



NATIONAL CENTER ON
Subsidy Innovation and Accountability



National Center on Tribal
Early Childhood Development

Subsidy Eligibility in American Indian and Alaska Native Child Care and Development Fund Programs: Part I

Presentation for Medium- and Large-Allocation Grantees

Agenda

- ◆ Overview of Child Care and Development Fund (CCDF) subsidy
- ◆ Eligibility requirements
- ◆ Record keeping





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CCDF Subsidy

How Subsidy Works: An Example



Eligible parent



Eligible child



**Certificates/
vouchers and
family
contribution**



**Eligible
provider**



**Provider and
child**

Source: Child Care State Capacity Building Center. (2017). *Fundamentals of CCDF Administration*. Washington, DC: Office of Child Care. Retrieved from https://www.acf.hhs.gov/sites/default/files/occ/fundamentals_of_ccdf_administration_1.pdf

How Are Child Care Services Provided?

- ◆ Certificate programs
- ◆ Tribally operated child care centers
- ◆ Contracts and grants

Note: American Indian and Alaska Native (AI/AN) CCDF grantees with small allocations are not required to provide direct services.

Certificate Programs

- ◆ Families may obtain certificates that they can use to purchase the child care of their choice from the full range of available providers that meet the eligibility requirements.
- ◆ AI/AN grantees with small and medium allocations (\$1 million or less) are not required to operate a certificate program.

Tribally Operated Child Care Center

- ◆ AI/AN grantees can choose to operate their own child care facilities.

For additional information on tribally operated centers, see: Technical Bulletin #14r-v2, *Reporting Clarifications for Tribally Operated Centers*: <https://www.acf.hhs.gov/occ/resource/tb14r-v2>

Contracts and Grants

- ◆ AI/AN grantees can choose to contract with, or provide grants to, eligible providers to make child care slots available to families who participate in the child care assistance program.



Poll

What kind of program do you operate?

- ◆ Certificates or vouchers
- ◆ Grants or contracts
- ◆ Tribally operated center
- ◆ A combination of the above
- ◆ Other





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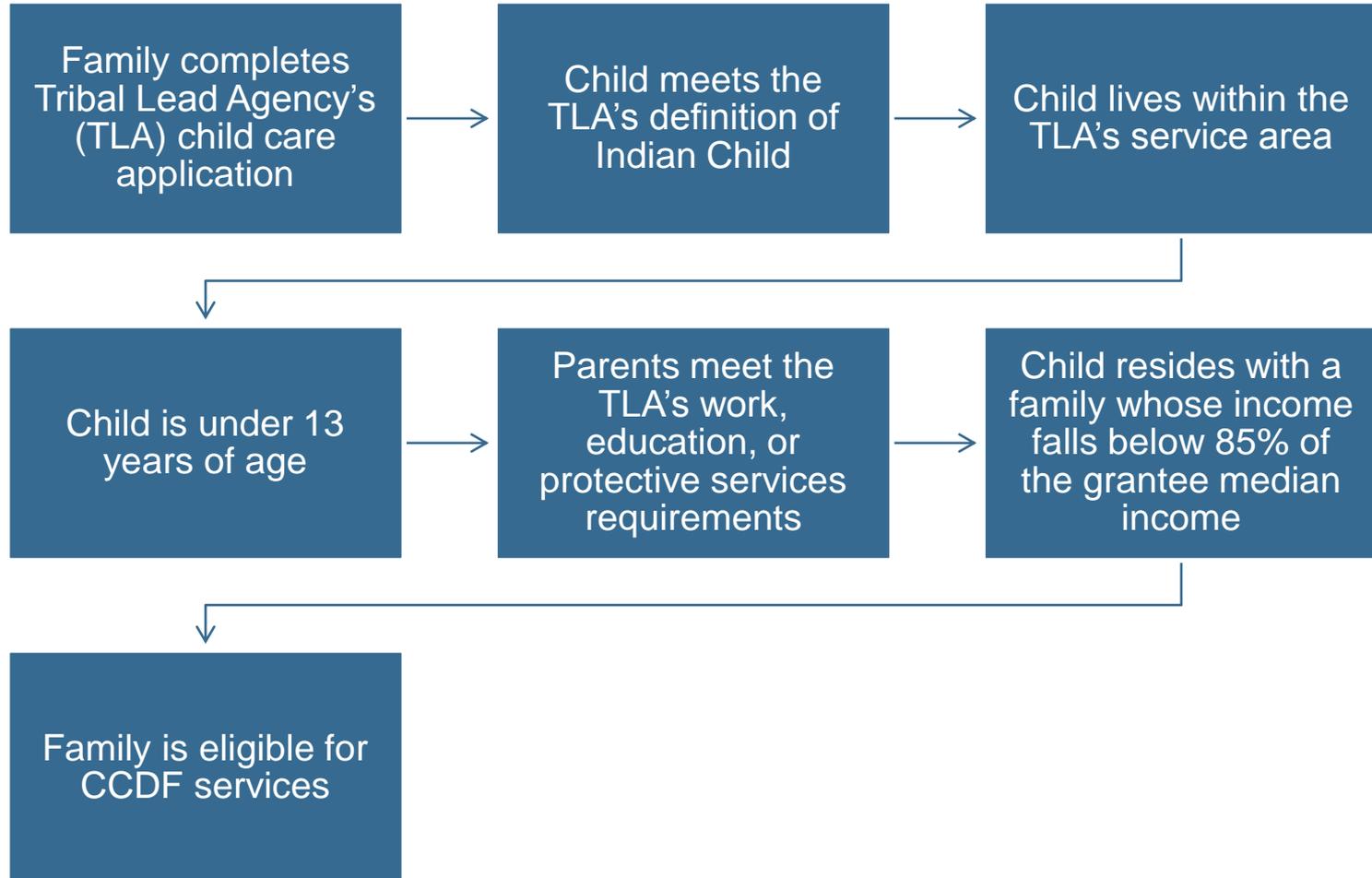


