

<h1>ACF</h1>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES	
Administration for Children and Families	1. Log No: CCDF-ACF-PI-2015-09	2. Issuance Date: December 17, 2015
	3. Originating Office: Office of Child Care (OCC)	
	4. Key Words: Child Care and Development Fund (CCDF) FY 2016-2018 Plan Extension, Child Care and Development Block Grant (CCDBG) Act	

PROGRAM INSTRUCTION

To: State and Territorial Lead Agencies administering the Child Care and Development Fund (CCDF) program, as amended, and other interested parties.

Subject: This Program Instruction (PI) transmits the Final State/Territory Plan Preprint (ACF-118) for the Child Care and Development Fund (CCDF) program for Fiscal Year 2016-2018 triennium, and provides guidance for submitting the Plan. This Plan is required by section 658E of the CCDBG Act.

References: The Child Care and Development Block Grant (CCDBG) Act (42 U.S.C. § 9858 *et seq.*), as amended by the CCDBG Act of 2014 (Pub. L. 113-186); section 418 of the Social Security Act (42 U.S.C. § 618); 45 CFR Parts 98 and 99; 63 FR 39936-39998.

Purpose: The CCDF Plan Preprint serves as the Lead Agency’s application for CCDF funds by providing a description of how the program will be administered in accordance with CCDF rules and regulation to provide high-quality child care services to eligible families. Plans will be effective from June 1, 2016, through September 30, 2018. The State and Territory deadline for the submission of the Plan was extended from July 1, 2015, to March 1, 2016; however, the extension did not extend the 3-year period of the Plan, nor did it change the effective dates for statutory reauthorization provisions, published in Program Instruction CCDF-ACF-PI-2015-02, dated January 9, 2015.

Background: The Plan has been revised to incorporate the changes made in the CCDBG Act of 2014 (the Act), which was signed into law by President Obama on November 19, 2014. The Act made expansive changes to protect the health and safety of children in child care, promote continuity of access to subsidy for low-income families, better inform parents and the general public about the child care choices available to them, and improve the overall quality of early learning and afterschool programs.

The Office of Child Care (OCC) will determine compliance with requirements in the Act through submission and approval of the FY 2016-2018 CCDF Plans, onsite monitoring visits, audit reviews, and other appropriate means.

Since enactment of the Act, ACF has convened a number of listening sessions with States and local and national organizations across the country; responded to questions regarding the Act, including requests for clarification and additional guidance, and also received public comments on the Plan Preprint through three separate Federal Register public comment periods published on January 30, May 27, and September 24, 2015. Careful consideration was given to all comments and the final Plan Preprint has been revised to reflect the comments as appropriate.

Guidance: **Lead Agencies' Responsibilities:** Section 658D(b)(1)(A) of the reauthorized CCDBG Act requires the Lead Agency to “administer, directly or through other State governmental or non-governmental agencies...” the funds received. The regulations at 45 CFR 98.11 provide that, in addition to retaining overall responsibility for the administration of the program, the Lead Agency must also (among other things) promulgate all rules and regulations of the CCDF program; ensure compliance with the approved Plan and all Federal requirements; oversee the expenditure of funds by subgrantees and contractors; and ensure that any local or non-governmental entities through which the State administers the program operate according to the rules established for the CCDF.

Plan Submission: States and Territories must submit their FY 2016-2018 Plans to the Administration for Children and Families (ACF) by the March 1, 2016, deadline. The State and Territory CCDF Plan Preprint (ACF-118) is included as Attachment A for reference purposes only. Lead Agencies will continue to use the online submission tool via the web to submit the Plan to ACF. While this Program Instruction provides brief guidance and clarification in a few areas, the electronic submission (“e-submission”) process has allowed ACF to embed more guidance and definitions directly into the Plan Preprint document and in the e-submission site.

Lead Agencies should consult Program Instruction [CCDF-ACF-PI-2015-04](#), dated April 10, 2016, for specific requirements related to the Market Rate Survey or Alternative Methodology; Public Hearing; and the new statutory consultation and coordination requirements.

Effective Dates: The Act specifies particular dates when certain provisions are effective. Below are provisions where specific effective dates are specified:

- Monitoring requirements, including requirements for annual inspections of CCDF providers (under section 658E(c)(2)(K) of the Act) must be in place by November 19, 2016. All child care providers eligible to provide CCDF services as of November 19, 2016, must receive their annual inspection no later than November 19, 2017 (and at least annually thereafter).
- Requirements for posting results of monitoring and inspection reports must be in place, and the results must actually be posted, no later than November 19, 2017, or one year after monitoring requirements are in place, whichever is earlier.
- Criminal background check requirements (658H) must be in place and implemented by September 30, 2017. The Act specifies that all new and existing child care staff must receive background checks by this date.

