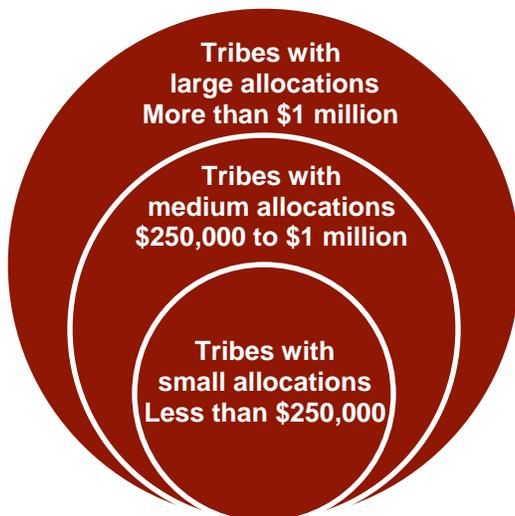


CCDF Final Rule: Overview for Tribal Lead Agencies

In November 2014, the Child Care and Development Block Grant (CCDBG) Act of 2014 was signed into law. The CCDBG Act, also known as “CCDF reauthorization,” reauthorized the Child Care and Development Fund (CCDF) program and introduced legal changes to strengthen the health, safety, and quality of child care and provide more stable child care assistance to families. Following the enactment of the CCDBG Act of 2014, the Administration for Children and Families (ACF) held a series of Tribal consultations and published a Notice of Proposed Rule Making (NPRM) to gather input regarding new CCDF regulations and their implications for Tribal Lead Agencies and the children and families they serve. The NPRM informed the development of the 2016 CCDF final rule, which outlines regulations for implementing the CCDBG Act of 2014 and administering the CCDF program. The regulations in the final rule fall into four major categories:

- ◆ **Protect the health and safety of children in child care.** The final rule strengthened health and safety requirements for programs receiving CCDF funds. This includes provisions around health and safety standards, health and safety training and professional development, comprehensive background checks, and monitoring of child care providers.
- ◆ **Help parents make informed consumer choices.** The final rule expanded requirements around consumer education for parents, the public, and child care providers. This includes requirements around disseminating information on providers and the availability of child care services, filing complaints, ensuring accessibility of monitoring reports, and providing information about best practices in child development.
- ◆ **Support equal access to stable child care for children from low-income families.** New requirements in the final rule established minimum time periods of child care assistance to families and strengthened payment rates and practices to promote access to care.
- ◆ **Enhance the quality of child care.** The final rule increased the share of funds directed toward quality improvement activities, including a new set-aside for quality infant and toddler care, and required training and professional development for caregivers, teachers, and directors working in child care.



The final rule outlines how the CCDF regulations apply to Tribal Lead Agencies. The regulations were designed to provide flexibility for Tribal Lead Agencies in meeting the needs of their communities in a manner consistent with the CCDF goals of promoting families’ financial stability and fostering healthy child development.

To account for variations in funding, the CCDF final rule established three categories of Tribal Lead Agencies with tiered requirements. These categories are based on CCDF funding amount, referred to as “allocation size”. Tribes with medium and large allocations are subject to the majority of CCDF requirements, and Tribes receiving small allocations are exempt from specific provisions in order to account for the size of the grant awards. This approach provides greater flexibility to Tribes with lower levels of funding¹.

¹ The Office of Child Care will use the FY 2016 allocation amounts to determine whether a Tribe will be required to meet CCDF requirements applicable to Tribes with small allocations, Tribes with medium allocations, or Tribes with large allocations. This designation will last for the 3-year FY 2020–2022 Plan cycle.

The table below provides an overview of CCDF final rule requirements that apply to each allocation size. This list is meant to illustrate the major provisions of the CCDF final rule and is not exhaustive. Please reference the full regulations in the U.S. Code of Federal Regulations at [45 C.F.R. Part 98 and 99](https://www.ecfr.gov/current/title-45/chapter-I/subchapter-A/part-98).