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Eligibility Requirements and Record Keeping

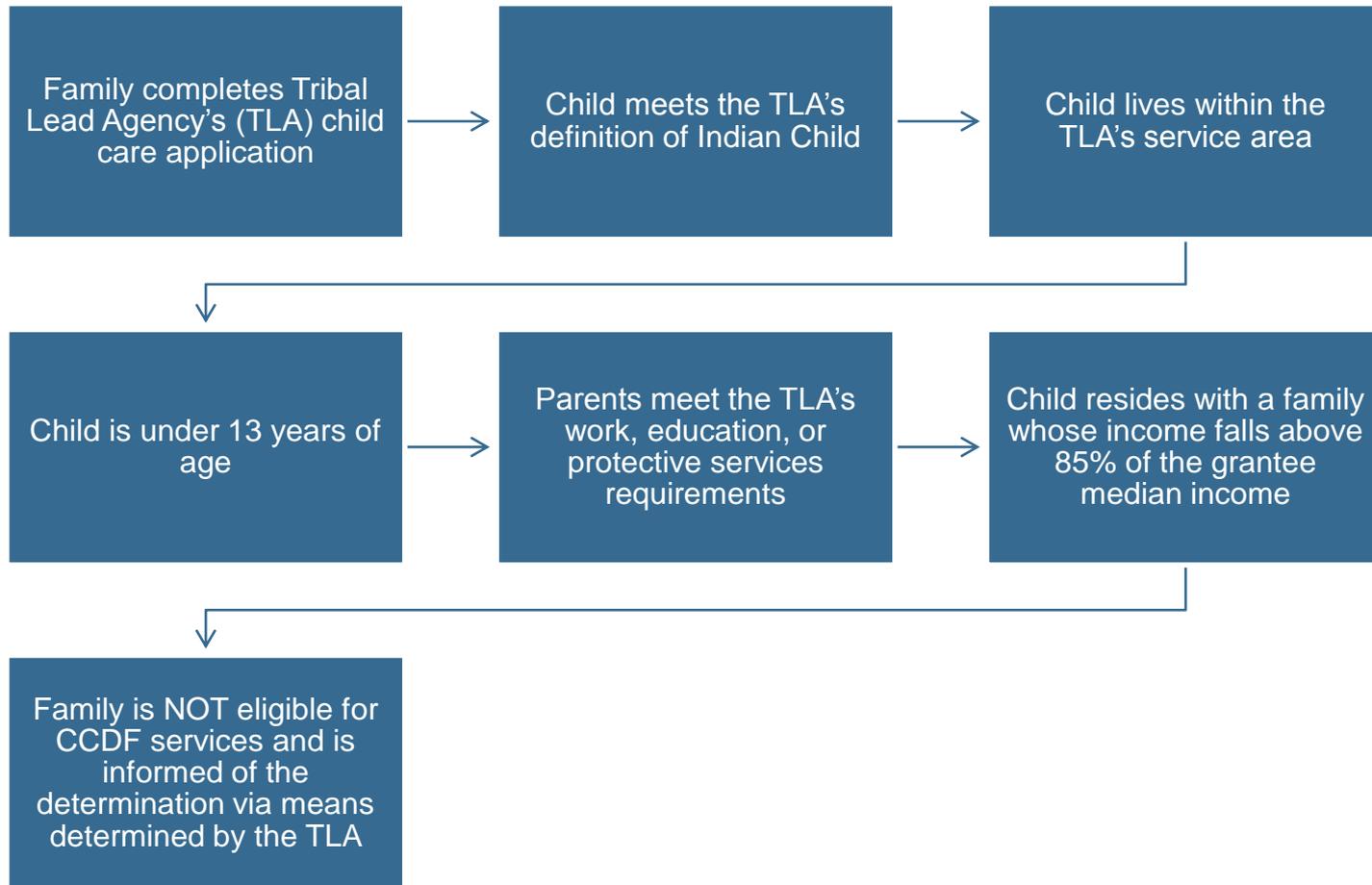
How is Eligibility Determined?

