

Office of Child Care

Request for Information: *Meeting the Child Care Needs of Tribal Nations*

August 22, 2023

ADMINISTRATION FOR
CHILDREN & FAMILIES
Early Childhood Development

 Office of Child Care



Office of Child Care



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Agenda

Purpose of RFI

Difference between the NPRM and Tribal RFI

Tribal RFI topics

How to submit feedback

Timeline

Other upcoming sessions

WHAT IS AN RFI?

Request for Information (RFI):

Formal process to gather public comments on policy and program questions

- Published in Federal Register
- Information gathered could be used to inform future NPRMs, technical assistance, and program guidance

Tribal CCDF programs



TRIBAL REQUEST FOR INFORMATION

What is the **purpose** of OCC's Tribal RFI?



Understand how OCC can better support Tribal Lead Agencies in implementing CCDF programs

Support Tribal sovereignty and the government-to-government relationship

Collect in-depth feedback on specific program requirements

DIFFERENCES BETWEEN NPRM AND RFI

	NPRM	Tribal RFI
Audience	Applies to all States, Territories, and Tribal Nations & Lead Agencies	Applies to all Tribal Nations & Lead Agencies and those impacted by Tribal CCDF policies
Public Comment Period	Ends August 28, 2023	Ends January 2, 2024
Tribal Consultation	Virtual on July 20, 2023	In-person (Nov 29-30) & virtual listening sessions (Sept 12 & Oct 25)
OCC Limitations	OCC cannot answer questions	OCC <u>can</u> answer questions
Rulemaking	Final Rule to be issued Spring 2024	Can inform future rulemaking

POSSIBLE IMPACTS

How can the RFI inform CCDF policies for Tribal Nations?



Regulations through a future NPRM



Subregulatory guidance such as **Program Instructions** and **Information Memoranda**



Technical assistance such as national webinars and tailored or individualized support

WHERE CAN I FIND THE TRIBAL RFI?

The *Request for Information: Meeting the Child Care Needs of Tribal Nations* was **published** in the Federal Register **July 27, 2023**.

- The RFI is available at <https://www.federalregister.gov/documents/2023/07/27/2023-15930/request-for-information-meeting-the-child-care-needs-in-tribal-nations>.
- All RFI resources are posted at <https://www.acf.hhs.gov/occ/outreach-material/rfi-meeting-child-care-needs-tribal-nations>
- There is a joint landing page for the NPRM and RFI at <https://www.acf.hhs.gov/occ/nprms-and-requests-public-comment>



What's included in the Tribal Request For Information?

The Tribal RFI seeks feedback on:



CCDF Funding

- ✓ A1: Child Count
- ✓ A2: Consortia
- ✓ A3: Service Area
- ✓ B: **Allocation size and tiered requirements**
- ✓ C. CCDF Plan
- ✓ D. Discretionary Base Amount



CCDF Administration

- ✓ E. EC Systems Coordination
- ✓ F1-3: **Spending requirements**
- ✓ G: Construction
- ✓ H: Deadlines
- ✓ I: Reporting
- ✓ J: Quality Activities
- ✓ K: State System Impacts on Tribal sovereignty



Increasing Family Access

- ✓ L: Consumer Education
- ✓ M: **Eligibility**



Building Supply

- ✓ N1: Early Childhood Workforce Compensation
- ✓ N2: Early Childhood Workforce Qualifications
- ✓ O: Eligible Providers
- ✓ P: **Background Checks**
- ✓ Q: Other*

TRIBAL RFI CONTENT - FUNDING – ALLOCATION SIZE



Example:
B. Allocation size

Allocation Size	Funding Threshold
Small	Under \$250,000
Medium	\$250,000 - \$1,000,000
Large	Over \$1,000,000