	CCDF Final Rule Requirements	Tribes with Small Allocations	Tribes with Medium Allocations	Tribes with Large Allocations	Tribal Plan Preprint Section
CCDF Leadership and Coordination	Spend funds in alignment with CCDF purposes and goals [45 C.F.R. § 98.1]	✓	✓	✓	1.8
	Coordinate the development of the CCDF Plan and provision of services with other Tribal, federal, state, and/or local child care and early childhood development programs [45 C.F.R. § 98.82]	✓	✓	✓	1.4 1.7
	Cannot exceed 15 percent administrative spending cap [45 C.F.R. § 98.83(i)]	✓	✓	✓	1.8
	Meet fiscal, audit, and reporting requirements that are applicable to Tribes [45 C.F.R. § 98.60 - § 98.71]	✓	✓	✓	1.8
	Comply with construction and renovation requirements, if applicable [45 C.F.R. § 98.84]	✓	✓	✓	N/A
Health and Safety	Establish health and safety standards for 11 required topics [45 C.F.R. § 98.41(a)]	✓	✓	✓	2.1.1 2.1.2
	Establish standards for group-size limits, the ratio between the number of children and the number of caregivers, and required qualifications for caregivers in child care settings [45 C.F.R. § 98.41(d)]	✓	✓	✓	2.1.4
	Conduct preservice/orientation training and ongoing training on required health and safety topics [45 C.F.R. §§ 98.44(b)(1), 98.44(b)(2)]	✓	✓	✓	2.1.5
	Monitor CCDF providers, with flexibility to propose an alternative monitoring strategy [45 C.F.R. § 98.83(d)(2)]	✓	✓	✓	2.2.1
	Conduct comprehensive criminal background checks for all CCDF providers, with flexibility to propose an alternative approach [45 C.F.R. § 98.83(d)(3)]	✓	✓	✓	2.3.1 2.3.2
	Certify that caregivers, teachers, and directors comply with child abuse reporting requirements [45 C.F.R. § 98.42(e)]	✓	✓	✓	2.1.2
	Have licensing requirements applicable to child care services [45 C.F.R. § 98.83(d)(1)(ii)]	N/A	N/A	N/A	N/A

	CCDF Final Rule Requirements	Tribes with Small Allocations	Tribes with Medium Allocations	Tribes with Large Allocations	Tribal Plan Preprint Section
Quality Improvement	Spend a minimum portion of expenditures on quality improvement activities (7 percent in FY 2019, 8 percent in FY 2020 and FY 2021, 9 percent in FY 2022 and ongoing) [45 C.F.R. § 98.83(g)(1)]	✓	✓	✓	3.1
	Spend an additional 3 percent of expenditures on quality improvement activities for infants and toddlers, beginning in FY 2019 [45 C.F.R. § 98.83(g)(2)]	N/A	✓	✓	3.1
	Have a training and professional development framework [45 C.F.R. § 98.83(d)(1)(iii)]	N/A	N/A	N/A	N/A
	Complete the Quality Progress Report [45 C.F.R. § 98.83(d)(1)(viii)]	N/A	N/A	N/A	N/A
	Maintain or implement early learning and developmental guidelines [45 C.F.R. § 98.81(b)(6)(i)]	N/A	N/A	N/A	N/A
Consumer Education	Have a consumer education website [45 C.F.R. § 98.83(d)(1)(i)]	N/A	N/A	N/A	N/A
	Establish a hotline or similar reporting process for parents to submit complaints about child care providers [45 C.F.R. § 98.32]	N/A	✓	✓	7.1
	Collect and disseminate provider-specific information (for example, monitoring and inspections, health and safety violations and corrective actions, and quality information if available) [45 C.F.R. § 98.83(d)(1)(i)]	N/A	✓	✓	7.2.1 7.2.2
	Collect and disseminate aggregate annual data on death, serious injuries, and instances of child abuse [45 C.F.R. § 98.33(a)(5)]	N/A	✓	✓	7.2.3
	Share additional consumer education information for parents, providers, and the public (for example, information on the availability of child care and related services, policies regarding social-emotional behavioral health, and developmental screening) [45 C.F.R. §§ 98.33(b), 98.33(c)]	N/A	✓	✓	7.3 7.4
	Develop and share a consumer education statement for CCDF families [45 C.F.R. § 98.33(d)]	N/A	✓	✓	7.5