Example of an eligibility determination for a child that meets the TLA's eligibility criteria



How is Eligibility Determined?

Example of an eligibility determination for a child that does NOT meet the TLA's eligibility criteria



Child Eligibility Requirements

Child Age

- ◆ Must be under 13 years of age at the time of eligibility determination.
- ◆ The Tribal Lead Agency (TLA) may serve a child up to age 19 if the child is mentally or physically incapable of self-care or is under court supervision.
- ◆ A child will remain eligible through any change in age, including turning 13 years old during the eligibility period.

Service Area, Resides with, and Family Income

- ◆ A child receiving services must live within the tribal service area.
- ◆ A child must reside with parents, legal guardians, foster parents, or individuals acting in loco parentis.
- ◆ A child must reside with a family whose income does not exceed 85 percent of the grantee median income, or must receive or be in need of receiving protective services.

Indian Child

- ◆ A child must meet the TLA definition of “Indian Child.”

Tribal Lead Agencies must define requirements for child age, service area, resides with, family income, and Indian Child in their CCDF plans for the purpose of determining eligibility. Tribal Lead Agencies have flexibility in how they define these requirements.

Source: Tribal CCDF Plan Preprint
FFY 2017-2019

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

Examples of “Service Area” Definitions

- ◆ Living on or near the reservation, defined as within 20 miles of the reservation.
- ◆ Where the majority of the tribal population resides, within the boundaries of Alpha, Bravo, or Charlie Counties, with the exception of the City of Delta, per a Memorandum of Agreement with the Delta Tribe.

A Tribal Lead Agency’s 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, with the exception of Alaska, California, and Oklahoma. Tribes that do not have reservations must establish service areas within reasonably close geographic proximity to the area where the tribe’s population resides. ACF will not approve an entire state as a Tribal Lead Agency’s service area.

Source: Child Care and Development Fund, 45 C.F.R. § 98.83(b) (2016); Tribal CCDF Plan Preprint FFY 2017-2019

Examples of “Indian Child” Definitions

- ◆ A child under 13 years of age who is an enrolled member of the Tribal Lead Agency’s tribe.
- ◆ A child under 13 years of age who has verifiable American Indian or Alaska Native ancestry as determined by:
 - tribal enrollment;
 - certificate of Indian blood; or
 - birth certificate documenting lineal descent.

Examples of “Physical or Mental Incapacity” Definitions

- ◆ A child who has been identified through the school district as eligible for special education services.
- ◆ A child who has been identified by a medical professional to be:
 - physically handicapped;
 - developmentally delayed; or
 - mentally handicapped.

Under Court Supervision

- ◆ Lead Agencies must indicate in their CCDF plans whether they allow CCDF-funded care for children above age 13, but under age 19, who are under court supervision.

