National Center on Tribal Early Childhood Development

Developing Child Care Monitoring and Enforcement Systems for American Indian and Alaska Native Child Care and Development Fund Programs
Purpose

- Understand how the *American Indian and Alaska Native (AI/AN) Child Care and Development Fund (CCDF) Monitoring Toolkit* can be used to implement the CCDF final rule requirements for monitoring and enforcement systems
Agenda

- AI/AN CCDF requirements
- Overview of the AI/AN CCDF Monitoring Toolkit
- Resources
- Next steps
Components of Effective Monitoring Systems

CCDF Final Rule

- Standards
- Policies & Procedures
- Enforcement
- Monitoring
- Licensing
Monitoring and Enforcement in the CCDF Final Rule
Health and Safety Regulations Overview

- Health and safety regulations apply to all AI/AN CCDF grantees, including all providers who receive CCDF funds*
- Requirements include implementation of health and safety: standards, training, monitoring, and criminal background checks
- Tribes have flexibility to propose alternative monitoring methodology
- Compliance determined with review and approval of 2020-2022 CCDF Plans

*AI/AN grantees can choose to exempt relative care providers from health and safety requirements.

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

AI/AN CCDF grantees must have requirements for health, safety, fire, monitoring, and inspection as follows:

- Licensed* or regulated CCDF providers
  - One prelicensure inspection
  - An annual unannounced inspection
- License-exempt CCDF providers
  - An annual inspection
- Or AI/AN CCDF grantees may describe an alternative monitoring approach in their CCDF Plan and provide adequate justification for the approach

*AI/AN CCDF grantees are not required to have licensing requirements for child care.

Child Care and Development Fund, 45 C.F.R. §§ 98.42, 98.83 (2016).
Implementing the Regulations

CCDF Final Rule

- Standards
- Enforcement
- Policies & Procedures
- Monitoring
- Licensing
Let’s Discuss: Short Answer Discussion

◆ What considerations do you face as you develop and implement monitoring systems?
Introducing the AI/AN CCDF Monitoring Toolkit
Toolkit Components

◆ Three Guides
  ▪ Developing Monitoring Systems
  ▪ Monitoring Centers
  ▪ Monitoring Homes

◆ Sample Forms

◆ Three Videos
  ▪ Tribally-Operated Centers
  ▪ Center-based providers
  ▪ Home providers

These guides were originally published by the National Center on Tribal Child Care Implementation and Innovation under contract #HHSP23320110017YC. The current versions were updated in 2017 by the National Center on Tribal Early Childhood Development (under contract #HHSP233201600353G) for the Office of Child Care, Administration for Children and Families, U.S. Department of Health and Human Services.”
Guide 1: Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees
Standards

CCDF Final Rule

- Enforcement
- Policies & Procedures
- Monitoring
- Licensing
Standards

- **All AI/AN CCDF grantees** must have health and safety standards for all CCDF providers.
- Standards may also reflect other best practices and the unique cultural practices and expectations that exist in AI/AN communities.
- Standards developed or adopted by the Lead Agency should be approved by the tribal governing body and shared with providers, parents, and community members.
Required Heath and Safety Standards

Standards that address 11 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 of 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 bio-contaminants
9. Appropriate precautions in transporting children, if applicable
10. Pediatric first aid and cardiopulmonary resuscitation
11. Recognition and reporting of child abuse and neglect

As well as standards that address the following:

- Group size limits for specific age groups
- Child-caregiver ratios for specific age groups
- Required qualifications for caregivers.

Child Care and Development Fund, 45 C.F.R. § 98.41 (2016).
Optional Health and Safety Standards

- Nutrition (including age-appropriate feeding)
- Access to physical activity
- Caring for children with special needs
- Any other subject area determined by the Lead Agency to be necessary to promote child development or to protect children's health and safety

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

AI/AN CCDF grantees can

◆ develop their own CCDF health and safety standards,

◆ adopt their state licensing standards, or

◆ use a combination of both.

Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees (p. 5).
Let’s Discuss: Poll

What do you use for your child care standards?

- We developed our own standards
- We use our state licensing standards
- We use a combination of both
- We have adopted other standards (please describe)
Let’s Discuss

- Do you have written standards in place?
- Are you in the process of developing your written standards?
- What are some of your lessons learned that you would like to share with your peers?
Resources for Writing Standards

The following documents can serve as a useful framework:

- **Minimum Standards for Tribal Child Care: A Health and Safety Guide**
- **Caring for Our Children Basics: Health and Safety Foundations for Early Care and Education**

*Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees* (p. 5).
Guidelines for Writing Standards

- Ensure that standards include topics required by the CCDF final rule
- Use the knowledge and experience of tribal elders
- Include providers and community leaders in the process
- Ensure that standards are supported by the community
- Consider cost and difficulty for providers to meet standards
- Write clearly and establish clear expectations
- Consider when internal policies and procedures should be developed

*Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees* (pp. 5–6).
Steps for Drafting Standards

- Draft standards with multiple people to capture different perspectives
- Gather input from providers
- Have standards approved by tribal government
- Send standards to all providers and post to website if possible
- Work with providers to help them understand the standards (provide technical assistance, host meetings, etc.)
Additional Resources for Writing Standards

Resources for Writing Tribal Standards

The following resources may be helpful to you as you develop or revise your own tribal child care health and safety standards and/or tribal licensing standards:

- **Minimum Standards for Tribal Child Care: A Health and Safety Guide**—Published by the federal Office of Child Care as a baseline from which all tribally-funded child care programs should operate. The Guide’s chapters align with the three health and safety categories currently required under CCDF regulations, as well as the health and safety section (Part 6) of the current Tribal CCDF Plan Preprint. It is included as Appendix M below.

- **State Licensing Standards**—License regulations for all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands are available from the National Resource Center for Health and Safety in Child Care and Early Education (NRC) online at [http://nrc4hsc.org](http://nrc4hsc.org).

- **Caring for Our Children: National Health and Safety Performance Standards: Guidelines for Early Care and Education Programs, 3rd Edition (CFDC)**—A collection of 126 standards that represent what is considered to be best practice nationally on child care health and safety. Each standard is written by health and safety experts and reviewed by licensees and providers, and includes a “rationale” that explains why the standard is important. Available online for download and in searchable full text from NRC at [http://nrc4hsc.org](http://nrc4hsc.org); print copies are available for purchase.

- **Stepping Stones to Caring for Our Children, 3rd Edition (SSC)**—A shorter version of the CFDC (provides highlighting 138 standards that are considered most important to protect the health and safety of children. The SSC Caring/Concerns Checklist can be used to determine if your standards address all of the key areas identified in SSC. Both documents are available online for download from NRC at [http://nrc4hsc.org](http://nrc4hsc.org).

- **Caring for Our Children Basics: Health and Safety Foundations for Early Care and Education**—Published by the federal Administration for Children and Families to represent the minimum health and safety standards experts believe should be in place where children are cared for outside of their homes.


Other national standards that may be helpful to you include:

- **Head Start Program Performance Standards**—The federal regulations that govern the administrative operations and program activities of Head Start and Early Head Start programs.

- **Accreditation Standards**—Voluntary standards set by various national organizations that providers must meet in order to demonstrate high-quality care.
Policies and Procedures

CCDF Final Rule

- Standards
- Enforcement
- Monitoring
- Licensing
- Policies & Procedures
Policies and Procedures for Monitoring

♦ **Policies** are statements that guide Lead Agencies in the process of approving and monitoring child care programs.

♦ **Procedures** are the step-by-step details of how monitoring and approval policies are implemented.
Policy Guidelines and Sample

Policy Guideline Monitoring and Enforcement

Questions to Answer:

Who will monitor?