CCDF Final Rule Requirements		Tribes with Small Allocations	Tribes with Medium Allocations	Tribes with Large Allocations	Tribal Plan Preprint Section
Equal Access to Stable Child Care	Provide direct services through a Tribally-operated center, certificate program, and/or grants and contracts [45 C.F.R. § 98.50(a)]	N/A	✓	✓	6.1
	Operate a certificate program [45 C.F.R. § 98.83(e)]	N/A	N/A	✓	6.1
	After reserving the minimum amount for quality and funding for administrative costs, at least 70 percent of the remaining Discretionary funds must be spent on providing direct services [45 C.F.R. § 98.50(f)]	N/A	✓	✓	6.1
	Spend at least 70 percent of Mandatory funds on services for TANF-related families [45 C.F.R. § 98.83(d)(1)(vii)]	N/A	N/A	N/A	N/A
	Provide eligibility definitions of “Indian child” and “service area” [45 C.F.R. § 98.81(b)(2)]	✓	✓	✓	1.5
	Establish additional eligibility criteria and definitions within federal parameters-- child age (under age 13, or age 19 if incapable of self-care), reason for care (working, training/education, protective services), and family income (no more than 85 percent of grantee median income) [45 C.F.R. § 98.20]	N/A	✓	✓	5.1.1 5.1.3 5.1.4 5.1.5
	Have the option for categorical eligibility (considering any Indian child within the service area eligible for services) if the Tribe’s median income is below 85 percent of the state median income, provided that services go to those with the highest need [45 C.F.R. § 98.81(b)(1)]	N/A	✓	✓	5.1.2
	Establish a minimum of a 12-month eligibility period, regardless of temporary changes in parents’ work or activities, a change in the child’s age, a change in the family’s address within the service area, or changes in family income (as long as the income does not exceed 85 percent of the grantee median income) [45 C.F.R. § 98.21(a)]	N/A	✓	✓	5.2.5
	Offer graduated phase out of assistance for children whose family income at redetermination exceeds the initial eligibility limit but is below 85 percent of grantee median income [45 C.F.R. § 98.21(b)]	N/A	✓	✓	5.1.5

CCDF Final Rule Requirements		Tribes with Small Allocations	Tribes with Medium Allocations	Tribes with Large Allocations	Tribal Plan Preprint Section
Equal Access to Stable Child Care	Ensure reporting requirements for families during the 12-month eligibility period are not burdensome [45 C.F.R. § 98.21(e)]	N/A	✓	✓	5.2.7
	Ensure that parents are not required to unduly disrupt their education, training, or employment in order to complete the eligibility redetermination process [45 C.F.R. § 98.21(d)]	N/A	✓	✓	5.2.7
	Give priority for child care assistance to children with special needs and families experiencing homelessness [45 C.F.R. §§ 98.46(a)(2), 98.46(a)(3)]	N/A	✓	✓	5.3.1 5.3.2
	Give priority for services to children of families with very low family income [45 C.F.R. § 98.83(d)(1)(v)]	N/A	N/A	N/A	N/A
	Prioritize increasing access to high-quality child care in areas with significant concentrations of poverty and unemployment [45 C.F.R. § 98.83(d)(1)(vi)]	N/A	N/A	N/A	N/A
	Conduct a market rate survey [45 C.F.R. § 98.83(d)(1)(iv)]	N/A	N/A	N/A	N/A
	Set payment rates for child care services that are adequate, ensure equal access, and support health and safety and quality [45 C.F.R. § 98.45(a)]	N/A	✓	✓	6.3
	Implement provider-friendly payment practices and ensure timeliness of payments to providers [45 C.F.R. §98.45(l)]	N/A	✓	✓	6.4
	Establish and periodically revise a sliding fee scale for family co-payments based on family income and family size [45 C.F.R. §98.45(k)]	N/A	✓	✓	5.4

Compliance Date for Tribal Lead Agencies

- ◆ For Tribal Lead Agencies, the Office of Child Care will determine compliance with the CCDF final rule through review and approval of the FY 2020–2022 CCDF Plans that become effective October 1, 2019.
- ◆ Tribes with an approved Public Law (P.L.) 102-477 Plan are not required to submit the triennial CCDF Plan. For Tribes with current P.L.102-477 Plans, compliance with the CCDF final rule will be determined based on the Tribe’s next P.L.102-477 Plan submission with an effective date of October 1, 2019 or later.