



National Center on Tribal Early Childhood Development

CCDF Final Rule: Implementation Training for American Indian and Alaska Native Grantees

Welcome

“Let us put our minds together and see what life we can make for our children.”—Sitting Bull



Introductions



Agenda





Training Goals

- ◆ To provide training and technical assistance (T&TA) to American Indian and Alaska Native (AI/AN) Lead Agencies to **guide them in implementing the CCDF final rule.**
- ◆ To help AI/AN Lead Agencies **identify areas that need to be refined or improved**, per the CCDF final rule, so that services and activities continue to be responsive and appropriate for the needs of AI/AN children and families.
- ◆ To provide AI/AN Lead Agencies an opportunity to gauge their **CCDF final rule readiness level**, according to their current work and services provided, and then **define goals and action steps** to meet the CCDF final rule requirements by the end of the current CCDF tribal plan cycle.



Training Objectives

- ◆ AI/AN CCDF Administrators will actively participate in **presentations, discussion groups, and peer-to-peer exchanges** for developing action plans regarding the implementation of the CCDF final rule.
- ◆ AI/AN CCDF Administrators and staff will have **opportunities to share** plans, ideas, and strategies to meet CCDF requirements.
- ◆ AI/AN CCDF Administrators and staff will discuss **concrete ideas** for ways to implement the CCDF requirements; strategies will be tailored to reflect challenges and opportunities within administrators' Tribes and in working with States.



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Background: CCDF Final Rule

Background



Source: Child Care and Development Fund (CCDF) Program, 81 Fed. Reg. 67,438, 67, 444 (Sept. 30, 2016) (codified at 45 C.F.R. pt. 98).

Major Provisions of the CCDF Final Rule

1. Protect the health and safety of children in child care

2. Help parents make informed consumer choices

3. Enhance the quality of child care

4. Provide equal access to stable child care for low-income families

Source: Child Care and Development Fund (CCDF) Program, 81 Fed. Reg. 67,438, 67,438- 41 (Sept. 30, 2016) (codified at 45 C.F.R. pt. 98).



CCDF Final Rule for AI/AN CCDF Grantees

- ◆ **Clarifies** which provisions of the law apply to AI/AN CCDF grantees.
- ◆ Establishes **three categories** of AI/AN grantee CCDF allocations.
- ◆ Creates **tiered requirements** to provide greater **flexibility** to grantees with lower levels of funding.

Source: Child Care and Development Fund (CCDF) Program, 81 Fed. Reg. 67,438, 67, 441 (Sept. 30, 2016) (codified at 45 C.F.R. pt. 98).

Tiered Approach to AI/AN CCDF Grantee Requirements

- ◆ Requirements for AI/AN CCDF grantees are based on allocation size.

**Small
Allocation**

Less than \$250,000

**Medium
Allocation**

\$250,000 to \$1
million

**Large
Allocation**

More than \$1 million

Source: Child Care and Development Fund, 45 C.F.R. § 98.80 (2016).

Tiered Requirements at a Glance

Large Allocation

- Subject to the majority of CCDF requirements
- Allowed some AI/AN grantee exemptions

Source: Child Care and Development Fund, 45 C.F.R. § 98.83 (2016).

Exemptions for All AI/AN CCDF Grantees

- ◆ Consumer education website
- ◆ Market rate survey or alternative methodology
- ◆ Increased access to high-quality care in concentrations of poverty
- ◆ Early learning and developmental guidelines
- ◆ Licensing requirements applicable to child care services
- ◆ Certification to develop the CCDF Plan in consultation with the state advisory council
- ◆ Matching funds requirements
- ◆ Identification of public or private entities designated to receive private funds
- ◆ Five percent administrative cap
- ◆ A definition of very low income
- ◆ A description of how the Lead Agency will meet the needs of certain families
- ◆ Training and professional development framework
- ◆ Quality progress report (QPR)

Source: Child Care and Development Fund, 45 C.F.R. § 98.83 (2016).

