

Child Count Declaration for Child Care and Development Fund Tribal Lead Agencies

Background

In order to receive the Child Care and Development Fund (CCDF) funding, Tribes must develop and submit a Tribal CCDF Plan to the Administration for Children and Families (ACF) Office of Child Care (OCC) every 3 years.¹ The completed CCDF Plan serves as each Tribe's application for CCDF funds by providing a description of its child care program and services available to eligible families.

The CCDF Plan process operates on a triennial cycle, with Plans due every 3 years. Tribes are currently within the fiscal year (FY) 2017–2019 CCDF Plan cycle, which is effective through September 30, 2019. In 2019, Tribes will submit new CCDF Plans for the FY 2020–2022 cycle that becomes effective October 1, 2019.

OCC adjusted the FY 2020–2022 CCDF Tribal Plan submission date to September 6, 2019. Typically, the child count declaration is submitted with the CCDF Plan. However, for this CCDF Plan cycle, there is a separate timeline for the submission of the child count declaration form. OCC needs to have the child count declaration data submitted separately by **July 1, 2019** to process the formula for the FY 2020 CCDF Tribal allocations.

This document responds to frequently asked questions about requirements and implementation strategies related to the child count for Tribal Lead Agencies.

Note: Tribes with an approved Public Law (P.L.) 102-477 Plan receive their CCDF funding through the Department of the Interior (DOI). All program and financial reporting for CCDF funds awarded under a P.L. 102-477 consolidated plan is made to the DOI. P.L. 102-477 Plans are submitted to the DOI and operate on a different timeline than the triennial CCDF Plans. 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. Separate guidance will provide instructions on how to submit the next P.L. 102-477 Plans.

Frequently Asked Questions

1. What is the child count declaration?

The child count is a self-certified declaration made by each Tribal Lead Agency to ACF. A Tribal Lead Agency's child count declaration certifies the number of Indian children under age 13 who reside within the Tribal Lead Agency's service area as described in the CCDF Plan.

2. What is an unduplicated child count?

An unduplicated child count means that the count does not include any child who is also included in the child count of another Tribal Lead Agency. Tribal Lead Agencies must submit unduplicated child counts. They **may not**

¹ Child Care and Development Fund, 45 C.F.R. § 98.81 (2016).

count any child who is included in the child count of another Tribal Lead Agency.² To ensure unduplicated child counts, Tribal Lead Agencies are required to confer with all other Tribal Lead Agencies with overlapping or neighboring service areas.

3. Are all Tribal Lead Agencies required to submit a child count declaration?

Yes, all Tribal Lead Agencies must submit a child count declaration.³

4. Why do Tribal Lead Agencies have to conduct a child count?

The child count is used to calculate the amount of each Tribal Lead Agency's CCDF grant award, or CCDF allocation. A Tribal Lead Agency's allocation is based on a formula that takes into account the number of Indian children under age 13 who reside within the service area.

CCDF allocations for Tribal Lead Agencies come from two federal funding sources—**discretionary** funds provided under the Child Care and Development Block Grant Act and **mandatory** funds provided under Section 418 of the Social Security Act.⁴

- ◆ A Tribal Lead Agency's discretionary funding amount includes a base amount and a discretionary per-child amount. The base amount is \$30,000 for Tribal Lead Agencies with more than 50 children in their child count, or a prorated amount for Tribal Lead Agencies with fewer than 50 children in their child count who apply as part of a consortium. The discretionary per-child amount is calculated based on the number of children in the Tribal Lead Agency's child count declaration.⁵
- ◆ A Tribal Lead Agency's mandatory funding amount is composed of a mandatory per-child amount, which is calculated based on the number of children in the child count declaration. Note that in Alaska, only 13 entities defined by the Alaska Native Claims Settlement Act may receive mandatory fund allocations.⁶

Therefore, the child count declaration is required to calculate each Tribal Lead Agency's total discretionary and mandatory funding.