Where the Act does not specify a date, the new requirements became effective upon the date of enactment and States/Territories have until September 30, 2016, to implement the new statutory requirement(s). For example:

- States and Territories must have eligibility requirements in place consistent with the Act, including minimum 12-month eligibility, that apply to all new eligibility determinations and re-determinations occurring after this date.
- States and Territories must have health and safety training requirements (658(c)(2)(I)) and training and professional development requirements (658(c)(2)(G)) in place by September 30, 2016. This means that all new and existing caregivers and teachers must meet these training requirements by this date.

Implementation Plans and Plan Amendments: ACF has determined when a State or Territory cannot certify compliance with a specific requirement at the time of CCDF plan submission (March 1, 2016), the Lead Agency must provide a specific implementation plan for achieving compliance with the provision of the Act. If a State or Territory is not going to be in compliance with one or more provisions by the deadline required in the Act, then the State/Territory must request a temporary extension/waiver as well as complete an implementation plan (see guidance below for temporary extension/waiver requests).

The implementation plan must provide sufficient information to support approval of the Plan for funding and include the following as outlined in the State/Territory Plan:

- overall target completion date (no later than the appropriate effective date deadline);
- current status for any requirement;
- specific steps (activities) that will be taken to complete the implementation of the unmet requirement;
- timeline for implementation, including start date and end date; and
- agency and partners responsible for completing implementation of the activities.

ACF will work with States and Territories to monitor progress towards achievement of the new requirements and will conduct ongoing reviews of implementation of plans until fulfillment of the requirement. Once the requirement(s) has been met, the Lead Agency must submit a Plan amendment to ACF for approval through the e-submission site. Lead Agencies are reminded that any “substantial” change to their approved Plan requires ACF approval via a Plan amendment. Plan amendments must be submitted to ACF for approval within 60 days of the effective date.

- **Written Extension/Waiver Request:** The Act requires that State and Territories submit waiver requests to ACF in writing. The written request will:
 - detail each sanction or provision that the State seeks relief from;

- describe how a waiver from that sanction or provision will, by itself, improve the delivery of child care services for children in the State/Territory;
- certify that the health, safety, and well-being of children served through assistance received through CCDF will not be compromised as a result of the waiver; and
- describe one or more conflicting or duplicative requirement(s) preventing the effective delivery of child care services to justify the waiver; extraordinary circumstances, such as a natural disaster or financial crisis; or an extended period of time for a State legislature to enact legislation to implement the provision of the Act.

Failure to include the required information could result in the disapproval of the request. Waiver requests to ACF must be submitted by the designated official authorized to act on behalf of the Lead Agency. ACF must respond to the State/Territory within 90 days after the receipt of the request.

- **Consideration for Extension/Waiver Approval:** Section 658I(c) of the reauthorized CCDBG Act allows ACF to waive provisions or penalties up to 3 years (with an option of a 1-year extension) under certain limited circumstances. The Act only allows for temporary extensions to give States additional time to come into compliance with Federal CCDF requirements. The Act does not give authority for permanent waivers. The consideration for approval will be based on whether:
 - such circumstances included in the request prevent the State/Territory from complying with any statutory requirements;
 - the waiver will, by itself, contribute to or enhance the State's ability to carry out the purposes of CCDF; and
 - the waiver will not contribute to inconsistency with the objectives of the Act.

- **Timeline for Submission of Extension/Waiver:** Waiver requests should be addressed to the Director, Office of Child Care, Administration for Children and Families, and uploaded electronically through the ACF-118 electronic submission site. All requests should include a copy to the respective OCC Regional Program Manager. Waiver requests for requirements that must be met in calendar year 2016 must be included as part of the Plan review and approval process and therefore must be submitted by March 1, 2016. Waiver requests for requirements due in 2017 may be submitted at a later date, but no later than 90 days before the effective date of the requirement. However, States and Territories must still submit complete implementation plans in the Preprint for any requirements due in 2017. The timelines and activities in the implementation plans for the later date requirements should reflect as much accuracy as possible based on the availability or knowledge of information at the time of submission.

Technical Assistance:

ACF will continue to provide technical assistance through various approaches at the national level and through the ACF Regional Offices to support States and Territories in meeting and implementing the requirements of the Act. ACF will engage the technical assistance centers and specialists to support the ongoing delivery of technical assistance to meet specific needs and requests. ACF has compiled resources on reauthorization topics and cross-walked those topics with major CCDF Plan sections. The collection of resources can be found at <https://childcareta.acf.hhs.gov/ccdf-reauthorization>. As additional resources are developed, they will be added to the site and will be flagged as new. Also, Better Kid Care, administered by Pennsylvania State University, offers on-line training courses, including topics for training required or recommended by the Act. These training courses are located at <http://extension.psu.edu/youth/betterkidcare/early-care/ccdbg>.

Questions:

Please direct inquiries to the Child Care Program Manager in the appropriate ACF Regional Office or e-mail inquiries to ccdf.reauthorization@acf.hhs.gov.

Attachment:

FY 2016 – 2018 Plan Preprint
Program Instruction (Key Statutory Required Implementation Dates) [CCDF-ACF-PI-2015-02](#)

Rachel Schumacher
Director
Office of Child Care