



National Center on Tribal Early Childhood Development

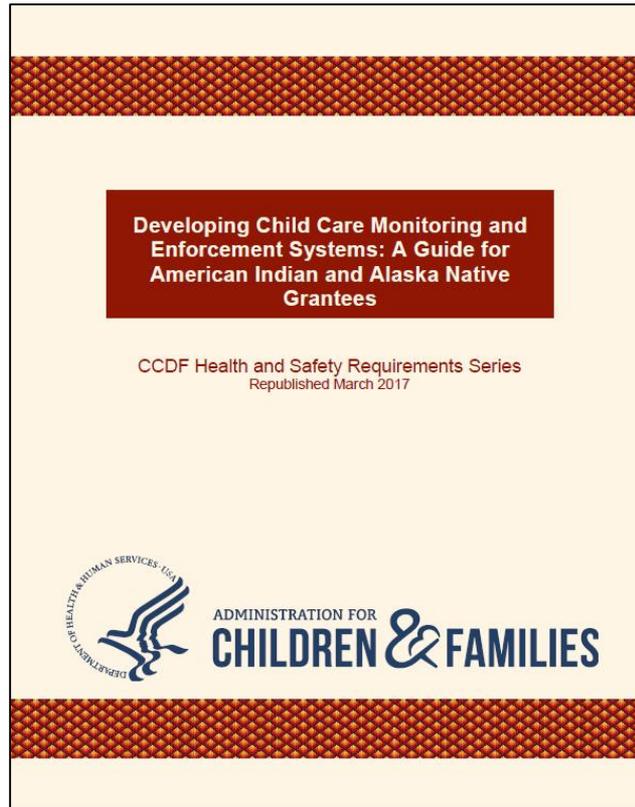
Developing Child Care Monitoring and
Enforcement Systems for American
Indian and Alaska Native Child Care and
Development Fund Programs



Purpose

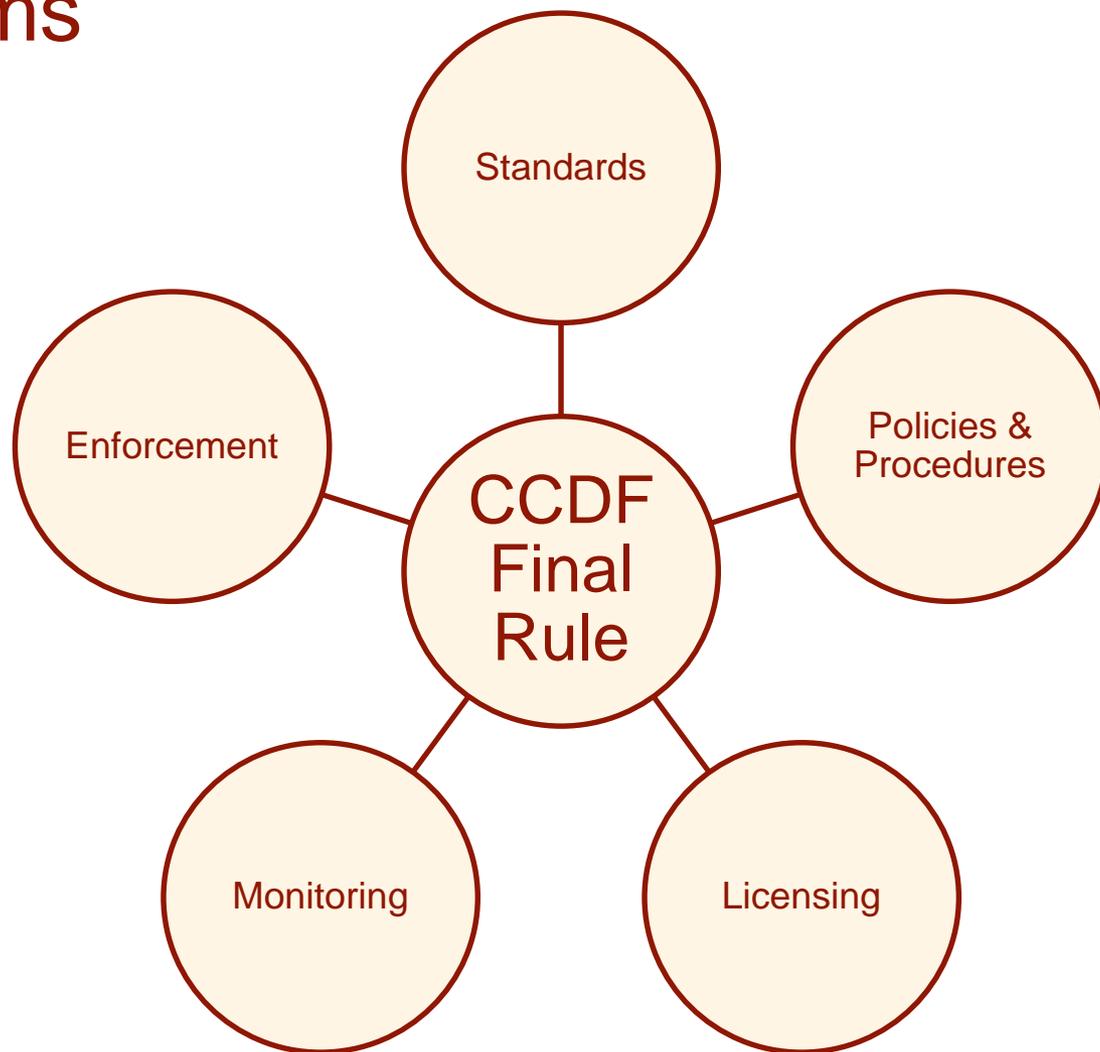
- ◆ Understand how the [American Indian and Alaska Native \(AI/AN\) Child Care and Development Fund \(CCDF\) Monitoring Toolkit](#) can be used to implement the CCDF final rule requirements for monitoring and enforcement systems