Tiered Requirements at a Glance

Large Allocation

- Subject to the majority of CCDF requirements
- Allowed some AI/AN grantee exemptions

Medium Allocation

- Subject to the majority of CCDF requirements
- Allowed the same exemptions as large allocation grantees
- Also exempt from the requirement to operate a certificate program

Source: Child Care and Development Fund, 45 C.F.R. § 98.83 (2016).

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Small Allocation

- Exempt from the majority of CCDF requirements, but subject to some requirements
- Must spend funds in alignment with CCDF purposes and goals
- Must submit an abbreviated CCDF Plan

Source: Child Care and Development Fund, 45 C.F.R. § 98.83 (2016).

Requirements for Small Allocation Grantees

- ◆ Health and safety
- ◆ Monitoring (with flexibility to propose an alternate approach)
- ◆ Background checks (with flexibility to propose an alternate approach)
- ◆ Quality spending (except infant/toddler quality spending requirements)
- ◆ Eligibility definitions of Indian child and Indian reservation/service area
- ◆ Fifteen percent administrative cap
- ◆ Fiscal, audit, and reporting
- ◆ Any other requirement defined by the Secretary of Health and Human Services

Source: Child Care and Development Fund, 45 C.F.R. § 98.83 (2016).

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Source: Child Care and Development Fund, 45 C.F.R. § 98.83 (2016).

Compliance Date for AI/AN CCDF Grantees

Compliance is determined through review and approval of Fiscal Year 2020–2022 tribal CCDF Plans that become effective on October 1, 2019.

CHILD CARE AND DEVELOPMENT FUND
for
TRIBE: _____
FFY 2017-2019



This Plan describes the CCDF program to be administered by the Tribes for the period 10/1/2016 – 9/30/2019. As provided for in the applicable statutes and regulations, the Tribal Lead Agency has the flexibility to modify this program at any time, including amending the options selected or described herein.