Record Keeping for Child's Eligibility

Child Age	Documentation Examples
Must be under 13 years of age at the time of eligibility.	<ul style="list-style-type: none">◆ Birth certificate◆ Tribal identification card◆ Hospital records
The TLA may serve a child up to the age of 19 if the child is mentally or physically incapable of self-care or is under court supervision.	<ul style="list-style-type: none">◆ Court order◆ Doctor's letter◆ School verification
A child will remain eligible through any change in age, including turning 13 years old during the eligibility period.	<ul style="list-style-type: none">◆ Birth certificate◆ Tribal identification card◆ Hospital records

Note: Tribal Lead Agencies have the flexibility to determine what documents they will require when determining eligibility. There are no federal requirements that specify what documents must be used.

Grantee Median Income

- ◆ State median income (SMI)
- ◆ Tribal median income (TMI)
- ◆ Grantee median income (GMI)



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

Basic Income Requirements

- ◆ For a child to be eligible for child care services, the child must reside with a family
 - whose income does not exceed 85 percent of GMI, based on the most recent GMI data provided by the Census Bureau for a family of the same size; and
 - whose family assets do not exceed \$1,000,000 (as certified by each family member).

Tribal Lead Agencies must define “income” in their CCDF plans for the purpose of determining eligibility. Tribal Lead Agencies have flexibility in defining “income.” This flexibility allows for the exclusion or deduction of certain types of income, as defined by the Lead Agency, from calculations of total family income for the purpose of eligibility determination.

Source: Tribal CCDF Plan Preprint FFY 2017-2019

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

Examples of Potential Income Exclusions

- ◆ Federal tax credits
- ◆ Federal or state tax returns
- ◆ Temporary Assistance for Needy Families (TANF)
- ◆ Supplemental Nutrition Assistance Program (SNAP)
- ◆ Child support payments
- ◆ State tax credits
- ◆ Tribal per capita income
- ◆ Income from Alaska Native Corporation dividends
- ◆ One-time lump sum benefits
- ◆ Income from scholarships, grants, or loans
- ◆ Work deduction
- ◆ Income from certain family members
- ◆ Income earned from traditional means, such as carving or selling of native crafts

Note: Tribal Lead Agencies have the flexibility to determine what income sources will be excluded when determining eligibility. This list is not exhaustive.

Record Keeping for Child's Eligibility

Eligibility Requirement	Documentation Examples
Child must reside with parents, legal guardians, foster parents, or individuals acting in loco parentis.	<ul style="list-style-type: none"> ◆ If residing in loco parentis or foster care: court order Indian Custodianship affidavit, or power of attorney
Child receiving services must live within the tribal service area.	<ul style="list-style-type: none"> ◆ Utility bill ◆ Parent's identification ◆ Mail addressed to the parent or guardian ◆ Housing documentation (from mortgage, lease, etc.)
Child must reside with a family whose income does not exceed 85 percent of grantee median income, or must receive or be in need of receiving protective services.	<ul style="list-style-type: none"> ◆ Parent's pay stubs ◆ Parent's tax returns ◆ Parent's 1099s ◆ Parent's W-2s ◆ Court order ◆ Indian Child Welfare Act (ICWA) referral
Child must meet the TLA definition of "Indian Child."	<ul style="list-style-type: none"> ◆ Tribal identification card ◆ Letter describing pending eligibility ◆ Certificate of Degree of Indian Blood (CDIB) ◆ Birth certificate

Note: Tribal Lead Agencies have the flexibility to determine what documents they will require when determining eligibility. There are no federal requirements that specify what documents must be used.

Record Keeping for Income Requirements

Requirement	Documentation Examples
Child must reside with a family whose income does not exceed 85 percent of GMI, based on the most recent GMI data provided by the Census Bureau for a family of the same size	<ul style="list-style-type: none">◆ Parent's pay stubs◆ Parent's tax returns◆ Parent's 1099s◆ Parent's W-2s
Family asset limit	<ul style="list-style-type: none">◆ Self-certification

Note: Tribal Lead Agencies have the flexibility to determine what documents they will require when determining eligibility. There are no federal requirements that specify what documents must be used.

Parental Activities

- ◆ For a child to be eligible for child care services, the child must reside in a family where the parents are:
 - working;
 - attending a job training program;
 - attending an education program;
 - or
 - the children are receiving, or need to receive, protective services.

Tribal Lead Agencies must define “working,” “attending a job training program,” “attending an educational program,” and “protective services” in their CCDF plan for the purpose of determining eligibility.

Tribal Lead Agencies have broad flexibility in defining “working,” “attending a job training program,” and “attending an educational program.” The definitions provided should include any allowable activities, including travel time and study time. Definitions should also address any limitations, such as minimum hours required or maximum hours allowed.