Agenda



- ◆ AI/AN CCDF requirements
- ◆ Overview of the *AI/AN CCDF Monitoring Toolkit*
- ◆ Resources
- ◆ Next steps

Components of Effective Monitoring Systems





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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:

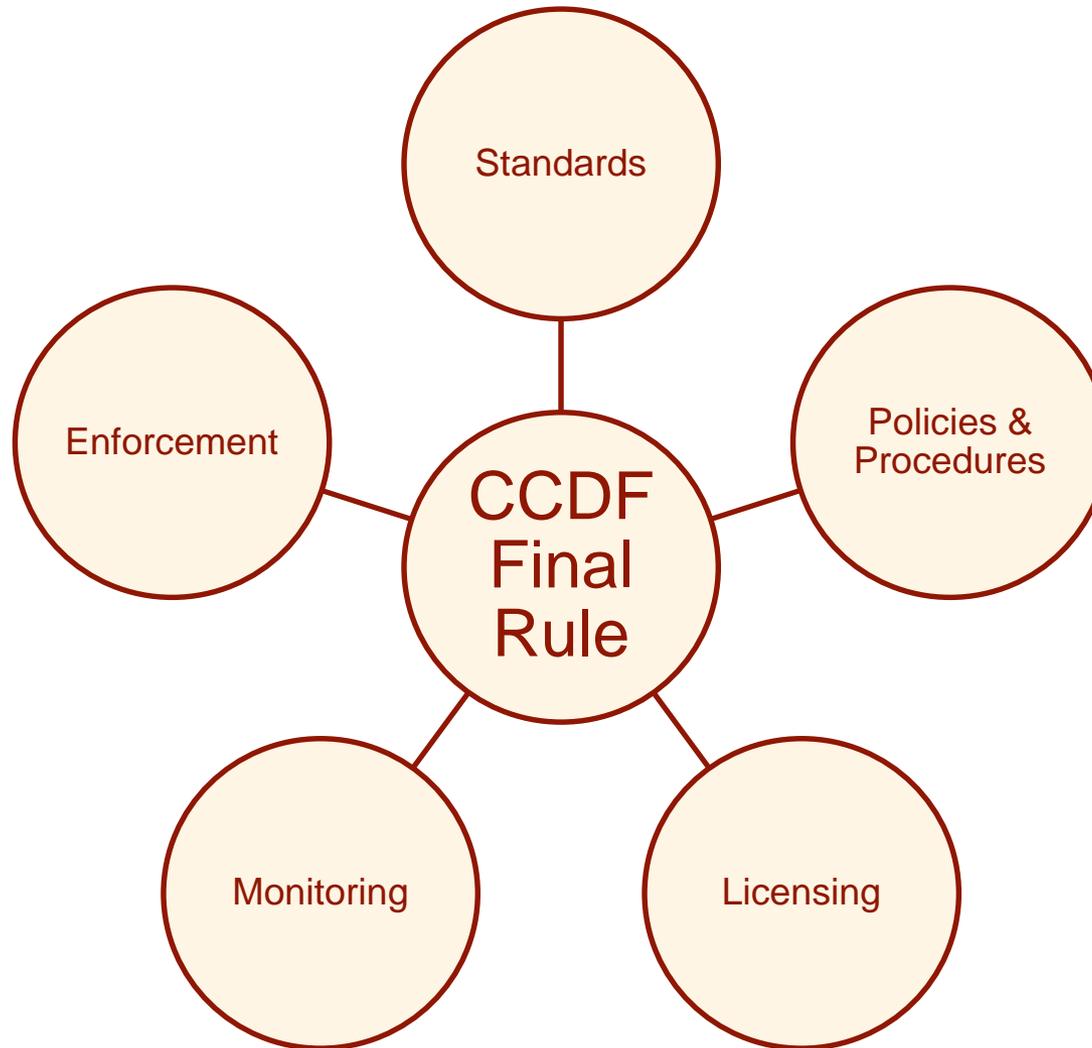
- ◆ Licensed* or regulated CCDF providers
 - One prelicensure inspection
 - An annual unannounced inspection
- ◆ License-exempt CCDF providers
 - An annual inspection
- ◆ Or AI/AN CCDF grantees may describe an **alternative monitoring approach** in their CCDF Plan and provide adequate justification for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



Let's Discuss: Short Answer Discussion

- ◆ What considerations do you face as you develop and implement monitoring systems?