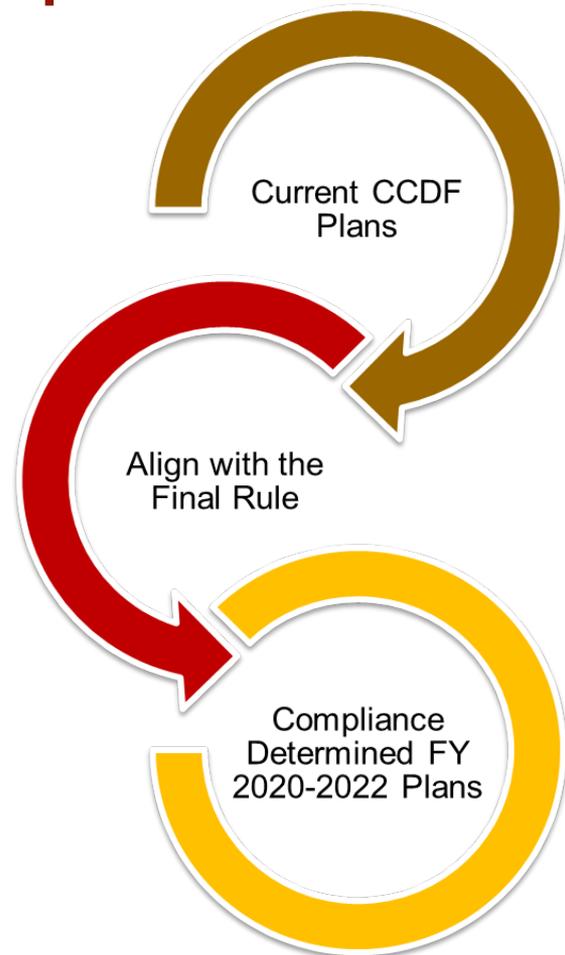
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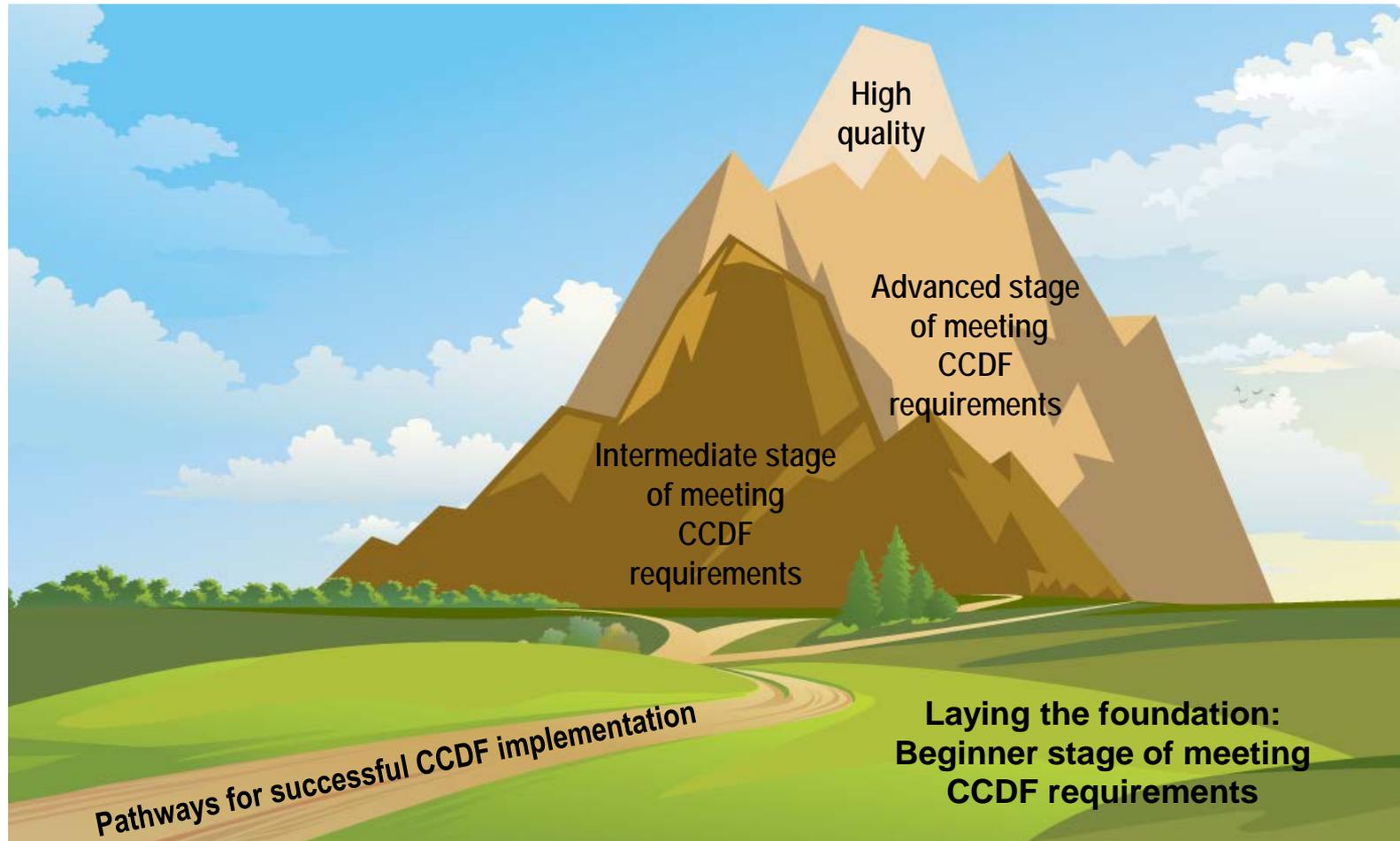
Source: Child Care and Development Fund (CCDF) Program, 81 Fed. Reg. 67,438 (Sept. 30, 2016) (codified at 45 C.F.R. pt. 98).

Pathway to CCDF Final Rule Implementation



- ◆ Where are you now?
 - Building an understanding of applicable final rule requirements
 - Assessing readiness to meet the requirements
 - Working to align with the requirements and preparing for 2019, when new plans are due

Successful Implementation of the CCDF Final Rule for Your Program, Community, and Tribe





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Major Provisions of the CCDF Final Rule

1. Protect the Health and Safety of Children in Child Care



Health and Safety Overview

- ◆ Applies to **all AI/AN CCDF grantees**, regardless of allocation size and regardless of whether they offer direct services.
- ◆ Includes health and safety standards (such as those for immunizations), training, monitoring, and criminal background checks.
- ◆ Exempts AI/AN grantees from the requirement to have licensing applicable to child care services.
- ◆ Allows AI/AN grantees to exempt relative care providers from the health and safety requirements.