- State?
  - Establish relationship with state—maybe MOU or cooperative work agreement
  - Obtain copy of current license
  - Have a signed provider agreement with your Tribe
  - Obtain copies of ongoing monitoring reports
  - What other documents will you want from the provider?
  - Will you visit as well?
  - How will you know if licensee is in serious non-compliance?
- Tribe?
  - Are requirements in place?
  - How will provider be informed of the requirements?
  - How and where will they apply?
  - Who accepts the application?
  - Who does the monitoring visit?
  - Is it announced or unannounced?
  - How often do you monitor?
  - Is there a written report? If so on what form or is it open narrative?
  - If you use self-assessment, do you still make an on-site visit?
  - Do you renew the license or certification?
  - What happens when the provider is out of compliance? (Consequence should depend on risk to children)
    - Non-compliance letter?
    - Plan of correction with a time frame?

Sample Monitoring and Enforcement Policy for Homes

- All home visits are unannounced.
- A home visit will be completed by the monitoring/licensing staff (a specifically identified individual) prior to a child placed into care to monitor compliance with Tribal Child Care Health and Safety Requirements.
- Child care will be monitored by the monitoring/licensing staff a minimum of two unannounced visits per year to the authorized home where child care services are provided.
- Homes not in compliance with standards will complete a Plan of Correction and be given a specific time period (dependent on risk) in writing to come into compliance.
- A follow-up visit will be conducted by the monitoring/licensing staff to ensure compliance.
- Homes not meeting standards after the follow up visit will receive an administrative review to determine continued eligibility as an authorized child care provider. A written notice of the decision will be sent to the home.
- If numerous or serious non-compliances are observed, a Plan of Correction will be completed by the provider.
- After each home visit, a copy of the monitoring report is left at the child care home or sent back to the home the next business day.
- Upon documented evidence of non-compliance of standards which may present a danger to the health and safety of children in care, the Tribal CCDF Office may revoke the approval (registration/license/certificate) or place the provider on an inactive status.
- The child care home will not be returned to active status or approved as a child care provider until the provider has verified the situation has been corrected and a plan is in place to help prevent the non-compliance from happening again.

After three (3) unsuccessful attempts to visit by the compliance monitor, the child care provider may be placed on Inactive Status. Subsidy payments will not be made to inactive providers. If the child care provider is placed inactive due to the lack of a home visit, the child care provider will not be approved for payment until a home visit has been completed by the compliance monitor to determine compliance with Tribal Health and Safety Requirements.

If the provider does not agree with the decision he/she will have the right to appeal the decision through the “Provider Appeals Process” described in the Tribal CCDF Program Policies and Procedures.
Policies and Procedures: Inspections

Policies and procedures should outline the following:

- How often programs will be inspected
- Whether inspections will be announced or unannounced
Policies and Procedures: Complaints

CCDF grantees with medium and large allocations are required to do the following:

- Establish a hotline or similar reporting process* for parents to submit complaints about child care providers
- Maintain a record of substantiated parent complaints
- Make information regarding substantiated parental complaints available to the public on request

Policies and procedures should cover the following:

- Receiving and responding to complaints
- Determining whether complaints are valid and conducting complaint investigations
- Recording substantiated complaints

*There is flexibility regarding the format of the reporting process for parental complaints. AI/AN CCDF grantees can choose to implement a phone hotline, or they can use other formats such as a web form, email address, or voicemail box.