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Introducing the *AI/AN CCDF Monitoring Toolkit*

Toolkit Components

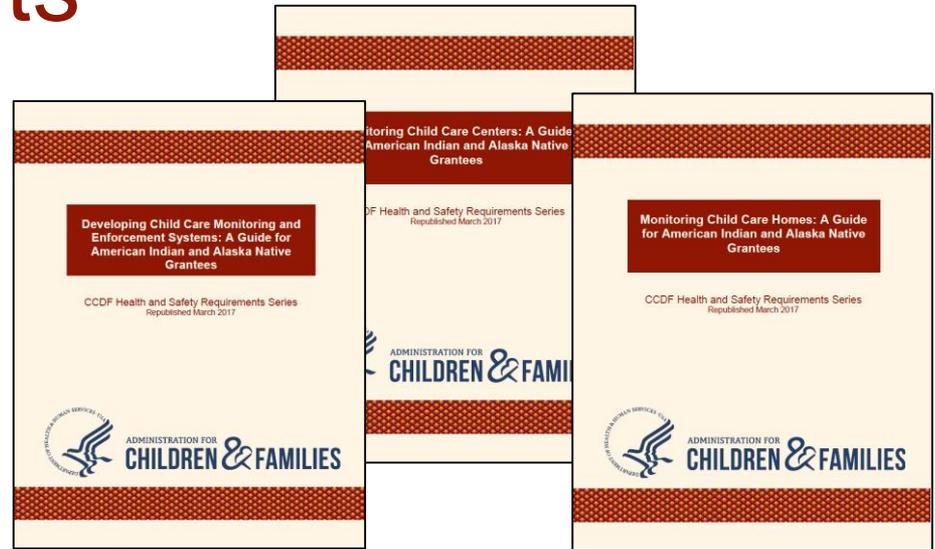
◆ Three Guides

- Developing Monitoring Systems
- Monitoring Centers
- Monitoring Homes

◆ Sample Forms

◆ Three Videos

- Tribally-Operated Centers
- Center-based providers
- Home providers



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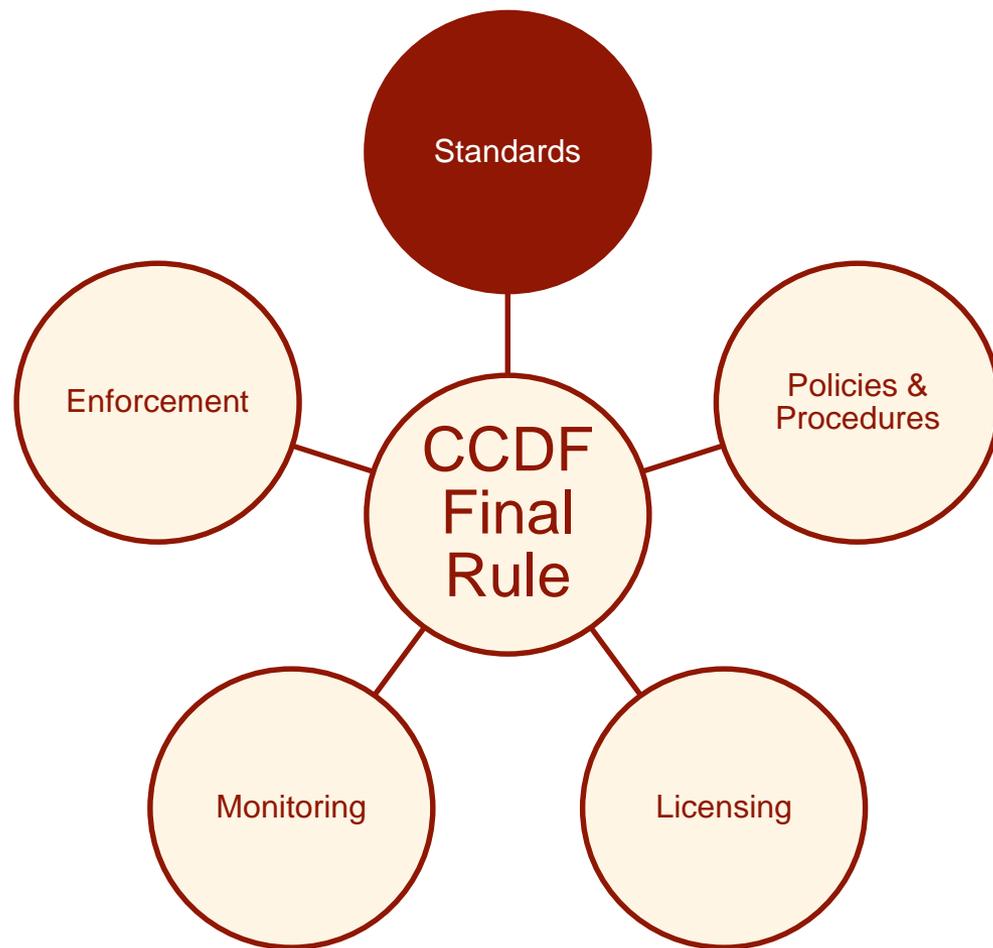
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Guide 1: Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees



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Standards



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 Health 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

