



ADMINISTRATION FOR
CHILDREN & FAMILIES



Office of Child Care: Child Care and Development Fund and Response to COVID-19

April 9, 2020



Government's Role COVID-19

Federal Role

- CDC – Resources and Guidance on Public Health Concerns
- OCC – CCDF Policy and Program Administration/Oversight
- Congress – Funding and Governing Legislation

State and Local Role Tribal Government

- Local Public Health Agencies – Tracking and Decisions at Local Level
- State / CCDF Policy – Statewide Decisions
- State Funding/Legislature

Federal Public Health Resources

- Coronavirus.gov -- The Centers for Disease Control and Prevention (CDC) provides up-to-date information about prevention, symptoms, and testing.
- CDC issued guidance to help administrators of public and private child care programs and K-12 schools to prevent the spread of COVID-19 among children and staff.
- New supplemental guidance on child care released 3/31/20
 - <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-childcare.html>

CCDF Resources

- CCDF Guidance on Existing Flexibility in Spending CCDF Funds in Response to Emergency Situations

Information Memorandum CCDF-ACF-IM-2017-02, November 27, 2017

www.acf.hhs.gov/occ/resource/im-2017-02

- OCC Website: COVID-19 Resources for CCDF Programs and Policymakers

<https://www.acf.hhs.gov/occ/resource/occ-covid-19-resources>

www.acf.hhs.gov/occ



The screenshot shows the homepage of the Office of Child Care. At the top, it identifies the U.S. Department of Health & Human Services, Administration for Children & Families, and the Office of Child Care. The main header features the Office of Child Care logo and a search bar. Below the header is a navigation menu with links for HOME, ABOUT, INITIATIVES, DATA & FUNDING, TECHNICAL ASSISTANCE, and POLICY & PROGRAM RESOURCES. The main content area displays a featured article titled "COVID-19 Guidance for CCDF Programs & Policy Makers" with a sub-headline "Information for Lead Agencies Impacted by Coronavirus Disease 2019" and a link to "REVIEW THE RESOURCES." The article is accompanied by a photograph of a woman and a child washing their hands at a sink.

Child Care Policy Goals

What we've heard...

- **Maintain child care revenue** during closures and/or service reduction to retain child care supply—for both programs and staff (businesses and people who work there)
- **Provide child care services**
 - **to existing CCDF families** as needed
 - **to new families** – regardless of current CCDF status, e.g.,
 - Health workers and emergency responders
 - Parents working while schools are closed
- **Keep children healthy** -- *consider settings and practices that prevent spread of COVID-19*

Coronavirus Aid, Relief, and Economic Security Act or the “CARES Act”

- Enacted on March 27, 2020 (Public Law 116-136);
- Provides \$3.5 billion to State, Territory, and Tribal Child Care and Development Fund (CCDF) Lead Agencies;
- May be used to provide continued payments and assistance to child care providers in the case of decreased enrollment or closures related to coronavirus, and to assure providers are able to remain open or reopen;
- Can be used to provide child care assistance to health care sector employees, emergency responders, sanitation workers, and other workers deemed essential during the response to the coronavirus, *without regard to the income eligibility requirements;*

CARES Act, Cont.

- Shall be available to eligible CCDF providers (e.g., meeting health and safety requirements, or eligible relative providers), even if such providers were not receiving CCDF assistance prior to the public health emergency, for the purposes of cleaning and sanitation, and other activities necessary to maintain or resume the operation of programs;
- May be used for any other allowable CCDF uses;
- Are exempted from the quality and direct services spending requirements;
- Can be used for allowable obligations incurred prior to enacted of the CARES Act; and
- Can be obligated by CCDF Lead Agencies in Fiscal Year (FY) 2020, FY 2021, or FY 2022.

Flexibility in Spending CCDF Funds in Response to Federal or State Declared Emergency Situations

- In some cases, States may need to enact State legislation or regulation in order to take advantage of these flexibilities. They also may need to submit a Plan amendment or waiver request to OCC. **Please contact the RO for guidance prior to submitting these requests to determine if waiver, Plan Amendment or both is needed.**



Flexibility: Quality \$

Use Quality Dollars to Improve/Maintain Quality and Supply

- Can be awarded to child care providers regardless of whether they serve CCDF eligible children
- Requires a Waiver? No
- Requires a Plan Amendment? Maybe, depends on current Plan

Flexibility: Provider Payment Practices

Change Provider Payment Practices for Subsidies

- Pay based on enrollment rather than attendance
- Provide more generous absence day policies
- Requires a Waiver? No
- Requires a Plan Amendment? Yes, in most cases

Reminder: CARES Act funds may be used to provide continued payments and assistance to child care providers in the case of decreased enrollment or closures related to coronavirus, and to assure providers are able to remain open or reopen.

