

# Tips and Considerations

Section 2: Monitoring Alternatives  
Tribal Lead Agencies of All Allocation Sizes



FY 2023-2025 Tribal CCDF Plan Preprint

## Monitoring Alternatives: Tips and Considerations for Tribal Lead Agencies of All Allocation Sizes

### Overview of Purpose

All Tribal Lead Agencies are required to monitor and enforce health and safety requirements and fire inspections for child care providers and facilities. They must also ensure that comprehensive background checks are being conducted. Tribal Lead Agencies have flexibility in determining who conducts monitoring and inspections and what comprehensive background checks are conducted. They also have flexibility to propose an alternative monitoring approach for care provided in the child's home, according to the setting. Flexibility depends on the Tribe's infrastructure and resources available. In its justification, the Tribal Lead Agency must describe how the alternative approach is appropriately comprehensive and protects the health and safety of children in care.<sup>1</sup>

### Flexibility in Monitoring

These provisions give Tribal Lead Agencies some flexibility in determining which monitoring and background check requirements should apply to child care providers. Tribal Lead Agencies cannot use this flexibility to bypass these requirements altogether, but they may introduce strategies that are more culturally appropriate or more financially feasible for their communities. These alternative approaches are subject to approval from the Administration for Children and Families (ACF).

### Cultural Considerations:

- ◆ Sometimes, there are strict protocols regarding outsiders coming into homes where ceremonial or spiritual items are maintained by their keepers.
- ◆ There may be instances where it would not be appropriate to have outsiders around during certain times of the year or when Tribal ceremonies are occurring.
- ◆ Some Tribes require that advanced notice is provided to Tribal leadership before outside agencies conduct monitoring visits of either center-based or home-based providers within Tribal lands or reservation boundaries.
- ◆ Family home providers may be engaged in their Tribe's language revitalization and may use only their Tribal language at home and with the children in their care. Therefore, it may be inappropriate for a monitoring inspector to visit and use English in the home while children are in care.
- ◆ Elders who are family home providers may also be cultural bearers for their Tribe.
- ◆ In these cases, alternate time frames or schedules may need to be set up to conduct visits, or monitoring staff would need to be trained in the use of the Tribal language during monitoring visits.

### Monitoring and Enforcement

Tribal Lead Agencies must certify in their Child Care and Development Fund (CCDF) Plans that they have procedures in effect to ensure that CCDF child care providers within their service area comply with all applicable state, local, or Tribal health and safety requirements. They must also ensure that they have monitoring policies and practices for all child care providers and facilities that receive CCDF funds.

If you are considering an alternative monitoring approach, please reach out to your Office of Child Care (OCC) Regional Office for guidance.

<sup>1</sup> Child Care and Development Fund, 45 C.F.R. § 98.42(b)(2) (2016)

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## Financial Considerations:

- ◆ The Tribe may require extensive procurement procedures to contract with outside agencies. Tribal leadership may even discourage the use of outside contracts with non-Tribal agencies.
- ◆ The Tribal Lead Agency may need to build their own internal capacity. They may build within their CCDF program or by engaging other Tribal employees or partnering Tribal programs to support CCDF in conducting monitoring visits.
- ◆ The Tribal Lead Agency may not receive enough funding to make outside contracts to conduct monitoring visits, so the CCDF program may need to explore more cost-effective means. This may include building their internal capacity both within their CCDF program and by leveraging partnerships among other Tribal programs.

## Relative Care Provider Considerations:

- ◆ The final rule reiterates that relative care providers can be exempted from the health and safety requirements.
- ◆ Tribal Lead Agencies can exempt grandparents, great-grandparents, siblings in a separate residence, aunts, and uncles from their monitoring requirements. This exception only applies if the individual cares **only** for relative children.

## Monitoring Approaches Might Include:

OCC will not accept alternative approaches that bypass the monitoring requirements altogether. OCC will also not approve alternative approaches that rely solely on the provider's word that they are compliant with requirements. OCC will consider the following approaches, as well as others that are justified by cultural, language, and community need.



<b>On-site Monitoring Alternatives</b>	<ul style="list-style-type: none"><li>• Partnering with other agencies that are already conducting on-site monitoring visits to reduce financial and administrative burden</li><li>• Exclusively announced on-site monitoring to ensure that providers and children are present and available and that cultural protocols are honored when traveling to Tribal communities for monitoring and inspection</li><li>• Reviewing only a partial list of health and safety requirements during visits that can represent the full range of health and safety requirements</li></ul>
<b>Alternatives to On-site Monitoring</b>	<ul style="list-style-type: none"><li>• Virtual monitoring if on-site monitoring is cost-prohibitive or culturally inappropriate</li><li>• Data collection that is submitted to an inspector when on-site monitoring is determined to be cost-prohibitive or culturally inappropriate</li><li>• A sample of providers who undergo annual on-site monitoring if all providers undergo on-site monitoring every 3 years <i>and</i> another type of annual non-onsite monitoring</li></ul>
<b>Alternatives for Children Receiving Care in Their Own Homes</b>	<ul style="list-style-type: none"><li>• Identification of when parental permission is required for entry into a child's home</li><li>• A focus on basic health and safety requirements, such as training and background checks, or those that present an imminent risk to a child</li><li>• Development of procedures for notifying parents of monitoring methods</li><li>• Assurance for culturally appropriate measures when a child is cared for in their own home</li></ul>

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**Tribal Child Care  
Capacity Building Center**

ADMINISTRATION FOR  
**CHILDREN & FAMILIES**

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