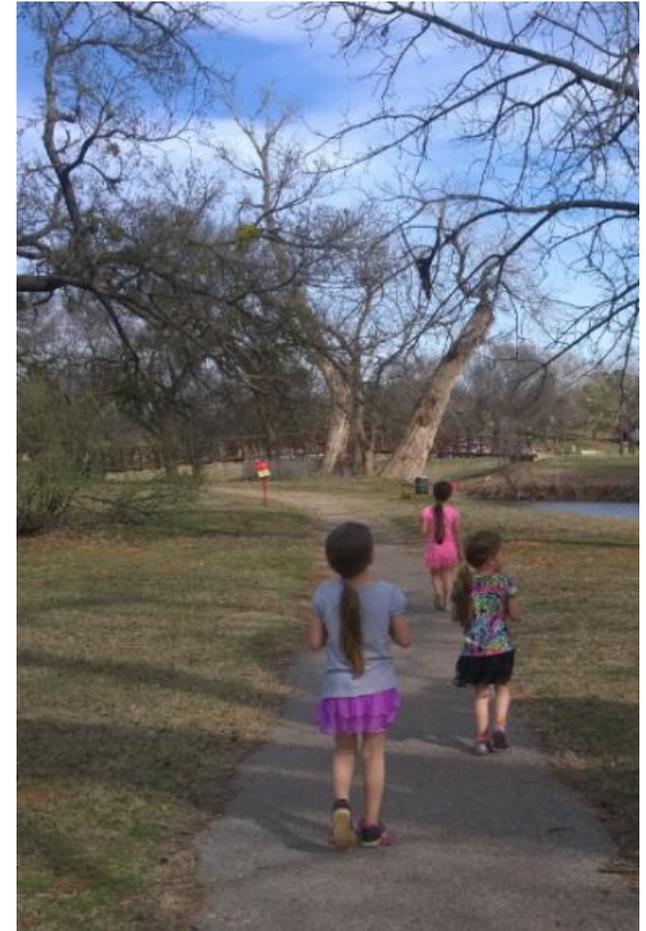
As well as standards that address the following:

- ◆ 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)

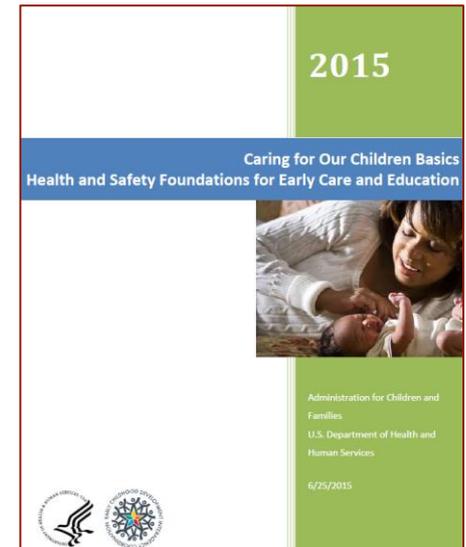
Let's Discuss

- ◆ 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.)

Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees (p. 6).

Additional Resources for Writing Standards

Monitoring Appendix B

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**—Licensing 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://nrckids.org/>.
- **Caring for Our Children: National Health and Safety Performance Standards: Guidelines for Early Care and Education Programs, 3rd Edition (CFOC)**—A collection of 686 standards that represent what is considered to be best practice nationally on child care health and safety. Each standard, written by health and safety experts and reviewed by licensurers and providers, also includes a "rationale" that explains why the standard is important. Available online for download and in searchable full text from NRC at <http://nrckids.org/>; print copies are available for purchase.
- **Stepping Stones to Caring for Our Children, 3rd Edition (SS3)**—A shorter version of the CFOC guidelines, highlighting 138 standards that are considered most important to protect the health and safety of children. The **SS3 Compliance/Comparison Checklist** can be used to determine if your standards address all of the key areas identified in SS3. Both documents are available online for download from NRC at <http://nrckids.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.
- **Managing Infectious Diseases in Child Care and Schools: A Quick Reference Guide, 3rd Edition**—A collection of fact sheets on common infectious diseases and symptoms that occur in children in group settings; includes guidelines for when children should and should not be excluded from child care settings based on illness. Available for purchase from the American Academy of Pediatrics.

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.

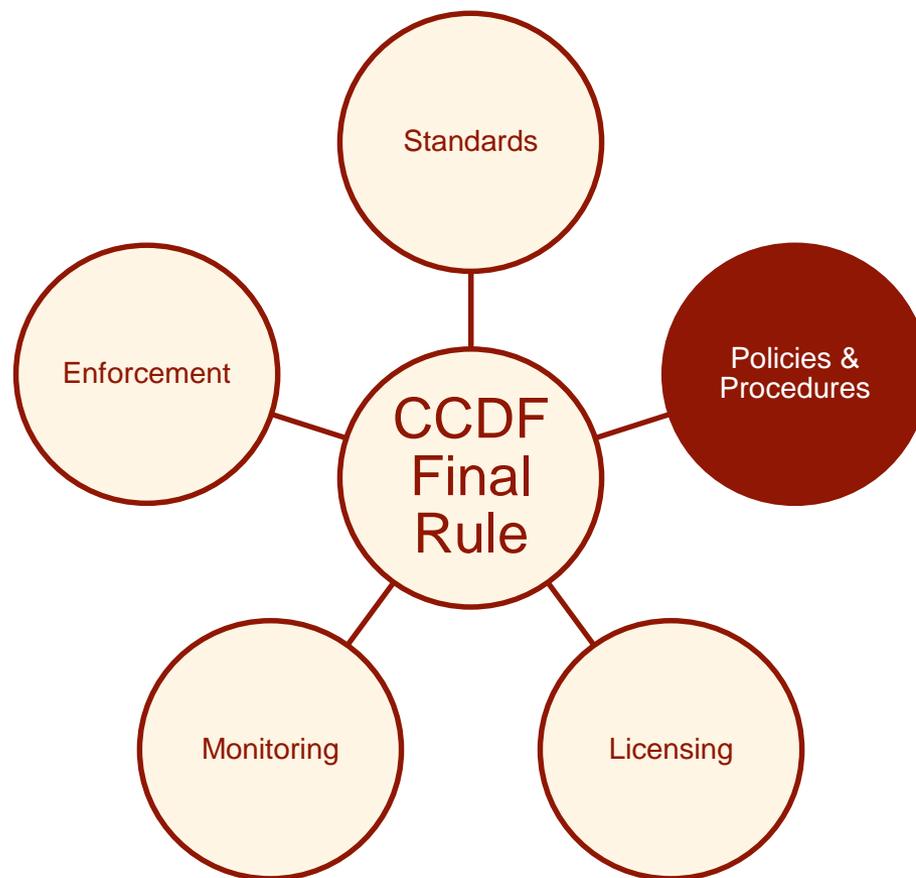
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Policies and Procedures