Note: The amount provided for both discretionary and mandatory funds is based upon the total amount of funding available for Tribal Lead Agencies and the total number of Indian children residing in Tribal Lead Agency service areas (i.e., the total of all Tribal Lead Agency child counts).

It is also important for Tribal Lead Agencies to have an accurate and valid child count in order to determine whether they can operate a CCDF program as an individual Tribal Lead Agency or if they must participate in a Tribal consortium. The child count also provides ACF with information needed to determine the amount of CCDF funding that each Tribal Lead Agency receives.

Tribal Lead Agencies must have at least 50 Indian children under age 13 living within their service area. A Tribal Lead Agency with fewer than 50 Indian children under age 13 can participate in a consortium of eligible Tribes.⁷ Conducting a child count verifies whether a Tribal Lead Agency meets these requirements.

² Office of Child Care, Administration for Children and Families, U.S. Department of Health and Human Services. (2016). *FY 2017–2019 Tribal plan preprint* (CCDF-ACF-PI-2016-03). Retrieved from <https://www.acf.hhs.gov/occ/resource/ccdf-acf-pi-2016-03>

³ Child Care and Development Fund, 45 C.F.R. § 98.81(b)(4) (2016).

⁴ Social Security Act, 42 U.S.C. § 618(a)(4).

⁵ Child Care and Development Fund, 45 C.F.R. § 98.61(c) (2016).

⁶ Child Care and Development Fund, 45 C.F.R. § 98.62(b) (2016).

⁷ Child Care and Development Fund, 45 C.F.R. § 98.81(b)(1) (2016).

5. When is the child count due?

Tribal Lead Agencies must submit their child count declaration by July 1, 2019. The child counts remain valid for the 3-year CCDF Plan cycle, with one exception for Tribal Lead Agencies that are part of a consortia. If a consortium gains or loses one of its member organizations, adjustments to the child count must be made accordingly.⁸

6. Is the due date the same for Tribal Lead Agencies that consolidate their CCDF funds under a Public Law 102-477 Plan?

Yes. Tribes that have received approval to consolidate CCDF funds under a P.L. 102–477 plan are required to submit a triennial child count to ACF by July 1, 2019, even though they are not required to submit the triennial CCDF Plan at this time. Tribal Lead Agencies that currently have approved P.L. 102-477 plans will submit their child count declarations to ACF at the same time as all other Tribal Lead Agencies (i.e., those not consolidating CCDF funds under a P.L. 102-477 plan).

P.L. 102-477 plans are submitted to the Department of the Interior and operate on a different cycle than CCDF Plans. Therefore, it is possible that Tribes with approved P.L. 102-477 plans will submit their child count declarations and P.L. 102-477 plans at different times.⁹ Separate guidance will provide instructions on how to submit the next P.L. 102-477 Plans.

7. Do Tribal consortia submit one child count declaration form or separate declaration forms for each participating Tribe?

Tribal consortia must submit an individual child count declaration for each participating Tribe. A participating Tribe's individual child count declaration form must be signed by an individual authorized to act for that Tribe. The individual forms must be compiled and submitted with the CCDF Plan. In addition, the consortium must include a total child count that is the sum of the child counts for all participating Tribes.¹⁰

8. What are the steps involved with conducting a child count?

The child count certifies the number of Indian children under age 13 who reside within a Tribal Lead Agency's service area. Therefore, the first step that Tribal Lead Agencies should take in conducting a child count is determining their definitions of "Indian child" and "service area." These definitions are the foundation for the child count because they will determine which children may be included in the child count. Once these definitions have been determined, the next step is to identify existing data that are available and submit requests for data as needed. Tribal Lead Agencies will then use this information to determine their unduplicated child count. Tribal Lead Agencies with neighboring or overlapping service areas must coordinate to ensure an unduplicated child count (see question 14 for more information). Finally, Tribal Lead Agencies will complete the child count declaration form and obtain an official signature from an individual authorized to act for the Tribe.