Requirements for All AI/AN CCDF Grantees

- ◆ Health and safety **standards** for required topics that are subject to monitoring
- ◆ Age-appropriate **immunizations**
- ◆ Standards that address **group size** limits, the **ratio** between the number of children and the number of caregivers, and required **qualifications** for caregivers in child care settings
- ◆ Preservice/orientation **training** and ongoing training on the required topics
- ◆ **Monitoring** of CCDF providers, with flexibility to propose an alternative monitoring strategy
- ◆ Comprehensive **criminal background checks** for all CCDF providers, with flexibility to propose an alternative approach

Source: Child Care and Development Fund, 45 C.F.R. § 98.41, § 98.83 (2016).



Required Health and Safety Topics

- 1.** Prevention and control of infectious diseases (including immunizations)
- 2.** Prevention of sudden infant death syndrome and use of safe sleeping practices
- 3.** Administration of medication, consistent with standards for parental consent
- 4.** Prevention and response to emergencies due to food and allergic reactions
- 5.** Building and physical premises safety
- 6.** Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment
- 7.** Emergency preparedness and response
- 8.** Handling and storage of hazardous materials and the appropriate disposal of biocontaminants
- 9.** Appropriate precautions in transporting children, if applicable
- 10.** Pediatric first aid and cardiopulmonary resuscitation
- 11.** Recognition and reporting of child abuse and neglect

Source: Child Care and Development Fund, 45 C.F.R. § 98.41 (2016).



Reflections on Health and Safety Requirements

- ◆ Technical assistance needs
- ◆ Policy questions or clarifications
- ◆ Implementation strategies and examples
- ◆ Additional questions?

2. Help Parents Make Informed Consumer Choices



Consumer Education Overview

- ◆ Applies to AI/AN grantees with **medium and large allocations**.
- ◆ Includes:
 - provider-specific information;
 - additional consumer education information for parents, providers, and the public;
 - consumer statement; and
 - parental compliant hotline.
- ◆ All AI/AN grantees are **exempt** from the requirement to build a consumer education website.



Requirements for Medium and Large Allocation AI/AN Grantees

- ◆ Collect and disseminate information regarding:
 - tribal policies and procedures;
 - provider-specific information;
 - aggregate annual data on death, serious injuries, and instances of child abuse;
 - referrals to local child care resource and referral organizations;
 - how parents can contact the AI/AN Lead Agency or its designee and other programs to help them understand consumer education information;
 - availability of child care and related services;
 - research and best practices;
 - policies regarding social-emotional behavioral health; and
 - developmental screening.
- ◆ Develop and share a consumer education statement for CCDF families.

Source: Child Care and Development Fund, 45 C.F.R. § 98.33 (2016).



Parental Complaints

- ◆ AI/AN CCDF grantees with **medium and large allocations** are required to establish or designate a **hotline or similar reporting process** that allows parents to submit complaints about child care providers.

Source: Child Care and Development Fund, 45 C.F.R. § 98.32 (2016).



Reflections on Consumer Education Requirements

- ◆ Technical assistance needs
- ◆ Policy questions or clarifications
- ◆ Implementation strategies and examples
- ◆ Additional questions?

3. Enhance the Quality of Child Care



Quality Improvement Overview

- ◆ Requirements for **all** AI/AN grantees:
 - an increasing quality set-aside;
 - reporting on quality expenditures each fiscal year; and
 - Pre-service or orientation training and ongoing professional development on health and safety standards and child development.
- ◆ AI/AN grantees with **medium and large allocations** are also subject to requirements for
 - an infant/toddler set-aside, starting in FY 2019, and
 - a description of strategies to increase the supply and improve the quality of child care services for certain children.
- ◆ AI/AN grantees are **exempt** from the requirement to submit the QPR.