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.

Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees (p. 13).

Policy Guidelines and Sample

Monitoring Appendix E

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?

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Monitoring Appendix F

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 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



Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees (p. 14).

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.

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

Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees (pp. 14–15).

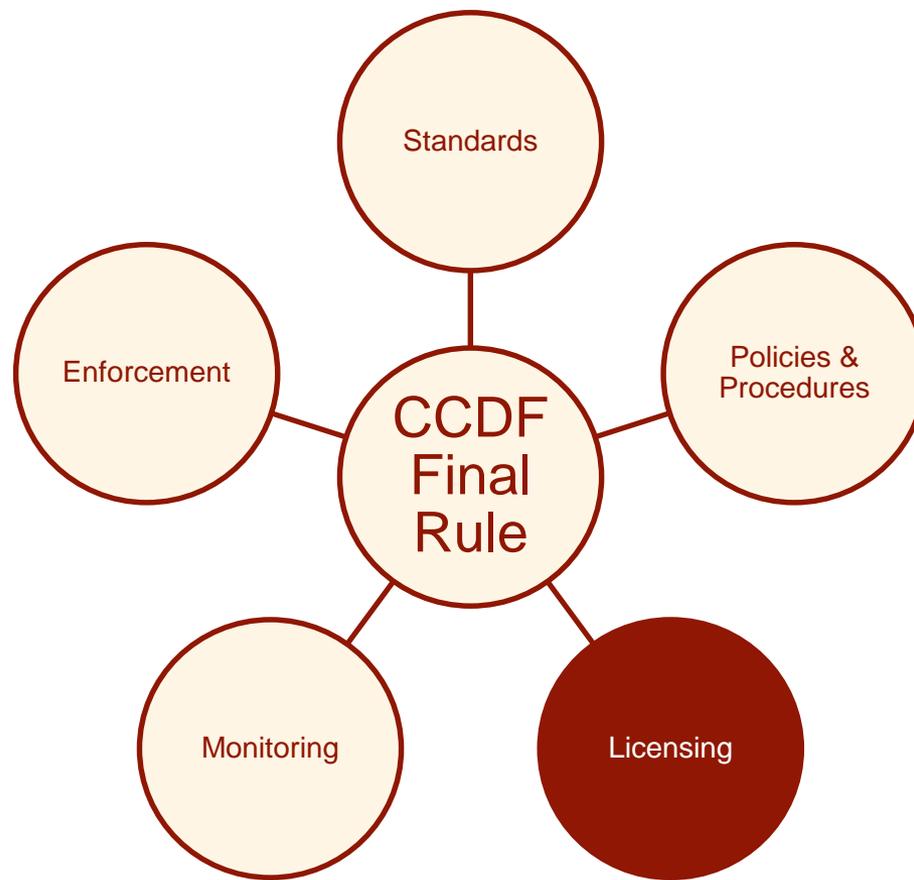
Poll Question: Where are you with developing your policies and procedures?

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



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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.

Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees (p. 4).



Sample Agreement

Monitoring Appendix A		
Sample Provider Contract		
State/Tribe Name _____		
Organization/Division Name _____		
Child Care Provider Contract _____		
Facility Phone# _____	SS# or FID# _____	
Facility County _____	CN ID# _____	License _____
PART ONE		
This agreement made and entered into this _____ day of _____, by and between the [Tribe/Organization], herein to as the "Tribe" of [Tribe/Organization Address], <input type="checkbox"/> An individual, <input type="checkbox"/> A corporation organized and existing under by virtue of the Laws of the State Of <i>XX</i> , <input type="checkbox"/> A partnership, <input type="checkbox"/> Other; _____ with principal office located at: _____		
Herein after referred to as "PROVIDER" and constitutes the entire agreement between the parties hereto 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 <i>XX</i> and/or the [Tribe/Organization] and he/she 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 mutual consent of the parties, hereto.		
PART THREE		
IT IS AGREED AND UNDERSTOOD that day 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): _____		
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Let's Discuss: Poll