Guidance and Resources for Complaints

Complaint Policy Guidelines

- Receipt of the complaint: Policy identifies to whom the complaint is made and in what form - in writing, in person, by telephone, or electronically.
- Complaint information: Staff obtains as much relevant information as possible from the complainant, develops a form for consistency.
- Screening complaints: Staff accepts a complaint for investigation when it appears:
  - non-compliance with written licensing standards, and/or
  - abuse or neglect of a child in care.
- Assessing complaint risk: Policy identifies response timeframes based on degree of harm or risk to children in care. For example, if a child is in imminent risk of serious physical harm, you would respond immediately or at least within 24 hours of receiving the complaint. In the case of a lesser risk, such as use of too much TV or milk not being served one day, you might go within a one-month timeframe.
- The investigation: Staff conducts a full investigation, obtaining sufficient information to make a finding. In most cases, the investigation would include a site visit.
- Child abuse and neglect: Upon receipt of a complaint alleging abuse or neglect of a child in care, staff immediately makes a referral to the Child Protection agency responsible for investigation in your community.
- Findings: After the investigation is completed, the staff, in consultation with their supervisor, makes a finding as to whether the complaint is substantiated, unsubstantiated, or ruled out (suggested terms).
- Substantiated: Findings of the investigation clearly indicate the facility violated one or more licensing standards.
- Unsubstantiated: Findings of the investigation do not lead to a definite conclusion.
- Ruled out: Findings of the investigation clearly indicate that there was not a violation of any licensing standard.
- Documentation: Upon completion of the investigation, staff documents the findings and notifies the provider of the allegations and findings. Forwarding a letter with a summary. Documents become a part of the provider’s case file with attention paid to confidentiality.
- Notice to Complainant: When a complaint allegation has been substantiated, staff advises the facility to correct the violations immediately and requests the facility to send a plan of correction.

Complaint Investigations in Child Care Licensing

Key Decision Points

Taking the complaint:
- Do you accept complaints over the phone and by email?
- Who can take the complaint?
- Are there specialized complaint investigators?
- What do you do if it’s not a violation of licensing requirements?
- Do you investigate anonymous complaints?
- Do you accept only written complaints?
- Are supervisors notified of every complaint?

Planning the investigation:
- Is a site visit always necessary?
- Is there coordination with another entity needed, i.e., law enforcement?
- Are there other sources of information or additional evidence needed before a site visit is made?
- Would surveillance provide valuable information?
- Do you review the prior licensing report?
- Is it important to visit a certain room of day?
- Are there other experts or resources needed?
- How quickly must the investigation begin?

The site visit:
- Can one person manage the site visit or is a second person advised?
- Are there records outside that should be reviewed?
- Who should be interviewed?
- What do you do to help the adult interviewee feel comfortable and more likely to cooperate?
- Is a written statement requested?

Child Care Complaint Intake Form

Complainant's Name: ______________________________________
Complainant's contact information: ____________________________
Provider Name: ____________________________________________
Provider Address: _________________________________________
Provider Phone: ___________________________________________
Type of Facility: Home Center Group Home
Approximate Date and Time of Incident or Concern: ____________
Name(s) of children involved: _________________________________
Age(s) of children involved: _________________________________
Name of person(s) involved (if known): ________________________
Complainant's relationship to provider: ________________________
Record details of the incident and/or concern: __________________

Complaint recorded by: __________________________ Date complaint received: ________
(name of staff who took the complaint)
Poll Question: Where are you with developing your policies and procedures?

- Who has written policies and procedures?
- Who is currently working on policies and procedures?
- Who needs help writing policies and procedures?
Licensing
Licensing Requirements

AI/AN CCDF grantees are **not required** to have a licensing system but have the flexibility to do so.

*Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees* (pp. 3-4).
Forms of Approval

- If you choose not to license your providers, you still need to regulate them.
- Approvals, certificates, or other authorizations are formal permissions to care for children.
Sample Agreement

Monitoring Appendix A

Sample Provider Contract

State/Tribe Name
Organization/Division Name
Child Care Provider Contract

Facility Phone# ___________ SSA or FID# ___________
Facility County ___________ ONID# ___________ License ___________

PART ONE

This agreement made and entered into this ___________ day of ___________, by and between the
[Tribe/Organization], hereinafter to be the “Tribe” or “Tribe/Organization Address”;
☐ An individual, ☐ A corporation organized and existing under the laws of the State of ___;
☐ A partnership, ☐ Other ___________, with principal office located at:

Herein after referred to as “PROVIDER” and constitutes the entire agreement between the parties herein and
supersedes any prior agreements which may have existed between the parties as to the subject matter herein;

Whereas, the Tribe wishes to enter into an agreement to provide for Child Care Services; and whereas
hereby affirm and verify that he/she is a Licensed Child Care Facility Operator and/or Registered
Provider with the State of ___ and/or the [Tribe/Organization] and hereby is willing, and able to perform the
services herein described.