Common questions related to these steps are explored in questions 9–14 below.

⁸ Office of Child Care, Administration for Children and Families, U.S. Department of Health and Human Services. (2016). *FY 2017–2019 Tribal plan preprint* (CCDF-ACF-PI-2016-03). Retrieved from <https://www.acf.hhs.gov/occ/resource/ccdf-acf-pi-2016-03>

⁹ Office of Child Care, Administration for Children and Families, U.S. Department of Health and Human Services. (2015). *FY 2017–2019 Tribal Plan* (CCDF-ACF-PI-2016-04). Retrieved from <https://www.acf.hhs.gov/occ/resource/ccdf-acf-pi-2016-04>

¹⁰ Office of Child Care, Administration for Children and Families, U.S. Department of Health and Human Services. (2016). *FY 2017–2019 Tribal plan preprint* (CCDF-ACF-PI-2016-03). Retrieved from <https://www.acf.hhs.gov/occ/resource/ccdf-acf-pi-2016-03>

9. How can Tribal Lead Agencies define “Indian child”?

Tribal Lead Agencies are required to provide a definition of “Indian child” in their CCDF Plan, and children must meet this definition to receive CCDF services.¹¹ This is the definition used for the purposes of conducting a child count.

Tribal Lead Agencies have flexibility in defining “Indian child”; however, the definition must be limited to children from federally recognized Indian Tribes. For example, Tribal Lead Agencies can choose to define “Indian child” as a child who is an enrolled member of the Tribal Lead Agency’s Tribe. They can also choose to define “Indian child” more broadly, as any child who has verifiable American Indian or Alaska Native ancestry as determined by either Tribal enrollment, a certificate of Indian blood (CDIB), or a birth certificate documenting lineal descent.

The definition of “Indian child” can include children who are Tribal members, whose membership is pending, who are eligible for membership, and who are children or descendants of members. This group could also include children who do not have Tribal ancestry, but who are adopted children, foster children, and stepchildren. Tribal Lead Agencies can also include children from other Tribes in their definition of “Indian child,” if the Tribes are federally recognized.

10. How can Tribal Lead Agencies define “service area”?

To be eligible for CCDF services, a child must reside within the Tribal service area.¹² For the purposes of determining CCDF eligibility, Tribal Lead Agencies must define their service area in their CCDF Plans. This is the definition used for the purposes of conducting a child count.

The service area must be “on or near the reservation,” and therefore must be within a reasonably close geographic proximity to the delineated borders of a Tribe’s reservation.

Tribes located in Alaska, California, or Oklahoma without reservations are exempt from the requirement to have a service area that is “on or near the reservation,” and must instead establish service areas in reasonably close geographic proximity to the area where the Tribe’s population resides.¹³ This could include using the counties where the Tribe’s population lives, using the boundaries defined by the Alaska Native Settlement Claims Act for Tribal Lead Agencies in Alaska, or using the ceded territories where the Tribe’s population continues to reside. ACF will not approve an entire state as a Tribal Lead Agency’s service area¹⁴.

Note: In order to ensure an unduplicated child count, Tribal Lead Agencies with neighboring or overlapping service areas will need to share information to ensure that they are aware of each other’s definitions of Indian child and service area. They will need to cross-reference their definitions and child count data sources to identify and resolve any duplicative counts (see question 14 for more information).

11. What data can Tribal Lead Agencies use to conduct the child count?

There is no federal requirement regarding which data sources a Tribal Lead Agency can use. Tribal Lead Agencies can use federal, Tribal, or local data to inform their child count. Possible data sources include the following:

- ◆ School system data
- ◆ Head Start and Early Head Start data

¹¹ Child Care and Development Fund, 45 C.F.R. § 98.83(b) (2016).

¹² Child Care and Development Fund, 45 C.F.R. § 98.83(b) (2016).

¹³ Child Care and Development Fund, 45 C.F.R. § 98.80(e) (2016).