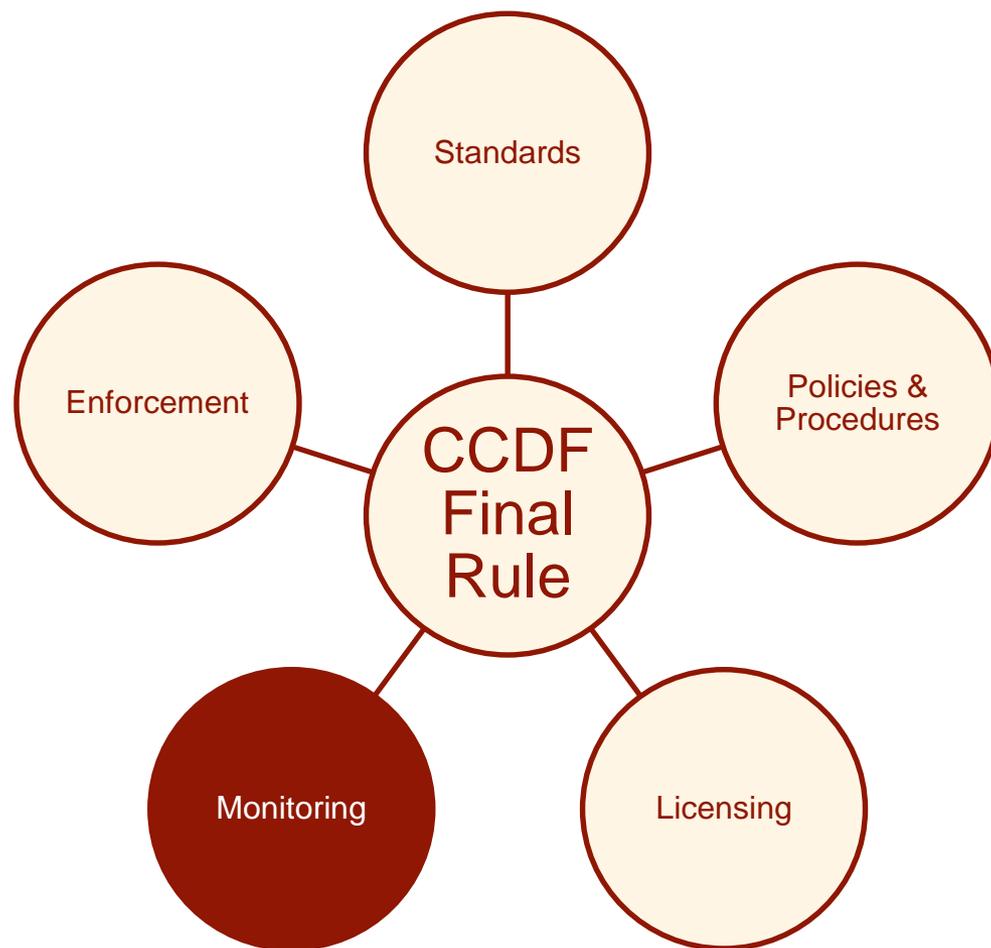
What type of licensing or approval system does your AI/AN Lead Agency offer for your child care programs? Select all that apply:

- ◆ Licensed
- ◆ Approval or Certification
- ◆ Other Authorization



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Monitoring



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

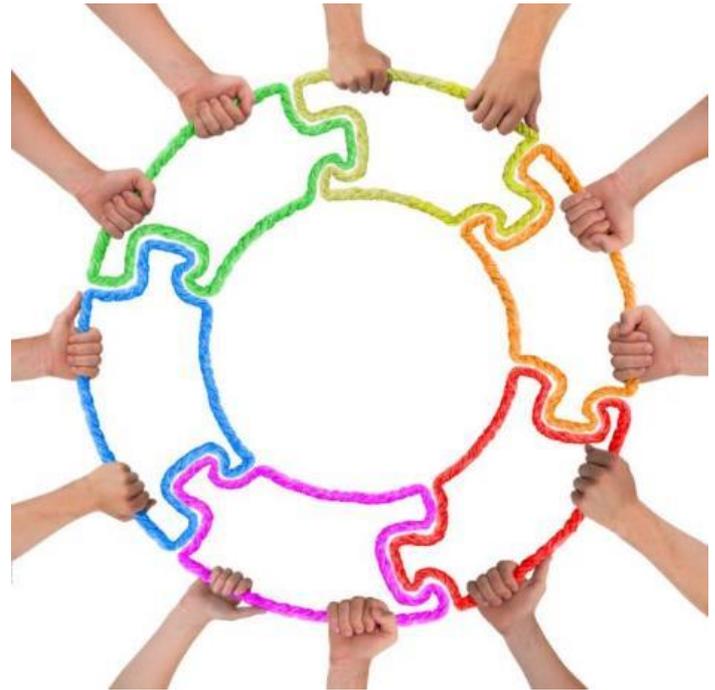
- ◆ Providers must know what the standards are and how to meet them.
- ◆ Providers need to understand the monitoring process and what to expect before, during, and after.
- ◆ Lead Agencies should create processes and resources that help everyone understand responsibilities.

Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees (pp. 9–10).



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

Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees (p. 4).

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.

Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees (p. 12).

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).



Provider Supports to Child Care Programs

Monitoring Appendix C

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).

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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

Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees (p. 10).

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.

Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees (p. 10).