Quality Spending Requirements

Quality Spending	FFY 2017	FFY 2018	FFY 2019	FFY 2020	FFY 2021	FFY 2022 (and ongoing)
% Quality Set-Aside (All)	4%	7%	7%	8%	8%	9%
% Infant-Toddler Set-Aside (Medium and Large)	0%	0%	3%	3%	3%	3%
Total % Quality (Small)	4%	7%	7%	8%	8%	9%
Total % Quality (Medium and Large)	4%	7%	10%	11%	11%	12%

Source: Child Care and Development Fund, 45 C.F.R. § 98.83 (2016).



Allowable Quality Improvement Activities

Quality funds must be used to carry out **at least one** of the following:

- ◆ Training and professional development
- ◆ Early learning and development guidelines
- ◆ Tiered quality rating and improvement system
- ◆ Quality and supply of infant/toddler services
- ◆ Child care resource and referral services
- ◆ Licensing and health and safety requirements
- ◆ Quality evaluation
- ◆ Accreditation
- ◆ High-quality program standards
- ◆ Other measurable quality activities as determined by the AI/AN Lead Agency

Source: Child Care and Development Fund, 45 C.F.R. § 98.53 (2016).

Training and Professional Development

- ◆ **All AI/AN grantees** must describe in the CCDF plan their established requirements for the following:
 - **Accessible preservice or orientation** training in health and safety standards and child development
 - **Ongoing, accessible professional development**, including the minimum hours required annually, that
 - maintains and updates health and safety training standards;
 - incorporates social-emotional behavior intervention models for children; and
 - to the extent practicable, is appropriate for different age groups, English learners, and children with developmental delays and disabilities.
- ◆ All AI/AN grantees are **exempt** from the requirement to have a professional development framework.

Source: Child Care and Development Fund, 45 C.F.R. § 98.44, § 98.83 (2016).

Building the Supply of High-Quality Care

- ◆ AI/AN grantees with **medium and large allocations** must provide a description of their strategies to increase the supply and improve the quality of child care services for:
 - children in underserved areas;
 - infants and toddlers;
 - children with disabilities; and
 - children who receive care during nontraditional hours.

Source: Child Care and Development Fund, 45 C.F.R. § 98.16 (2016).





Reflections on Quality Requirements

- ◆ Technical assistance needs
- ◆ Policy questions or clarifications
- ◆ Implementation strategies and examples
- ◆ Additional questions?

4. Provide Equal Access to Stable Child Care for Low-Income Families





Eligibility Overview

- ◆ Requirements for **all** AI/AN grantees
 - Eligibility definitions of “Indian child” and service area
 - Dual eligibility for AI/AN children
- ◆ Requirements for grantees with **medium and large** allocations
 - Additional eligibility criteria
 - Stable financial assistance
 - Parental choice
 - Payment rates
 - Payment practices

Eligibility Requirements for Small Allocation Grantees

- ◆ Eligibility criteria:
 - Define “Indian child”; and
 - Define the service area.
- ◆ Small allocation grantees have **flexibility** to set their own eligibility requirements



Source: Child Care and Development Fund, 45 C.F.R § 98.83 (2016).

Eligibility Requirements for Medium and Large Allocation Grantees

- ◆ Eligibility criteria:
 - Younger than 13 years old;
 - Considered an “Indian child”;
 - Resides within the service area;
 - Family income less than 85 percent of the grantee median income for families of the same size; and
 - Parent(s) working, enrolled in job training or education, or receiving or need to receive protective services.
- ◆ Categorical eligibility: Option to consider any Indian child eligible if the Tribe’s medium income is below 85% of the State Median Income, provided that services still go to those with highest need.

Source: Child Care and Development Fund, 45 C.F.R § 98.20, § 98.21, § 98.81 (2016).



Eligibility Requirements for Medium and Large Allocation Grantees (continued)

◆ Stable financial assistance

- Promote continuity of care via 12-month eligibility.
- Support continuity during eligibility periods.
- Provide a graduated phase out.
- Ensure family co-payments do not increase within the 12-month eligibility period (with the exception of graduated phase out).
- Improve access for vulnerable children and families.

Source: Child Care and Development Fund, 45 C.F.R § 98.20, § 98.21 (2016).