RFI CONTENT – FUNDING – ALLOCATION SIZE

Large Allocation Over \$1,000,00	Medium Allocation \$1,000,000 to \$250,000	Small Allocation Under \$250,000
<p>Subject to the <i>majority</i> of CCDF requirements</p> <ul style="list-style-type: none"> • Subject to the monitoring requirements, but can propose an alternative methodology • Subject to the background check requirements, but can propose an alternative approach <p>Exempt from <i>some</i> requirements:</p> <ul style="list-style-type: none"> ✓ Consumer education website ✓ Licensing child care providers ✓ Market rate survey or alternative methodology ✓ Training and professional development framework 	<p>Subject to the <i>majority</i> of CCDF requirements</p> <ul style="list-style-type: none"> • Subject to the monitoring requirements, but can propose an alternative methodology • Subject to the background check requirements, but can propose an alternative approach <p>Exempt from <i>some</i> requirements:</p> <ul style="list-style-type: none"> ✓ Consumer education website ✓ Licensing child care providers ✓ Market rate survey or alternative methodology ✓ Training and professional development framework ✓ Operating a certificate program 	<p>Subject to <i>some</i> of the CCDF requirements</p> <ul style="list-style-type: none"> • Subject to the monitoring requirements, but can propose an alternative methodology • Subject to the background check requirements, but can propose an alternative approach <p>Exempt from <i>most</i> requirements:</p> <ul style="list-style-type: none"> ✓ Consumer education website and information ✓ Licensing child care providers ✓ Market rate survey or alternative methodology ✓ Training and professional development framework ✓ Offering direct services (including equal and stable access requirements) ✓ Submitting a full CCDF Plan (abbreviated)

TRIBAL RFI CONTENT - FUNDING – ALLOCATION SIZE

Example: *B. Allocation size*

Seeking comment on:

Are the current dollar thresholds for Tribes with small, medium, and large allocations established in 2016 **still appropriate**?

If not, **what changes** in the dollar thresholds and or tiered requirements for each allocation size would **better support** the implementation of the CCDF program and better serve the needs of Tribal Nations?



Clarifying Questions?

TRIBAL RFI CONTENT



Example: *F. Spending Requirements*

Spending Topic	Requirement	Allocation Size
F1: Direct Services	At least 70%	Medium, Large
F2: Admin	At most 15%	Small, Medium, Large
F3: Quality	At least 9%	Small, Medium, Large
Infant/Toddler	At least 3%	Medium, Large

TRIBAL RFI CONTENT

Example:

F. Spending Requirements

Seeking comment on:

Do the spending requirements (for direct services, quality activities, and/or administrative expenses) **inhibit opportunities and access** to child care and early learning services in Tribal Nations? If so, in what ways?

What **alternative policies** would better meet Tribal Nations' child care needs?

TRIBAL RFI CONTENT

Example:

G. Construction & Major Renovation Requirements

- ✓ CCDF Tribal Lead Agencies may use CCDF funds for construction and or major renovation
- ✓ Funds must be set-aside from regular allocation
- ✓ Must demonstrate adequate child care facilities not otherwise available
- ✓ Must submit and receive approval of application from ACF
- ✓ Show after project complete, either level of direct services increases and or quality of services improved



TRIBAL RFI CONTENT

Example:

G. Construction & Major Renovation Requirements

Seeking comment on:

Do the construction/major renovation requirements **inhibit opportunities or create barriers to constructing or renovating** child care and early learning facilities in Tribal Nations? If so, in what ways?

What **alternative policies or requirements** would better meet Tribal Nations' child care and early learning facilities needs?



Clarifying Questions?

TRIBAL RFI CONTENT EXAMPLE: M. ELIGIBILITY

Allocation Size	Eligibility Requirements
Small	<ul style="list-style-type: none">Any child who meets the Definition of Indian Child and resides in the service area (i.e., categorical eligibility).
Medium & Large	<ul style="list-style-type: none">Child who meets the Definition of Indian Child and resides in the service areaUnder age 13Family income under 85% Grantee Median Income (GMI)Parents working, attending a job training or educational program, or in or in need of protective servicesTLA must demonstrate eligibility for categorical eligibility every three years in their CCDF plan (100% TMI less than 85% SMI)

TRIBAL RFI CONTENT

Example:
M. Eligibility



Seeking comment on:

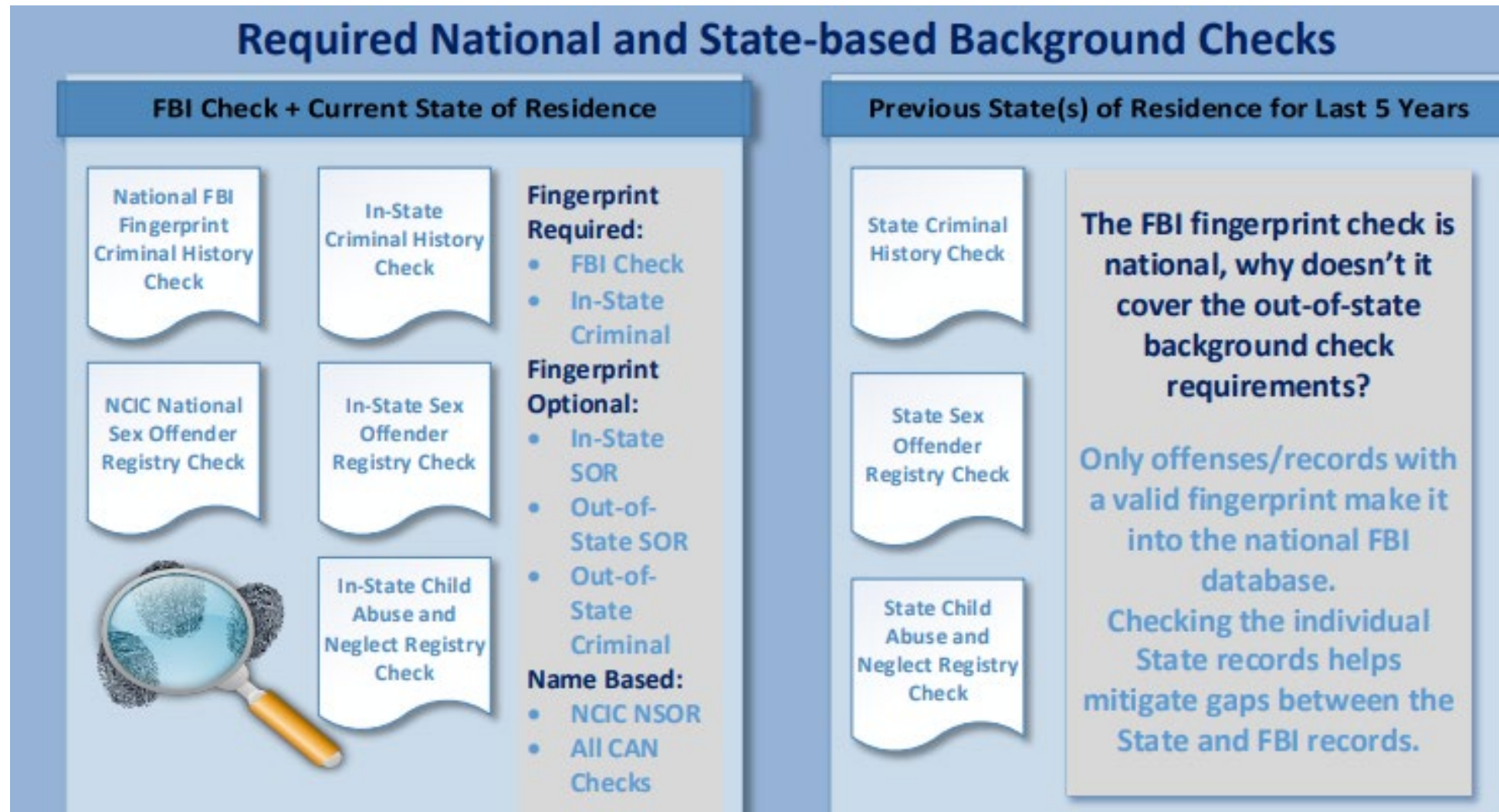
Are the current federal CCDF eligibility requirements for families **appropriate** for all allocation sizes?

If not, **what changes are needed** to expand opportunity and access to child care and early learning services to Tribal Nations and communities?



Clarifying Questions?

TRIBAL RFI EXAMPLE: P. BACKGROUND CHECKS



TRIBAL RFI CONTENT

Example:

P. Background Checks

Seeking comment on:



Legal authority to conduct checks



Requesting and accessing data

What **challenges** do Tribal Nations face in implementing the required comprehensive background checks?





What **recommendations** do you have for addressing these challenges while ensuring child safety?



Clarifying Questions?

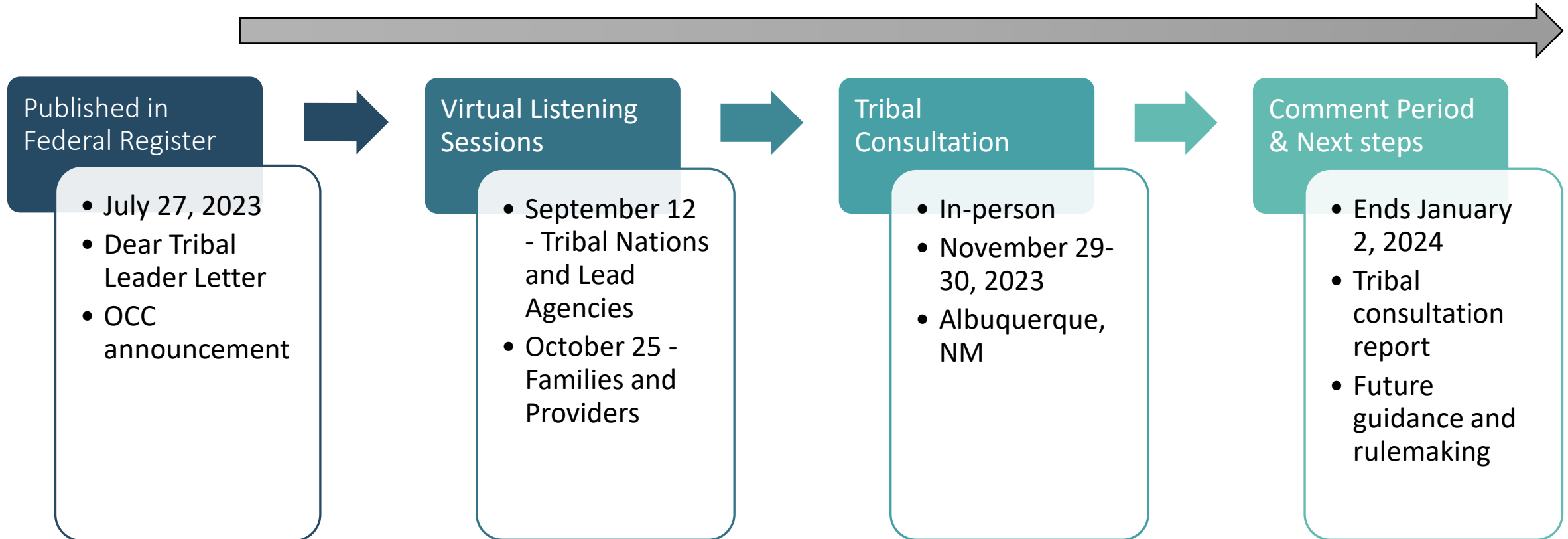
Submitting Comments on the Tribal RFI

- ❖ Comments must be submitted through **regulations.gov** or emailed to OCCTribal@acf.hhs.gov
- ❖ All comments received will be posted on regulations.gov
- ❖ Comments must identify the agency – **ACF** – and docket number **ACF-2023-0004**
- ❖ To ensure we can effectively address the comment(s), **clearly identify the topical area** relevant to the comment. **Please provide:**
 - Page number;
 - Identify the column; and
 - Cite the relevant topic and/or question from the Federal Register document, (e.g., On page 48411, third column, A1. Tribal Count).

 A. CCDF Funding	 CCDF Administration	 Increasing Family Access	 Building Supply
✓A1: Child count ✓A2: Consortia ✓A3: Service area ✓B: Allocation size ✓C. CCDF Plan ✓D. Discretionary Base Amount	✓E. EC Systems Coordination ✓F1-3: Spending requirements ✓G: Construction ✓H: Deadlines ✓I: Reporting ✓J: Quality activities ✓K: State system impact on Tribal sovereignty	✓L: Consumer education ✓M: Eligibility	✓N1: Early childhood workforce compensation ✓N2: Early childhood workforce qualifications ✓O: Eligible providers ✓P: Background checks ✓Q: Other*

Tribal RFI Timeline

Public comments submitted & posted on Regulations.gov through Jan 2, 2024





Thank you!