Tribal Lead Agencies have the flexibility to define “protective services” beyond formal child welfare or foster care cases.

Source: Tribal CCDF Plan Preprint
FFY 2017- 2019

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

Examples of “Working” Definitions

- ◆ Work activities may include, but are not limited to:
 - Paid employment
 - Work search
 - Job readiness activities
 - Community work experience
 - Job sampling or shadowing
 - Approved subsistence activities

Note: There is no federal threshold for a minimum number of hours that a parent must be engaged in a work activity.

Examples of “Education Program” Definitions

- ◆ Education programs can include, but are not limited to:
 - High School or General Education Diplomas
 - Attending a college or university
 - Online, distance, or hybrid educational programs
 - Participating in a program that leads to a certificate, degree, or license
 - Master apprentice program (immersive language mentoring with tribal elders)

Examples of “Job Training” Definitions

- ◆ Job training can include, but is not limited to:
 - Department of Labor Adult Training Program
 - TANF job training
 - Tribal Workforce Innovation and Opportunity Act (WIOA) training
 - Workforce development training
 - Apprenticeships
 - Job shadowing
 - Continuing education or on-line training

Examples of “Protective Services” Definitions

- ◆ Examples of “protective services” can include, but are not limited to, children:
 - Receiving protective services through appropriate agencies, in foster care (state or tribal), or in kinship care
 - In crisis situations due to domestic violence or homelessness
 - With a disability, physical, mental or medical condition
 - Whose parents:
 - Have a disability, physical, mental or medical condition
 - Are unable to care for the child due to addiction to a controlled substance
 - Are attending in-patient or out-patient drug or alcohol rehabilitation

Record Keeping for Parental Activities

Activity	Documentation Examples
Work	<ul style="list-style-type: none">◆ Pay stubs◆ Employer verification◆ Employer schedule◆ Self-employed/business license◆ Self-certification◆ Affidavit
Job training	<ul style="list-style-type: none">◆ School schedule◆ Letter of acceptance◆ Transcripts◆ Letter from training supervisor◆ Letter from language mentor◆ Affidavit

Note: Tribal Lead Agencies have the flexibility to determine what documents they will require when determining eligibility. There are no federal requirements that specify what documents must be used.

Record Keeping for Parental Activities

Activity	Documentation Examples
Education program	<ul style="list-style-type: none">◆ School schedule◆ Letter of acceptance◆ Transcripts
Protective services	<ul style="list-style-type: none">◆ ICWA referral◆ Letter from supervising physician◆ Self-certification◆ Tribal or state court document◆ Signed affidavit of need

Note: Tribal Lead Agencies have the flexibility to determine what documents they will require when determining eligibility. There are no federal requirements that specify what documents must be used.

Sharing



Priority for Child Care Services

- ◆ AI/AN CCDF grantees shall provide priority for child care services to:
 - Children with special needs, which may include any vulnerable population as defined by the Lead Agency
 - Children experiencing homelessness

Source: Child Care and Development Fund, 45 C.F.R. §§ 98.46, 98.83 (2016).

Examples of Vulnerable Populations

- ◆ Vulnerable populations can include, but are not limited to, children:
 - in the child welfare system
 - of teenage parents
 - of parents enrolled in drug or alcohol rehabilitation services
 - of parents needing nontraditional hours of care

Categorical Eligibility

If the a Lead Agency's Tribal Median Income (TMI) is below 85 percent of the State Median Income (SMI), then, at the tribe's discretion, any Indian child in the tribe's service area shall be considered eligible to receive CCDF funds, regardless of the family's income, work, or training status.

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

Categorical Eligibility

- ◆ If an AI/AN CCDF grantee chooses to use this option, the Lead Agency must continue to abide by the following conditions:
 - Children with the highest needs must be prioritized.
 - All other subsidy administration and equal access requirements (i.e., sliding fee scale, family co-payments) continue to apply.

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

Benefits of Categorical Eligibility

- ◆ Increased flexibility
- ◆ Alignment opportunities with the following:
 - Early Head Start–Child Care Partnerships
 - Tribal home visiting
 - Head Start
 - Early Head Start
 - State-specific early learning programs



Questions



What's Next?

- ◆ 12-month eligibility
- ◆ Graduated phase-out
- ◆ Grantee median income



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