Parental Choice Requirements

- ◆ **Large allocation grantees:** Must provide the parent(s) of each CCDF eligible child who receives assistance with the choice to either enroll the child with an eligible child care provider that has a grant or contract for such services, OR to receive a child care certificate.
- ◆ **Medium and small allocation grantees:** Exempt from the requirement to provide a certificate as an option for parents.

Source: Child Care and Development Fund, 45 C.F.R § 98.30 § 98.83 (2016).



Equal Access Requirements for Medium and Large Allocation Grantees

- ◆ Provision of direct child care services
- ◆ Setting payment rates for child care services
- ◆ Payment practices and timeliness of payments to providers
- ◆ Supply-building strategies to meet the needs of certain populations



Source: Child Care and Development Fund, 45 C.F.R § 98.45 (2016).



Reflections on Equal Access Requirements

- ◆ Technical assistance needs
- ◆ Policy questions or clarifications
- ◆ Implementation strategies and examples
- ◆ Additional questions?

5. Additional CCDF Final Rule Requirements



CCDF Plan

- ◆ The CCDF Plan is now effective for **3 years**.
- ◆ Small allocation grantees will submit an abbreviated plan.
- ◆ Child count declaration submitted with CCDF Plan every **3 years** (no longer annually).

Source: Office of Child Care, Administration for Children and Families, U.S. Department of Health and Human Services. (2016). *FY 2017-2019 tribal plan preprint (Program instruction: CCDF-ACF-PI-2016-03)*. Retrieved from <https://www.acf.hhs.gov/occ/resource/ccdf-acf-pi-2016-03>





Coordination Requirements

- ◆ AI/AN grantees “shall **coordinate the development of the Plan and the provision of services**, to the extent practicable,” and
 - “To the maximum extent feasible, with the Lead Agency in the State or States in which the applicant will carry out the CCDF program; and
 - With other Federal, State, local, and tribal child care and childhood development programs.”

Source: Child Care and Development Fund, 45 C.F.R. § 98.82 (2016).

Financial Requirements

- ◆ Fifteen percent administrative cap.
- ◆ Restricted use of funds:
 - CCDF funds may not be used for school tuition for children in grades 1 through 12;
 - CCDF funds paid to providers through grants or contracts may not be used for any sectarian purposes; and
 - CCDF funds may not be used as part of the nonfederal share or match for any other federal grant programs.
- ◆ AI/AN grantees may use CCDF funds for construction or major renovation upon requesting and receiving approval from the Secretary of Health and Human Services.

Source: Child Care and Development Fund, 45 C.F.R. §98.56 § 98.83 § 98.84 (2016).

Financial Requirements (continued)

- ◆ **Obligation and liquidation** provisions apply to tribal discretionary and tribal mandatory funds.
- ◆ Tribal discretionary funds are subject to **reallotment**.
- ◆ Any expenditures not made in accordance with the CCDBG Act, the implementing regulations, or the approved CCDF Plan will be subject to **disallowance**.
- ◆ AI/AN Lead Agencies shall expend and account for CCDF funds in accordance with their own laws and procedures for expending and accounting for their own funds.
- ◆ AI/AN Lead Agencies must describe in their CCDF plan the internal controls that are in place to ensure **integrity and accountability**

Source: Child Care and Development Fund, 45 C.F.R. § 98.60, § 98.64, § 98.66, § 98.67 § 98.68 (2016).

Fiscal, Audit, and Data Reporting Requirements

- ◆ **Audits:** Each Lead Agency shall have an audit conducted after the close of each program period.
- ◆ **Financial reporting (696-T):** Tribal Lead Agencies shall submit financial reports annually.
- ◆ **Data reporting (ACF-700):** AI/AN Lead Agencies that receive assistance under CCDF shall prepare and submit to the secretary an annual aggregate report.



Source: Child Care and Development Fund, 45 C.F.R. § 98.65 § 98.70 (2016).

Check-Out Activity

- ◆ Technical assistance needs
- ◆ Policy questions or clarifications
- ◆ Implementation strategies and examples
- ◆ Additional questions?





**National Center on Tribal Early Childhood Development,
A Service of the Office of Child Care**

9300 Lee Highway
Fairfax, VA 22031
Phone: 877-296-2401

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