NOW, THEREFORE, in consideration of the mutual covenants, promises, agreements, understanding, and
conditions set forth herein, the parties hereto, mutually promise to the other, AGREE AND UNDERSTAND as
follows, to wit:

PART TWO

THE TERMS OF THIS AGREEMENT shall be ___________ to ___________ and may be extended
or renewed only upon prior written consent of the parties hereto.

PART THREE

IT IS AGREED AND UNDERSTOOD that child care services provided under this contract will be available from
date of execution, hereof.

IT IS FURTHER AGREED that said services will be provided in the following location(s):

________________________________________

March 2017
Let’s Discuss: Poll

What type of licensing or approval system does your AI/AN Lead Agency offer for your child care programs? Select all that apply:

- Licensed
- Approval or Certification
- Other Authorization
National Center on Tribal Early Childhood Development

Monitoring

CCDF Final Rule

- Standards
- Enforcement
- Policies & Procedures
- Licensing
Monitoring Requirements

- AI/AN CCDF Lead Agencies must monitor for compliance with the following:
  - Standards in the 11 required health and safety topic areas
  - Standards for group size, ratio, and caregiver qualifications
  - Minimum health and safety training requirements
  - Child abuse reporting requirements
  - Criminal background checks

- AI/AN CCDF grantees are also required to report serious occurrences that include injury or death

- AI/AN CCDF grantees have flexibility to propose their own monitoring approach

Child Care and Development Fund, 45 C.F.R. §§ 98.42, 98.83 (2016).
Monitoring Providers

CCDF Administrators are responsible for monitoring providers by:

- Knowing standards
- Conducting regular inspections
- Monitoring providers in person

*Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees* (pp. 4–5).
Monitoring Tools

- Checklists for standards
- Inspection forms
- Surveys
- Observations
- Other forms of assessing health and safety

*Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees* (p. 8).
Inspections

- Providers must know what the standards are and how to meet them.
- Providers need to understand the monitoring process and what to expect before, during, and after.
- Lead Agencies should create processes and resources that help everyone understand responsibilities.
Monitoring State-Licensed Providers

Coordination with the state licensing agency is required to ensure that providers are meeting standards of both the state and the AI/AN Lead Agency.

*Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees* (pp. 10–11).
Reasons to Monitor

- The primary purpose of monitoring is the enforcement of standards.

- Other purposes include the following:
  - Supporting providers with meeting standards
  - Identifying provider challenges
  - Providing resources on health and safety, best practices, and quality improvement
  - Ensuring health and safety of children
Training for Monitoring Staff

- Attend in-person training sessions.
- Reach out to the state licensing agency about participating in training.
- Take National Association for Regulatory Administration (NARA) online training courses.
- Contact the Office of Child Care for technical assistance, support, training, and videos.

Training for Providers

Lead Agencies can support providers by providing the following:

- One-on-one technical assistance and case-specific guidance
- Resource materials
- Provider trainings

*Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees* (p. 9).
Sample Training Topics

- Standards
- Child development
- Nutrition
- Health and safety

*Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees* (p. 9).
Other Provider Supports to Help Child Care Programs

The following are examples of provider supports that a Tribal CCDF Lead Agency can establish on its own or in collaboration with other community partners; these activities can be supported through CCDF quality funds or other public or private funding sources:

- **Provider Networks**—Provides opportunities for caregivers to get together in their communities, learn from one another, and discuss things that are important to running a child care program and staying in compliance with the standards.
- **Toy and Equipment Lending Libraries**—Shares toys and equipment with providers for a period of time to use with the children in their child care programs. New toys and equipment can be introduced to providers through workshops where they can learn how to use the materials in their programs.
- **Library Check-out Programs**—Provides child care programs with books and other classroom materials that they can use with their children for a period of time and then return them for other resources.
- **Quality-Improvement and Start-up Grants**—Offers funding to help providers make improvements in their programs to meet the standards, such as:
  - Buying a fire extinguisher;
  - Fencing for the outdoor play yard;
  - Buying approved cribs for babies and cots for the older children; and
  - Making improvements that let them provide a higher quality of care.
- **Scholarships**—Offers funding to child care providers and staff to attend local, state, regional or national conferences, training workshops, and college courses.
- **Incentives**—Gives extra money to homes and centers that meet certain quality or health and safety goals, such as:
  - Doing a good job of staying in compliance over a certain period of time;
  - Making changes to meet revised standards; and
  - Exceeding the standards by taking additional training.
- **Referral to Other Resources**—Provides contact information for other agencies and resources that provide technical assistance and other supports to child care programs, such as a nearby child care resource and referral agency (CCR&R).
Monitoring Considerations
Monitoring Provider Files

Lead Agencies should maintain a file for each provider to document important records, such as the following:

- Provider’s application for licensing, approval, or certification
- A copy of the provider’s license, approval, or certificate
- Background checks, health records, and other forms required during the application process
- All completed monitoring inspection documents
- A record of any complaints
- Letters or notifications regarding any violations

Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees (p. 9).
Informing Providers

- Clearly communicate program standards and how compliance will be verified.
- Inform providers of expectations:
  - How often they will be monitored
  - Who will monitor
  - What will happen during the visit
  - What is expected after the monitoring visit
  - How monitoring is documented or verified
Provider Self-Assessment

- Continuous compliance is expected to ensure safe, healthy environments.
- Self-assessment is an ongoing practice that can be used between formal monitoring visits to ensure continuous compliance with standards.

Suggestions for Partnering with States

♦ Establish and maintain a relationship with the state licensing agency
♦ Consider developing a formal agreements.
♦ Know and understand state requirements.
♦ Provide culturally relevant information.
♦ Inform of any additional standards required.
♦ Consider setting aside quality dollars to assist providers in meeting state standards.

Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees (p. 11).
Sample Memorandum of Understanding

I. PURPOSE

The purpose of this agreement is to establish and maintain an effective cooperative relationship between the Division of Child Care and the Department of Human Services, and to share information regarding licensed child care facilities in the ___ Nation, with the [insert name of Tribe]. This agreement provides for collaboration between the ___ Nation and the ___ State, in the development of policies and procedures to support the provision of high-quality child care services to children and families in the ___ Nation. The purpose of this memorandum is to outline the terms and conditions of the cooperative effort between the ___ Nation and the ___ State in the context of child care services.

II. LEGAL BASIS

The Department of Health and Human Services, Administration for Children and Families, has promulgated certain rules promoting coordination and consultation of child care programs. Specifically, Federal Register Vol. 57 No. 195, Tuesday, August 1, 1992 (Rules and Regulations 68.12 Coordination and Consultation). The lead agency must coordinate to the maximum extent feasible, with any other entity in the state, submitting applications to provide child care assistance, in accordance with subpart 1 of this part. Coordination (Section 68.32 of the Regulations) Section 6000(c)(2)(A) of the Act requires that applicants coordinate to the maximum extent feasible, with the lead agency in the state or states in which the applicants will carry out the Block Grant Program.

The Division of Child Care Licensing Program and the Department of Human Services, Division of Child Care, agree to consult, coordinate, and share data to promote, support and service licensed child care facilities and the children they serve in the service delivery area of the ___ Nation.

The Division of Child Care Licensing Program and the Department of Human Services, Division of Child Care, agree to maintain standards of confidentiality with regard to interagency communication concerning joint clients. Division of Child Care supervisors assigned to the identified service area and the ___ Nation Licensing Program and the ___ Department of Human Services, Division of Child Care, will be key individuals to ensure that information is shared. The two agencies agree to share information on routinely reviewed and conducted facilities, exchange of case documents, the coordination of complaint investigations, and to notify each other of decisions, revocations, or injunctions against the operation of any contracted facilities in the service area.