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

Monitoring Appendix D

Sample Memorandum of Understanding

I. PURPOSE

The purpose of this agreement is to establish and maintain an effective cooperative relationship between the _____ Tribal Nation and the State of _____ Department of Human Services, Division of Child Care, and to share information regarding licensed child care facilities in the _____ counties with which the _____ Tribal Nation has children in state licensed facilities and to share client information concerning child care assistance.

II. LEGAL BASIS

The Department of Health and Human Services, Administration for Children and Families has promulgated certain rules promoting coordination and consultation of said parties. Specifically, Federal Register/Vol. 57 No. 150/Tuesday, August 4, 1992/Rules Regulations 98.12 Coordination and Consultation. The lead agency must: Coordinate to the maximum extent feasible, with any Indian tribes in the state submitting applications in accordance with subpart 1 of this part. Coordination (Section 98.82 of the Regulations) Section 8500(c) (2) (A) of the Act requires Tribal applicants to coordinate to the maximum extent feasible, with the lead agency in the state or states in which the applicant will carry out the Block Grant Program.

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

The _____ Nation 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 clientele. Division of Child Care supervisors assigned to the identified service area and the _____ will be key individuals to assure that agreed upon information is shared. The both agencies agree to share monitoring information on mutually licensed and contracted facilities, exchange of case documents, the coordination of complaint investigations, and to notify each other of denials, revocations, or injunctions against the operation of any contracted facilities in the service area.

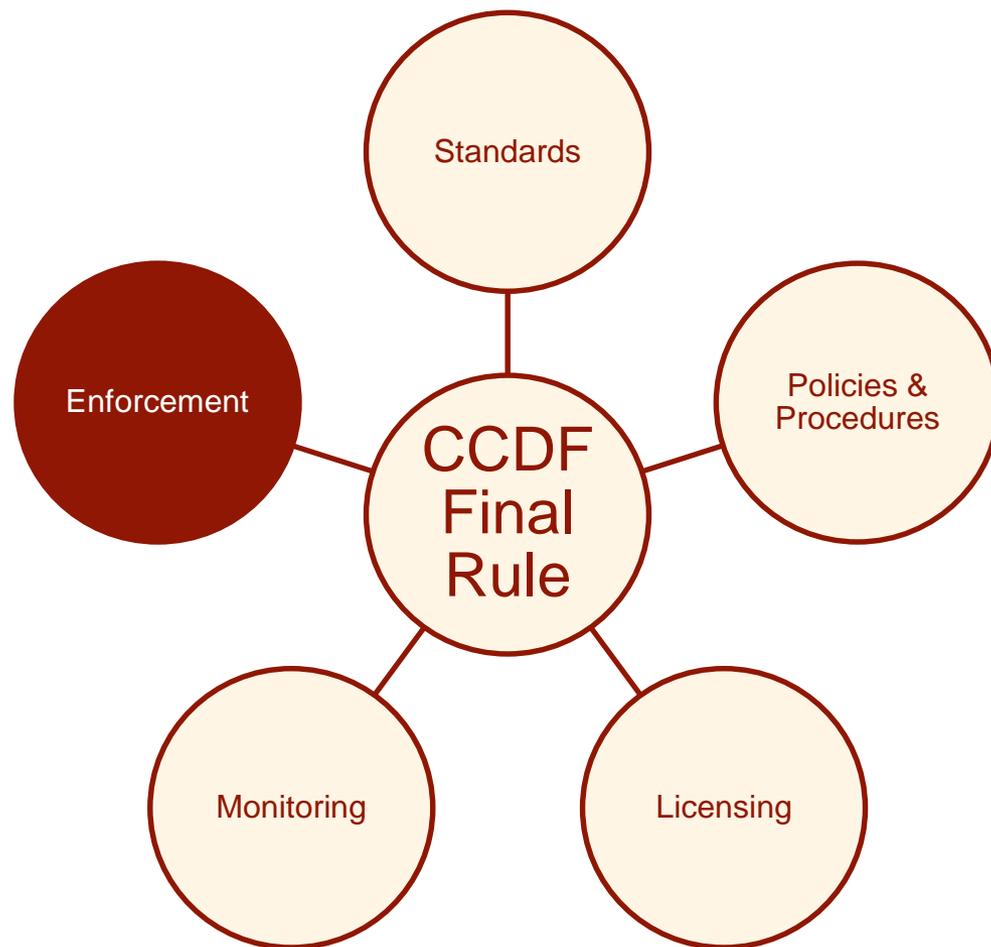
III. MISCELLANEOUS PROVISIONS

- A. All provisions of the agreement will become effective upon the signature of all persons shown below.
- B. Media 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.



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Enforcement



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

Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees (p.15).

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.

Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees (p. 15).

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

Attach additional pages if necessary.

Serious or Repeated Noncompliance

- ◆ Noncompliance letter
- ◆ Witnessed visits
- ◆ Office conference
- ◆ Consent agreement
- ◆ Contract cancellation
- ◆ Revocation and denial
- ◆ Emergency order

Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees (pp. 15–16).

Additional Enforcement Tools

Monitoring Appendix K

Enforcement Tools – Details and Procedures

The following is additional information about the enforcement tools referenced on pages 15-16.