¹⁴ 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>

- ◆ Local child care program data
- ◆ Tribal enrollment data
- ◆ Tribal vital statistics and census data
- ◆ Indian Health Service data
- ◆ Tribal hospital or clinic data
- ◆ Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) data
- ◆ Child protective services or Indian Child Welfare Act data
- ◆ Bureau of Indian Affairs Labor Force Reports data
- ◆ Education or social service agency data
- ◆ Federal census data

It is important for Tribal Lead Agencies to document their data sources, steps, contacts, and resources. Steps used to calculate the final count should be detailed and able to be verified by an outside source such as an auditor. Any data used should be documented and cross-referenced to ensure that there is not duplication in the count.

Tribal Lead Agencies are encouraged to contact their OCC regional office for questions related to data sources for conducting child counts.

12. If Tribal Lead Agencies are requesting data from another entity, what should they include in the request?

Data sources should be contacted well in advance of the date that the information is needed. In order to support a sufficient and accurate response, it is helpful to include the following in the request:

- ◆ The purpose of the information being requested
- ◆ The specific data needed (e.g., number of Indian children, resident of service area, under the age of 13 as of what date)
- ◆ The date by which the information is needed
- ◆ A statement of confidentiality

13. Is the child count the same thing as the data reported in the CCDF Tribal Annual Report (ACF-700)?

No. The child count declaration includes all Indian children under the age of 13 who reside in the Tribal Lead Agency's service area. It provides a measure of the number of children within the service area who could **potentially** participate in CCDF-funded services. The child count includes all children in the service area, even if they will not ultimately be eligible for CCDF-funded services. The ACF-700 data includes information on the children who **actually** received CCDF-funded services from the Tribal Lead Agency in the past fiscal year.

The ACF-700 report includes data regarding the children and families who received CCDF-funded child care services, and on services that were provided by the Tribal Lead Agency. The report also describes child care activities and actions in the Tribal Lead Agency's service area.¹⁵

14. How should Tribal Lead Agencies coordinate with neighboring Tribal Lead Agencies to ensure that children are not included in more than one child count?

Tribal Lead Agencies are required to confer with all other Tribal Lead Agencies that have overlapping or neighboring service areas to ensure that they have unduplicated child counts.

Tribal Lead Agencies should consult and coordinate with neighboring Tribal Lead Agencies to discuss processes, definitions, and data sources used for the child count in order to understand and address any potential for duplicative counts. It is important that the data sources are cross-referenced and unduplicated counts are verified. Strategies for coordinating this process include writing a letter, sending a formal email, conducting an in-person or virtual meeting, or developing a memorandum of understanding.

15. When should Tribal Lead Agencies start the child count process?

The child count must be completed no later than June 30, 2019 and no earlier July 1, 2018.

Tribal Lead Agencies are encouraged to begin the child count process as early as possible to collect and analyze data, coordinate with other Tribal Lead Agencies to ensure unduplicated counts, and obtain any approvals required by Tribal leadership. The child count must include an official signature by an individual authorized to act for the Tribe. Tribal consortia must also consider the additional time required to collect signed individual child counts from each participating Tribe.

16. What forms should Tribal Lead Agencies use to submit the child count to ACF?

The Office of Child Care released a program instruction on May 13, 2019 with information and guidance for completing and submitting the child count declaration form: <https://www.acf.hhs.gov/occ/resource/ccdf-acf-pi-2019-02/>.

17. Who should Tribal Lead Agencies contact with questions?

Tribal Lead Agencies should contact their Office of Child Care regional office for assistance or questions related to the child count declaration. Contact information is available on the OCC website: <https://www.acf.hhs.gov/occ/resource/regional-child-care-program-managers>.

¹⁵ Office of Child Care, Administration for Children and Families, U.S. Department of Health and Human Services. (2018). *CCDF annual report for Tribal Lead Agencies* (CCDF-ACF-PI-2018-03). Retrieved from <https://www.acf.hhs.gov/occ/resource/ccdf-acf-pi-2018-03>

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