

<h1>ACF</h1> <p>Administration For Children And Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families	
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Child Care and Development Fund

Information Memorandum

To Tribal Lead Agencies administering child care programs under the Child Care and Development Block Grant (CCDBG) Act of 1990 as amended, and other interested parties.

References Section 658E(c)(2)(E)(ii) of the Child Care and Development Block Grant Act of 1990 (CCDBG Act) as amended. 45 CFR Part 98.41.

Subject Minimum Standards for Tribal Child Care Programs

Purpose This Information Memorandum transmits two documents related to Minimum Standards for Tribal Child Care Programs that apply to tribal programs operating under the Child Care and Development Fund (CCDF):

1. Minimum Standards for Tribal Family Child Care Homes
2. Minimum Standards for Tribal Child Care Centers

Legislative Background The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) amended the CCDBG Act to require the U.S. Department of Health and Human Services to develop tribal child care standards. Specifically, new section 658E(c)(2)(E)(ii) of the CCDBG Act provides that:

In lieu of any licensing and regulatory requirements applicable under State and local law, the Secretary [of the Department of Health and Human Services], in consultation with Indian tribes and tribal organizations, shall develop minimum child care standards (that appropriately reflect tribal needs and available resources) that shall be applicable to Indian tribes and tribal organizations receiving [CCDF] assistance....

In accordance with the statute, these new standards reflect minimum requirements designed to ensure children’s health and safety and a basic level of care.

Interim
Period

At this time, the Child Care Bureau, U.S. Department of Health and Human Services, is issuing the standards as guidance and is encouraging CCDF Tribal Lead Agencies to implement the standards. We are providing an interim period of at least one year to allow time for Tribal Lead Agencies to identify implementation issues, to ensure that the standards reflect tribal needs and available resources, and to guarantee that the standards provide adequate protection for children. During this time, the Child Care Bureau will also be providing technical assistance to Tribal Lead Agencies regarding implementation of the standards.

Regulation

After the interim period, the Child Care Bureau expects to begin the regulatory process, including a public comment period, to issue the standards as regulations. Once the regulations are finalized, the Bureau anticipates that each Tribal Lead Agency will be required to certify that it has in effect standards that meet or exceed the minimum standards.

Consultative
Process

The standards were developed through a consultative process. To oversee the development of the standards, the Child Care Bureau convened the Tribal Child Care Standards Advisory Committee that included representatives from tribal child care programs, the Child Care Bureau, the Indian Health Service, the Maternal and Child Health Bureau, the Head Start Bureau (American Indian Programs Branch), the American Academy of Pediatrics, and other health and child care organizations. In addition, the Child Care Bureau has undertaken several activities to inform and consult with Tribal Leaders, including holding consultative sessions with Tribal Leaders and tribal CCDF programs at the last three national tribal child care conferences.

Separate
Standards for
Family Providers
and Centers

The standards are included in two documents—one specifically for family child care providers and the other tailored for center-based providers. Although the two sets of standards are similar, they contain some differences based on the unique circumstances related to each type of provider.

Organization of
Standards

Each set of standards is organized in three sections that correspond with the basic CCDF health and safety standards: (1) policies, practices, and caregiver training; (2) building and premises; and (3) infection control. Each section is divided into subsections around specific topic areas (e.g., staff ratios). Each subsection contains a principle, an explanation of why the topic is

important, and standards related to the topic.

Tribal, State,
or Local
Requirements

Once the minimum child care standards are issued as regulation, we expect that CCDF Tribal Lead Agencies will have the option of using tribal, State, or local licensing or regulatory requirements, as long as the requirements meet or exceed the new minimum standards.

Relative
Providers

Consistent with the statutory provision related to the CCDF health and safety requirements, we anticipate that once the minimum standards are issued as regulation, Tribal Lead Agencies will have the option of exempting relative providers (i.e., grandparents, great grandparents, siblings living in a separate residence, aunts or uncles) from meeting the standards.

Technical
Assistance

The Child Care Bureau will utilize tribal child care technical assistance resources to support Tribal Lead Agencies with implementation of the standards. In addition, this summer the Child Care Bureau will sponsor a series of tribal child care cluster trainings at locations across the country that will focus on the standards. Information on these trainings can be found at:
www.nccic.org/tribal/whatsnew.html.

Questions

Direct all inquiries to the appropriate ACF Regional Administrator.

Patricia Montoya
Commissioner
Administration on Children, Youth
and Families

Attachments:

Minimum Standards for Tribal Family Child Care Homes
Minimum Standards for Tribal Child Care Centers