- ♦ **Plan of Correction** - When you have found a problem during an inspection often the first step is to do a plan of correction. This is a plan that you and the provider develop that will correct the violation(s) found during the visit.
 - ♦ The provider can help you determine what it will take to correct the problem and how long it will take to do it.
 - ♦ The plan should be realistic so that the provider will be successful in making the correction and also feel good that the plan is theirs (feels empowered).
 - ♦ Usually the provider offers to fix the problem even quicker than you ask, but this can be negotiated if you think she/he is taking too long to fix something that poses a risk to children.
 - ♦ Part of the plan should be how to ensure that this problem doesn't keep happening; e.g., have enough substitutes when a teacher calls in sick.
 - ♦ The plan with the time frame for completion will be in writing giving the provider usually no more than 90 days to come into compliance.
 - ♦ You can and should offer assistance if you can to help the provider – part of this may be explaining why the correction is important to meet the standard – in this way you are providing more teaching of the standard.
 - ♦ Most of the time, you will make a follow-up visit to see if the standard is met. This is important and can also be a time to offer more helpful hints to the provider.
- ♦ **Administrative Review** - If the provider does not meet the standard at your follow-up visit, you can do an "administrative review" of the licensing record (with your supervisor) to determine if the provider is still eligible (in compliance enough) to receive the subsidy payments. You will send a written decision to the family child care home.
- ♦ There are other tools, listed below, that you can use when the provider continues to have problems meeting a particular standard(s) – it is important to make sure that children are being properly cared for and not harmed. You will need to know these tools and the policy and procedures will outline the steps of when and how to use them.
 - ♦ **Non-compliance Letter** - Used when you find more serious non-compliance that puts children at greater risk of harm.
 - The non-compliance letter outlines the standard with the non-compliance that you found, what actions need to be taken, the time frame for correction, and what the consequences are if they are not made.
 - If the provider does not meet the time frame, you can consider stronger enforcement action.
 - ♦ **Witnessed Visits** - An inspection you do with your supervisor or another staff person when there is more serious non-compliance or if the provider does not seem willing or able to correct the non-compliance.

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Monitoring Appendix L

Sample Non-Compliance Letter

Generic Tribal CCDF Program
123 Miller Street
Jones, ND 71234

Date

Jane Doe Family Child Care Home
123 Morgan Rd.
Miller, ND 71234

Dear Ms. Doe,

This letter is being written to you regarding the monitoring inspection conducted at your home on [Date]. Several areas of non-compliances were discussed and documented along with the appropriate plan of correction for correcting these non-compliances.

Please refer to a copy of your Tribal CCDF Health and Safety Standards for the specific standards referenced below.

At the time of the monitoring inspection, you were not supervising three children in your care that were playing in the yard next door. You could not see or hear the children. The standard states:

"Caregivers shall directly supervise infants, toddlers, and preschool children by sight or hearing at all times, even when the children are in sleeping areas." (Page 2, standard 4)

At the time of the monitoring inspection, the monitoring staff observed an infant laying in a crib with a bottle propped. The standard states:

"The caregiver shall not permit bottle propping or infants carrying bottles through the day or night." (Page 4, standard 15)

Your plan of correction indicates all areas of non-compliance were to be corrected immediately. A follow-up inspection will be made in the near future to confirm the corrections have been maintained. Failure to correct the violation within the agreed-upon time frame may result in a cancellation of your contract to receive payment to care for our tribal children.

If you have any questions regarding this letter or any of the non-compliances, please contact me at [Phone].

Thank you for your cooperation and for making the appropriate corrections.

Sincerely,

[Name of Monitoring Staff]

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Monitoring Appendix M

Sample Contract Cancellation Letter

Generic Tribal CCDF Program
123 Miller Street
Jones, ND 71234

Date

Jane Doe Family Child Care Home
123 Morgan Rd.
Miller, ND 71234

Dear Ms. Doe,

This letter is being written to notify you of the cancellation of your contract with the Generic Tribal CCDF Program. The reason for the cancellation is your documented inability to maintain compliance with the Tribal Health and Safety Child Care Standards as you agreed to when you signed the contract.

You have been found to be out of compliance four times during the last twelve months. Some of the violations were repeated and serious. The specific monitoring inspections and violations are listed below:

April 1, 2015 - The home was without heat and water as all utilities have been out off due to non-payment of bills. The provider was smoking in the same room where the children were. A plan of correction was completed and a non-compliance letter was sent. Please refer to the attached monitoring inspection for details.

April 7, 2015 - Utilities were all restored. However, the provider was again smoking in the room where children were in care. A plan of correction was completed and a letter of non-compliance was sent. Please refer to the attached monitoring inspection for details.

August 12, 2015 - Children were not being properly supervised. A plan of correction was completed and a non-compliance letter was sent. Please refer to the attached monitoring inspection for details.

October 15, 2015 - Children were again found unsupervised. Please refer to the attached monitoring inspection for details.

If you believe this action is in error, you may request an administrative review of this decision by submitting a written request to our Tribal CCDF Administrator. This request must be submitted within 10 calendar days from your receipt of this letter. The request must include documentation explaining your grounds for appeal. The request for an administrative review should be mailed to:

Generic Tribal CCDF Program A
TTN: Tribal CCDF Administrator
123 Miller Street
Jones, ND 71234

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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.

Developing Child Care Monitoring and Enforcement Systems: A Guide for American Indian and Alaska Native Grantees (p. 17).



National Center on Tribal Early Childhood Development

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](#)



National Center on Tribal Early Childhood Development

Next Steps

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