Flexibility: Eligibility Criteria & Priority Rules

Change CCDF Eligibility Criteria and/or Priority Rules for Children/Families

- Define “Working” to include families seeking employment, participating in community service, or a similar activity
- Raise income eligibility threshold and/or change what counts as income (Reminder: CARES Act funds can be used to provide subsidies to essential workers *without regard to the income eligibility requirements*)
- Establish new priority rules (e.g., children of health care and emergency workers)
- Requires a Waiver? No, as long as income is below 85% of State Median Income, and parent is “working,” or attending education/training, or child is in need of protective services
- Requires a Plan Amendment? Yes, in most cases

Flexibility: Protective Services

Broaden the Lead Agency's Definition of Protective Services

- Deem certain children impacted by COVID-19 circumstances to be in need of protective services (e.g., children of health care and emergency workers)
- Reminder:
 - Lead Agencies may waive income eligibility for protective services on a case-by-case basis (*Reminder: CARES Act funds can be used to provide subsidies to essential workers without regard to the income eligibility requirements*)
 - Protective services cases do not require the parent to be working, or to attend training/education
- Requires a Waiver? No
- Requires a Plan Amendment? Maybe, depends on current Plan

Flexibility: Eligibility Redetermination

Change Eligibility Redetermination Policies

- Lengthen minimum 12-month eligibility to a longer period
- Lengthen minimum 3-month period of continued assistance (job search) to a longer period
- Requires a Waiver? No
- Requires a Plan Amendment? Yes, in most cases

Flexibility: Co-Payments

Waive or Reduce Co-Payments for Impacted Families

- Waive co-pay requirements for families that meet criteria established by the Lead Agency
 - Requires a Waiver? No, as long as co-pays are waived for a sub-population (e.g., health care and emergency workers) and not all families
 - Requires a Plan Amendment? Maybe, depends on current Plan
- Revise sliding fee schedule to reduce co-pays for some or all families
 - Requires a Waiver? No
 - Requires a Plan Amendment? Yes

So, What Policy Changes Would Require a Waiver?

- Health and Safety Requirements
- Health and Safety Training
- Background Checks
- Annual Inspections
- Eligibility above 85% SMI (if opting not to use other strategies, such as protective services designation) *(Reminder: CARES Act funds can be used to provide subsidies to essential workers without regard to the income eligibility requirements)*

Note – there are potential interactions with existing waivers

Guidance on Submitting Waivers

- Lead Agency must submit a written request to the Office of Child Care (OCC) Director via email with a copy to the OCC Regional Program Manager.
- Waiver requests are limited to an initial period of no more than two years from the date of approval, and at most, an additional one-year renewal from the date of approval of the extension.
- **Upon approval of a waiver request**, Lead Agencies have 60 days to submit a CCDF Plan amendment to correspond with the provision(s) in the waiver request.

Guidance on Submitting Waivers

- Waiver Request must include:
 1. Reason why the Lead Agency is requesting the waiver including a description of the extraordinary circumstances.
 2. Sufficient detail on the provision(s) from which the Lead Agency is seeking temporary relief and how relief from the sanction or provision, by itself, will improve the delivery of child care services for children and families,
 3. Certify and describe how the health, safety, and well-being of children served through CCDF will not be compromised as a result of the waiver; and
 4. Preferred start date (which may be retroactive to the time the emergency occurred) and the duration of the waiver.

CCDF Frequently Asked Questions in Response to COVID-19, e.g.,

Q) Can CCDF Lead Agencies continue to pay providers, if child care programs close and/or parents keep their children home due to COVID-19?

Q) Can a Lead Agency use CCDF to pay for child care for children who are not currently CCDF-eligible, and if so under what circumstances?

Q) If COVID-19 results in increased child care demand (e.g., all schools close down and parents still need to work during the day), can the Lead Agency enroll temporary unlicensed care providers to serve additional children?

FAQs, cont.

Q) If a parent stops working or works fewer hours due to circumstances related to COVID-19 (e.g., voluntary or mandatory quarantine), how does that impact their eligibility for CCDF subsidy?

Q) What flexibilities do Lead Agencies have to adjust families' co-payments if they are affected by COVID-19 job loss?

Q) How can states and their partners be strategic about which funding stream(s) to use for each activity (e.g., CARES Act small business provisions and unemployment compensation, as well the Family First Act leave provisions).

Questions



www.acf.hhs.gov/occ

**See COVID-19 Guidance for CCDF Programs &
Policy Makers**