III. MISCELLANEOUS PROVISIONS

A. All provisions of the agreement will become effective upon the signature of all parties shown below.

B. Mutual and technical information releases which involve the cooperative efforts of the ___ Nation Licensing Program and the ___ Department of Human Services, Division of Child Care, will be mutually agreed upon by the respective agencies prior to their release.

C. All information regarding child care assistance clients is confidential and will be safeguarded by both agencies, except what is designated as public record.

March 2017
Enforcement

CCDF Final Rule

- Standards
- Policies & Procedures
- Monitoring
- Licensing
Enforcement

What do you do if facilities do not meet the standards?

- Enforce standards according to policies and procedures
- Follow procedures to inform providers about corrections and provide support

Enforcement Tools

- **Plan of correction:** The Lead Agency and the provider develop and outline how the provider will correct the violation or violations found during the visit.

- **Administrative review:** If the provider does not meet the standard at a follow-up visit, the Lead Agency can conduct an administrative review of the monitoring or licensing record to decide whether to continue subsidy payments.

Sample Plan of Correction

Monitoring Appendix J

Sample Plan of Correction

Name of Facility
This facility has been found in violation of ______________________ (name of tribe) Child Care Health and Safety Standards: ______________________ (name of tribe) Tribal Child Care policy requires that you complete a plan of correction. This form must be submitted to the Tribal CCDF office by ______________________ (date filled in by Tribal CCDF office).

The non-compliance(s) are documented on the monitoring form dated ______________________

Monitoring Licensing Staff ______________________ Date ______________________

Plan of Correction ______________________ Date ______________________

Plan of Correction ______________________ Date ______________________

Plan of Correction ______________________ Date ______________________

Plan of Correction ______________________ Date ______________________

Plan of Correction ______________________ Date ______________________

Plan of Correction ______________________ Date ______________________

Attach additional pages if necessary.

March 2017
Serious or Repeated Noncompliance

- Noncompliance letter
- Witnessed visits
- Office conference
- Consent agreement
- Contract cancellation
- Revocation and denial
- Emergency order
Additional Enforcement Tools
Due Process and Appeals

Whenever an enforcement action is taken against a provider, the provider should have the right to due process.

Due process will look different for providers with licenses, approvals, and contracts or agreements.

- This elements of due process should be outlined in policies and procedures.

Resources
Monitoring Guides

- Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees
- Monitoring Child Care Centers: A Guide for American Indian and Alaska Native Grantees
- Monitoring Child Care Homes: A Guide for American Indian and Alaska Native Grantees
Monitoring Videos

Videos:

- Monitoring Your Tribal CCDF Center Video
- Monitoring Child Care Centers Video
- Monitoring Tribal Child Care Homes Video

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Additional Resources

- Caring for Our Children Basics: Health and Safety Foundations for Early Care and Education
- Caring for Our Children: National Health and Safety Performance Standards; Guidelines for Early Care and Education Programs
- Model Child Care Health Policies, 5th edition
- Health and Safety Checklist for Early Care and Education Programs
Resources from the National Center on Early Childhood Quality Assurance

- **Resources and Tools for Revising and Aligning Early Childhood Program Standards** (webinar)
- **Health and Safety Requirements: How Do You Maintain Compliance?** (PowerPoint slides)
- **Developing and Revising Child Care Licensing Requirements** (brief)
- **Contemporary Issues in Licensing** (report series)
Tools from the National Center on Early Childhood Quality Assurance

- Caring for Our Children Basics Health and Safety Standards Alignment Tool for Child Care Centers and Family Child Care Homes
- National Database of Child Care Licensing Regulations
- National Program Standards Crosswalk Tool
Next Steps
Questions?