease (including age-appropriate immunizations)

- Building and physical premises safety

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- Health and safety training

Section 6.2 - Health and Safety Requirements for Group Home Providers (658E(c)(2)(F), §§98.41, 98.16(j))

6.2.1 Are all group home providers paid with CCDF funds subject to licensing under State law which is reflected in the NRCHSCC's compilation referenced above? If:

- YES, answer 6.2.2 and proceed to 6.3.
- NO, answer 6.2.2 and 6.2.3.

6.2.2 Have group home licensing requirements as relates to staff-child ratios, group size, or staff training been modified since the approval of the last State Plan?
(§98.41(a)(2) & (3))

- YES
- NO

6.2.3 For that group home care which is NOT licensed, and therefore not reflected in NRCHSCC's compilation, the following health and safety requirements apply to child care services provided under the CCDF for:

- The prevention and control of infectious disease (including age-appropriate immunizations)

- Building and physical premises safety

- Health and safety training

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Section 6.5 - Exemptions to Health and Safety Requirements

At State option, the following relatives: grandparents, great grandparents, aunts, uncles, or siblings who live in a separate residence from the child in care, may be exempted from health and safety requirements (658P(4)(B), §98.41(a)(1)(ii)(A)). Indicate the Lead Agency policy regarding these relative providers:

- () All relative providers are subject to the same requirements as described in sections 6.1 - 6.4 above, as appropriate; there are no exemptions for relatives or different requirements for them.
- () All relative providers are exempt from all health and safety requirements.
- () Some or all relative providers are subject to different health and safety requirements from those described in sections 6.1 - 6.4. The following describes those different requirements and identifies which relatives they apply to:

Section 6.6 - Enforcement of Health and Safety Requirements

Each Lead Agency is required to certify that procedures are in effect to ensure that child care providers of services for which assistance is provided comply with all applicable health and safety requirements. (658E(c)(2)(E), §§98.40(a)(2), 98.41(d)) The following is a description of how health and safety requirements are effectively enforced:

- Are child care providers subject to routine unannounced visits?
 - () No
 - () Yes, and the following describes the providers subject to unannounced visits and the frequency of those visits.

- Are child care providers subject to background checks?
 - () No
 - () Yes, and the following describes the providers subject to background checks.

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- Does the State require that child care providers report serious injuries that occur while a child is in care? (Serious injuries are defined as injuries requiring medical treatment by a doctor, nurse, dentist, or other medical professional.)
 - No
 - Yes, and the following describes the State’s reporting requirements and how such injuries are tracked (if applicable).

 - Other methods used to ensure health and safety requirements are effectively enforced:

Section 6.7 – Exemptions from Immunization Requirements

The State assures that children receiving services under the CCDF are age-appropriately immunized, and that the health and safety provisions regarding immunizations incorporate (by reference or otherwise) the latest recommendations for childhood immunizations of the State public health agency. (§98.41(a)(1))

The State exempts the following children from immunization (check all that apply):

- Children who are cared for by relatives (defined as grandparents, great grandparents, siblings (if living in a separate residence), aunts and uncles).
- Children who receive care in their own homes.
- Children whose parents object to immunization on religious grounds.
- Children whose medical condition contraindicates immunization.

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- Health and safety training

Section 7.3 - Health and Safety Requirements for Family Providers in the Territories
(658E(c)(2)(F), §98.41(a), §98.16(j))

For all family child care, the following health and safety requirements apply to child care services provided under the CCDF for:

- The prevention and control of infectious disease (including age-appropriate immunizations)

- Building and physical premises safety

- Health and safety training

Section 7.4 - Health and Safety Requirements for In-Home Providers in the Territories
(658E(c)(2)(F), §98.41(a), §98.16(j))

For all in-home care, the following health and safety requirements apply to child care services provided under the CCDF for:

- The prevention and control of infectious disease (including age-appropriate immunizations)

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- Building and physical premises safety

- Health and safety training

Section 7.5 - Exemptions to Territorial Health and Safety Requirements

At Lead Agency option, the following relatives: grandparents, great grandparents, aunts, uncles, or siblings who live in a separate residence from the child in care, may be exempted from health and safety requirements (658P(5)(B), 98.41(g)). Indicate the Lead Agency policy regarding these relative providers:

- () All relative providers are subject to the same requirements as described in sections 7.1 - 7.4 above, as appropriate; there are no exemptions for relatives or different requirements for them.
- () All relative providers are exempt from all health and safety requirements.
- () Some or all relative providers are subject to different health and safety requirements from those described in sections 7.1 - 7.4 and the following describes those different requirements and which relatives they apply to:

Section 7.6 - Enforcement of Health and Safety Requirements

Each Lead Agency is required to certify that procedures are in effect to ensure that child care providers of services for which assistance is provided comply with all applicable health and safety requirements. (658E(c)(2)(E), §§98.40(a)(2), 98.41(d)) The following is a description of how Territorial health and safety requirements are effectively enforced:

- Are child care providers subject to routine unannounced visits?
 - () No
 - () Yes, and the following describes the providers subject to unannounced visits and the frequency of those visits.

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- Are child care providers subject to background checks?
 - () No
 - () Yes, and the following describes the providers subject to background checks.

- Does the Territory require that child care providers report serious injuries that occur while a child is in care? (Serious injuries are defined as injuries requiring medical treatment by a doctor, nurse, dentist, or other medical professional.)
 - () No
 - () Yes, and the following describes the Territory's reporting requirements and how such injuries are tracked (if applicable).

- Other methods used to ensure health and safety requirements are effectively enforced:

Section 7.7 – Exemptions from Immunization Requirements

The Territory assures that children receiving services under the CCDF are age-appropriately immunized, and that the health and safety provisions regarding immunizations incorporate (by reference or otherwise) the latest recommendations for childhood immunizations of the Territorial public health agency. (§98.41(a)(1))

The Territory exempts the following children from immunization (check all that apply):

- ____ Children who are cared for by relatives (defined as grandparents, great grandparents, siblings (if living in a separate residence), aunts and uncles).
- ____ Children who receive care in their own homes.
- ____ Children whose parents object to immunization on religious grounds.
- ____ Children whose medical condition contraindicates immunization.

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APPENDIX 1 -- PROGRAM ASSURANCES AND CERTIFICATIONS

The Lead Agency, named in Part 1 of this Plan, assures that:

- 1) upon approval, it will have in effect a program which 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))
- (2) the parent(s) of each eligible child within the State 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))
- (3) in cases in which the parent(s) elects 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))
- (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))
- (5) with respect to State and local regulatory requirements, health and safety requirements, payment rates, and registration requirements, State or local 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(p), §98.30(g), §98.40(b)(2), §98.41(b), §98.43(c), §98.45(d)).
- (6) that children receiving services under the CCDF are age-appropriately immunized, and that the health and safety provisions regarding immunizations incorporate (by reference or otherwise) the latest recommendation for childhood immunizations of the State public health agency. (§98.41(a)(1))

The Lead Agency 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 operations and whenever such children are in the care of such providers. (658E(c)(2)(B))
- (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))
- (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))
- (4) it has in effect licensing requirements applicable to child care services provided in the State. (658E(c)(2)(E))
- (5) there are in effect within the State (or other area served by the Lead Agency), under State or local 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)(E))
- (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 State or local health and safety requirements. (658E(c)(2)(G))
- (7) payment rates under the Child Care and Development Fund for the provision of child care services are sufficient to ensure equal access for eligible children to comparable child care services in the State or sub-State 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))

APPENDIX 2 - ELIGIBILITY AND PRIORITY TERMINOLOGY:

For purposes of determining eligibility and priority for CCDF-funded child care services, lead agencies must define the following terms. (658P, 658E(c)(3)(B))

- (1) attending (a job training or educational program; include minimum hours if applicable)
- (2) in loco parentis -
- (3) job training and educational program -
- (4) physical or mental incapacity (if the Lead Agency provides such services to children age 13 and older) -
- (5) protective services -
- (6) residing with -
- (7) special needs child -
- (8) very low income -
- (9) working (include minimum hours if applicable) -
- (10) Additional terminology related to conditions of eligibility or priority established by the Lead Agency: