



Tribal Child Care Technical Assistance Center

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Administration for Children and Families
Office of Administration
Office of Information Services
Attn: ACF Reports Clearance Officer
370 L'Enfant Promenade, SW.
Washington, DC 20447

RE: Proposed Information Collection Activity: Child Care and Development Fund Tribal Plan
Preprint—ACF—118—A

To Whom It May Concern:

We, the staff of the Tribal Child Care Technical Assistance Center (TriTAC), are pleased to submit the attached comments in response to the Administration for Children and Families' (ACF) request for public comment published in the Federal Register on Thursday, September 23, 2010. In particular, we have sought to provide feedback that addresses ACF's concerns about "the accuracy of the agency's estimate of the burden of the proposed collection of information; the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents."

Together, the four TriTAC content staff have over 75 years of combined experience working with Tribes, child care and other early childhood education programs, and various federal programs from within federal government, tribal government, state government, national organizations, and government contracting firms. In our current roles as providers of training and technical assistance to Tribal Child Care and Development Fund (CCDF) Lead Agencies, we have a particular interest in ensuring that the information collected by the CCDF Tribal Plan Preprint paints a clear and accurate picture of the vast and diverse universe of tribal child care. We hope that the enclosed comments contribute to ACF's success in designing an information collection tool that enables Tribal Lead Agencies (TLAs) to effectively and efficiently paint that picture.

Thank you for the opportunity to comment on this proposed Information Collection Activity. Please don't hesitate to contact us if you have any questions.

Sincerely,

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Director

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Comments from the Tribal Child Care Technical Assistance Center (TriTAC)
on the Draft CCDF Plan Released for Public Comment on September 23, 2010

General Comments

1. Estimated Reporting Burden

The stated public reporting burden for this collection of information is estimated to average 17.5 hours per response. However, the reporting burden estimated for the State Plan is 162.5 hours. It appears that the estimate for the Tribal Plan is extremely low.

2. Guidance

More comprehensive guidance should be included with the Plan, either within the document or as an attachment. There are many new questions and concepts presented in this draft without sufficient background or guidance. Also, many of the questions and sections taken from the existing Plan still need the background, guidance, and examples provided previously to guide grantees through appropriate responses to the questions. Any guidance included within the text of the Preprint should precede, not follow, the questions.

3. Preprint Structure and Format

There are a number of steps that the Office of Child Care (OCC) can take to make this Preprint more usable and useful to grantees. These include:

- Numbering the pages;
- Reviewing the formatting throughout the document for consistency;
- Reviewing and streamlining the section/question numbers and headings (e.g., Section 1.1 has a confusing and unnecessary numbering sub-structure that could easily be eliminated);
- When questions call for a "Yes" or "No" response, ordering the responses so that the response requiring additional description or narrative is the second choice. In this way, the narrative description lies at the end of the question rather than in the middle. Currently, many of the questions have the "No" response lost somewhere at the bottom of the page (for examples, see questions 1.4.3, 2.4.1, and 3.2);
- Incorporating "bread crumbs" to help grantees skip over questions/sections that are not relevant without missing any required questions/sections (for example, a grantee checking "No" in Section 1.5 would be directed to "Skip to Section 1.6"); and
- Including with each question an accurate statutory and/or regulatory citation or an accompanying statement that the information being requested is "for informational purposes only."

Detailed Comments Organized by Preprint Part, Section, and Question

Part 1 – Administration

Section 1.1 – General Information

- This section has one main question (requesting Tribal Lead Agency (TLA) contact information), but contains several unnecessary numbering levels. This will make it difficult for OCC staff and grantees to reference the parts of this section when reviewing or amending the Plan.

1.1.1.2(a)

- Clarify that we are asking the name of the designated "CCDF Lead Agency"
- Consider making a specific box or line for the title of the Administrator so that this piece of the question is not overlooked.
- Add a box requesting the URL for the Tribal Child Care Website (if any)

1.1.1.2(b)

- Consider changing “Tribal CCDF Program Contact” to “Tribal CCDF Administrator or Program Contact” since “Tribal CCDF Administrator” is how the primary program contacts are typically referenced in correspondence from OCC.
- Consider making a specific box or line for the title of the Administrator so that this piece of the question is not overlooked.
- Add a space for the phone number and the address of the Tribal CCDF Administrator, since this person may work in a different location than the main TLA office.

1.1.1.2(c)

- For the Non-Exempt box, clarify whether this is based on receiving \$500,000 in the previous fiscal year or based on the estimated funding for the upcoming fiscal year. Currently, it just says, "(Received \$500,000 or more)" [emphasis added to show past tense] and does not indicate which year’s funds should be considered.

1.1.1.2(d)

- Add a space for the phone number and the address of the fiscal contact, since this person may work in a different location than the main TLA office.
- Consider making a specific box or line for the title of the fiscal contact so that this piece of the question is not overlooked.
- Ask for the Name and Title of the "person who completes the annual financial report (ACF-696T), if different from Fiscal Contact listed above"

1.1.1.2(e)

- Add a space for the phone number and e-mail address of the person who completes the ACF-700.
- Change the reference to the ACF-700 to read “the annual program data report (ACF-700)”.

Section 1.2 – Administration Through Contract or Agreements

- “Contract” in the name of this section should be plural (“Contracts”) to align with the language in the regulations.
- Consider revising the guidance language in this section to more closely align with the language at §98.11(a). The attempt to combine two sentences into one has made the phrasing awkward.

1.2.1

- After the "Yes" check box, add a statement directing grantees to the next appropriate question (e.g., "If Yes, go to Section 1.3").
- It appears that if "No" is checked, then the grantee should complete section 1.2.2. Therefore, if "No" is checked, include a directional statement (e.g., "If "No," complete question 1.2.2"). Another option would be to make 1.2.2 a sub-question of 1.2.1.
- Specify what kind of contact information is required for administrative entities.
- Consider adding boxes (as in 1.1) to control entry of name and contact information.
- Since a TLA has the option to administer/implement some or all of program through other entities, perhaps the “No” option should be rephrased to first ask which parts of the program will be administered/implemented by other agencies and then to ask for information about the entities providing those services. As it is currently written, the question seems to assume that a “No” response requires an entity to be named for both provision of child care services and for quality activities when, in reality, a TLA could be delegating either or both of those pieces to another entity.

1.2.2

- It would be helpful to include, within the text of the Preprint or in a separate document, the examples that are provided in the current Guidance document.

Section 1.3 – Fiscal

- "Fiscal" does not really describe the information requested. This section is really asking for “Budget Estimates” or “Estimated Funding.”
- For clarity, it would be helpful to add the following language, which is an update of language found in the current Guidance document for sections 1.1-1.4: “The amounts provided in this section are for informational purposes only and will not be subject to compliance actions, nor will ACF distribute funds based on these estimates. Estimates are for ONE year only (for the period 10/1/11 - 9/30/12 (FY2012)) even though the Plan covers a two-year period.”

1.3.2

- Consider making this question a subset question under 1.3.1. Identifying it as its own question makes it look like it is separate funding instead of part of the overall discretionary funding.
- Change the name of this question to reference “School Age Care” rather than “Before and After School Care” to better align with the language used in existing allocations tables and other background information.
- It is important to mention in the guidance for this question that the Discretionary Targeted Funds amounts are included in the current estimated allocations table. The

language provided in this draft might lead a grantee to think that this information would be found in a separate document on the website.

1.3.3

- Clarify that this question is still referring to the School Age Care and Resource and Referral targeted funds. Again, this question should probably be a subset of question 1.3.1/1.3.2, not a stand-alone question.
- Since Tribes have never reported how they "plan" to use school-age and/or Resource and Referral services, additional guidance is needed which explains these funds and clarifies that they can be used for direct services, quality, etc. Examples of uses should also be included in the guidance.
- Consider offering check box options to allow Lead Agencies to indicate if they are using the funds to provide school-age care, resource and referral, or both.

1.3.4

- The guidance information in the shaded box should precede the question.
- Clarify that the question is asking about only those funds that are *awarded* in FY 2012 so that grantees do not include funds from previous years. The language "(Do not include any carry-over funds from previous years) (658E) (3) (C)" should be part of the question, not standing alone.
- Instead of saying "Estimated Administrative **Cost**," it should say "Estimated Administrative **Expenditures**"
- As noted earlier, the guidance information that follows the question ("These are preliminary Estimates for informational purposes only.") should be moved to the top of Section 1.3.
- Like the current Plan Preprint, this question seems to ask for one year's expenditures rather than proposed expenditures from one year's allocation. This question doesn't seem to yield information useful to OCC, to Congress, or to the public, nor does it help grantees demonstrate that they understand the 15% cap on administrative costs, since that cap is based on total funds expended over the 3-year funding period.
- In the current structure of the question, it is not clear what answer a grantee would provide if, for example, they were funding FY2012 operations (including administrative costs) with funds from a previous year. In that case, an answer of \$0 would seem accurate, but potentially misleading.

1.3.5

- Again, clarify that these are "estimates" and are for ONE year.
- Change "Estimated Quality **Cost**" to "Estimated Quality **Expenditures**"
- Like the current Plan Preprint, this question seems to ask for one year's expenditures rather than proposed expenditures from one year's allocation. This question doesn't seem to yield information useful to OCC, to Congress, or to the public, nor does it help grantees demonstrate that they understand the 4% minimum (if applicable), since that minimum is based on total funds expended over the 3-year funding period.

Section 1.4 - Child Population and Geographic Service Area

- Guidance information should be included at the beginning of this section explaining the child count and the importance of the definitions of “Indian Child” and “Service Area.”

1.4.1

- Reword the introductory information by inserting the instructional language included in the annual Program Instruction (PI) and the current Guidance document (e.g., "... A Tribe must submit a self-certified Child Count Declaration for children under age 13 (not including age 13), in order to receive FY 2012 funds." and “Because the definitions of "Indian child" and "reservation/service area" help determine the Tribal grant award amounts..." and “Tribal Lead Agencies have broad latitude in defining this term...”).

1.4.2

- To be consistent with §98.81(b)(2), references to “Service Area” (including the one in the title of this question), should be changed to “Indian Reservation or Tribal Service Area.”
- Rephrase the first sentence of the question to say “Programs and activities are to be carried out for the benefit of Indian children living on or near the Indian reservation.” and remove the redundant language in the second sentence (“must be on or near the reservation and therefore”).
- Add language from the annual PI which states, "ACF will not approve an entire state as a Tribe's service area." Also, add language from the preamble (page 34406), "Tribal grantees have the flexibility to define reservation to include the geographic boundaries of the reservation only, on or near the reservation, or some other definition, depending on Tribal needs and circumstances."
- It would also be helpful to ask grantees to include a map or diagram (if available)

1.4.3

- The question regarding "overlapping service areas" should not be restricted to Lead Agencies in AK, CA and OK. There are many Tribal Lead Agencies with reservations that also have overlapping service areas.
- The order of these questions should be reversed (i.e., the "No" response should be first).
- Rephrase the “If yes,...” question to indicate that conferring with other Lead Agencies should be done prior to conducting the child count in order to prevent duplication.

Section 1.5 – Consortia

- Shouldn't there be a question preceding question 1.5.1? The current draft only lists "Yes" or "No" check boxes next to the section title.

1.5.1

- Clarify or rephrase “notify ACF” to indicate how this should be done. The annual Program Instructions state that if there is a change in the consortium membership,

ACF must be notified "in writing." The regulations (39974) state that if there is a change in the consortium membership, an amendment to the Plan must be submitted.

- Move the sentence that begins, "If there is ever a change..." to follow the "NOTE" so that the request for attachments directly follows the instruction to provide demonstrations.
- It may be helpful to include language in the "NOTE" to indicate why Alaska Native Regional Nonprofit Corporations are only providing the list and demonstrations for Discretionary Funds.

1.5.2

- Based on our experience working with consortia, we feel it would be helpful to request a brief description of the services provided to each individual consortium member as required by the 1992 preamble (34406) or at least a description of how services are made available for each Tribe for which a consortium receives funds. The guidance should clearly indicate that "services *must* be offered to parents in each participating Tribe or Village" and that "it is not permissible to apply for funds on behalf of a Tribe or Village and not make services available in that Tribe's service area." We have seen several instances where this requirement has not been followed.
- The first sentence of this question is redundant.

Section 1.6 - CCDF Program Integrity and Accountability

1.6.1

- There is a formatting issue here.
- Guidance is needed regarding the level of detail needed for the questions presented. For example, can the TLA just attach copies of requested policies and procedures or is a detailed description required? While the overall question asks whether the TLA has "written policies and procedures," each of the sub-questions asks for a description of the "training." Is a full description of the "training" necessary or merely a statement that they have training or an attachment describing the training or the policies related to training, etc.?

1.6.2

- Since this is a new section, this question would be enhanced by offering examples of the kinds of "strategies or activities" OCC is expecting.
- The "If No..." question seems hard to follow and somewhat redundantly phrased. It is unclear what is being requested, since it seems to be saying that if you do not have "strategies or activities in place," you have to have an existing plan to put them in place.

1.6.3

- In the "If No..." question, it is unclear what is being requested, since it seems to be saying that if you do not have "strategies in place," you have to have a "plan to recover" the funds. These two things seem to be very similar.

Part 2 – Developing the Child Care Program

- We recommend changing the title to "Consultation and Coordination" since the questions are related to the requirements outlined in §98.12.
- The changes to this section seem to have made it more confusing than before.

Section 2.1 – Consultation in the Development of the CCDF Plan

- Under "Definition," the question says, "At a minimum, the description must state which representatives of the Tribal community...were consulted." So, if the TLA only checks the listed representatives on the left of the box, do they still have to complete the column on the right describing "how" the TLA consulted with each? If they are expected to complete the descriptive column on the right, we recommend deleting the phrase "at a minimum."
- The guidance/instructions should clearly indicate that only the first check box on the left is required.

Section 2.2 – Coordination in the Development of the CCDF Plan

- Change this title of this section to "Coordinating the Delivery of CCDF Services." Changing the title is necessary to clarify the distinction between §98.12(a) and §98.12(b) (i.e., consultation in the development of the plan vs. coordination of services).
- Section 2.1 included a definition of "Consultation." A corresponding definition of "Coordination" is needed in this section for consistency.

2.2.1

- The phrasing of this question is duplicative of the language in the introduction to Section 2.2.

2.2.2

- Add "State and/or Tribal" before "agencies responsible for:"
- Ensure that the phrasing of the bulleted items aligns with that found in §98.14.

Section 2.3 - Public Hearing Process

- Include the additional information from prior Guidance: "The hearings are meant to solicit public comment and input into the services that will be provided through CCDF." and "Tribal Lead Agencies shall make the contents of the plan available to the public in advance of the hearing."
- This section could be more concise and easy to complete if reformatted with the required questions listed in a chart (such as the one below).

	Hearing Date	Location	Date Notice Posted	Where/How Posted
1. (Req'd)				
2.				
3.				

2.3.1(a)

- Delete the two Month/Date/Year options; let the TLA fill in a blank.
- Emphasize that this question is asking about the hearing *notice*, not the hearing itself.

- Request information about what method(s) were used to provide notice; consider using check boxes to allow grantees to choose from options such as parent newsletter, tribal/local media (newspaper, radio station, etc.), posting on bulletin boards in community buildings (list locations), etc.

2.3.1(b)

- Delete the two Month/Date/Year options; let the TLA fill in a blank.
- Emphasize that this question is asking about the hearing itself, not the hearing notice.
- Include a question/space asking the location of the hearing. Although it is requested in the original question, no space or sub-question has been provided to allow grantees to answer this question.

2.3.1(d)

- This is not a required question and many Tribes will find this confusing and/or difficult to answer.
- If this question must be included, consider rephrasing the end of the question to say “influenced the development of the Plan.”

Section 2.4 – Public-Private Partnerships

- This section is an improvement on the current Preprint language, but additional clarification is necessary. We suggest rephrasing this section as shown on Attachment #1.

Part 3 - Child Care Services Offered

- For simplicity, we recommend removing the introductory language in this section, which simply outlines the series of questions that follow.

Section 3.1 - Description of Direct Child Care Services

3.1.1

- A new option (b) should be inserted after option (a) that says “Vouchers (for Exempt Tribal Lead Agencies only)”. The distinction between "certificate" and "vouchers" has been made with Tribal programs since 1998. The regulations require that non-exempt Tribe MUST offer "certificates" which offer parental choice since certificates offer all four categories of care. Therefore, exempt Tribes must have an option to offer a different form of subsidy other than a "certificate" if their subsidy program does not cover all four categories of care (e.g., if they only offer subsidies to families using family child care homes or only using in-home care). This is why the concept of "voucher" was presented in 1998, to give exempt Tribes greater flexibility in the delivery of direct services.

The concept of "vouchers" was presented originally out of direction received from OGC as a way to distinguish the requirements of non-exempt and exempt grantees. The concept of "vouchers" as a direct service option has been presented in Tribal CCDF Training for more than a decade and is defined in a variety of resource materials including the Guidance document from past Plan Preprint instructions, the Tribal CCDF Administrator's Guide, the Tribal CCDF Guide to Financial

Management, etc. To eliminate this option now would result in a great deal of confusion for exempt grantees.

- The new “voucher” question (new 3.1.1.(b) described above) should include check boxes for all four categories of care, as used in the existing question 3.1.1(b) of the draft. Since voucher programs are not addressed in Section 3.3, the new question should also ask for a sample voucher to be attached.
- Since “grants and contracts” are considered assistance to the provider (as per 1992 Preamble 34359), it is not clear how a TLA could use “grants and contracts” to provide in-home care. However, in-home care is listed as an option under the existing question 3.1.1(b).
- Add the question from the old Plan (3.1): "Describe the types of child care services and the range of providers available?" This question is needed to get a snapshot of the child services available in the service area. Include the guidance/examples for "services" and "providers" from the prior Guidance document.
- Delete option (d) and offer the four direct service options offered in prior Tribal CCDF Plans.
- The following question from the prior Plan Preprint (and its accompanying guidance) is missing here:

Are all of the child care services described in 3.1.1 above available through the entire service area? (658E(a), 98.16(g)(3))

Yes

No, and the following are the areas in which these services are not offered:

[Note: The guidance needed for this question includes the following: “The Lead Agency is not required to offer CCDF services, or the same services... If all services are NOT offered...indicate which services are not available and the reservation...”]

Section 3.2 - Limitations of In-Home Care

- Consider making this a sub-question of 3.1.1(a) since this only applies to certificate programs.

Section 3.3 - Certificate Payment System

- In the Reminder, add a clarification that exempt Tribes that offer a certificate (i.e. a disbursement that offers all four categories of care) should also complete this section.
- Add direction here that TLAs offering direct services ONLY through grants/contracts or a tribally operated child care center can skip to Section 3.4.

3.3.1(a)

- If the TLA is required to include a copy of the certificate as an attachment, do they also need to provide a description of the certificate? If so, why is this necessary?

3.3.1(b)

- This question does not ask "how" the parent moves from the receipt of the certificate to choice of care which was included in the former 3.6.2.
- We suggest deleting the option of "Agency Website" since this could be included in "Other" and few, if any, TLAs would check this option.

Section 3.4 - Eligibility Criteria for Child Care

- In the introductory information, the piece about protective services is phrased in a confusing way. This piece could be pulled out into a separate sentence that more clearly explains the special situation of protective services.
- For each definition request in the questions of this section, provide guidance/examples such as has been provided in previous years through the Guidance document.
- Consider adding a question 3.4.7 on eligibility periods/redetermination processes similar to the one in the draft State Plan Preprint (simplified question with the following options of “3 months,” “6 months,” “12 months,” and “Other (please describe)”). This question would need to be labeled “for information purposes only” since it is not tied to any specific regulatory requirement. In this question, it may be helpful to include guidance distinguishing between verification of work hours (or other similar steps to prevent improper payments) and full redetermination.

3.4.2(a)

- Asking the starting age in weeks seems too limiting. If a TLA serves children from ages 3 to 5, will they have to convert 3 years into 156 weeks? Could it say “weeks/months/years (circle one)”?

3.4.2 (b)

- List the two questions following the "Yes" response separately (as shown below).
 - The upper age is _____
 - The Lead Agency’s definition of "Physical and Mental Incapacity" is: _____

3.4.2 (c)

- List the two questions following the "Yes" response separately (as shown below).
 - The upper age is _____
 - The Lead Agency’s definition of "under court supervision" is: _____

3.4.3

- Consider changing the title of this question to “Eligibility Criteria Based Upon Parental Work, Job Training, or Educational Activities”
- 45 CFR 98.20(a)(3)(i) states that “in order to be eligible for services, a child shall reside with a parent or parents... who are working, or attending a job training *or* educational program” [emphasis ours]. As currently drafted, question 3.4.3 presumes that the TLA requires "working" for eligibility, but provides an option for eligibility related to "attending a job training or educational program." This section should contain questions providing options **for each of the three eligibility criteria** listed (parents working, parents attending job training, and parents attending an educational program). We recommend restructuring the questions in this section as shown on the attached document (Attachment #2).

3.4.3(a)

- As shown on Attachment #2, we suggest rephrasing this question to mirror the structure of 3.4.3(b) so that definitions for all 3 types of eligibility based on parental activity are similar. The question would then ask “Does the Lead Agency provide CCDF-funded child care assistance to parents who are working” rather than “How does the Lead Agency define...” “Yes” and “No” check boxes should be offered, with a “Yes” answer requiring a definition of “working.”
- This question (as currently drafted) asks how the TLA defines "working" and then asks for “a narrative description of both terms below.” Since “working” is only one term and its definition has already been requested, we recommend deleting the sentence “Provide a narrative description of both terms below.”
- In the Reminder (or expanded guidance, if added as requested earlier in this document), should other work-related activities, such as subsistence, be included to show some of the culturally-specific flexibility allowed by the program?

3.4.3(b)

- As shown on Attachment #2, we suggest rephrasing this question so that definitions **for all three types of eligibility** based on parental activity are similar. Therefore, there would be a question about whether the TLA provide CCDF-funded care for children of parents who are attending job training and a separate question about whether the TLA provide CCDF-funded care for children of parents who are attending an educational program. If a grantee answers “Yes” to either question, they will be asked to provide a definition for that specific kind of program (job training/education). [Note: A separate definition is needed to specifically define what activities would be considered for each term. The Guidance for the current Plan Preprint (which requests a combined definition for both terms) states that this is the "criteria necessary for a program to be considered a 'job training and educational program' for the purposes of determining a family's eligibility." In our experience providing training on the Plan and on policies and procedures, we have found that grouping these two terms together leads to unnecessary confusion, as they often have very different practical applications in tribal communities.]
- If a grantee answers “Yes” to either question in 3.4.3(b), they will also be asked “What are the attendance requirements?” for each type of program. This should make it easier for TLAs to explain their attendance criteria (rather than defining “attending (a job training or educational program),” as in the current Plan Preprint). “Attending” relates to time or attendance as outlined in the Guidance for the current Plan Preprint (e.g., “20 hours per week including study time”).

3.4.4

- Consider changing the title of this section to “Eligibility Criteria Relating to Protective Services”
- Look at the introductory language used in the draft State Plan Preprint; this is a complicated area and needs full explanations and clear questions. The current format is confusing. For example, question 3.4.4(a) seems to create an opportunity to exclude otherwise eligible families in protective services from CCDF services rather than outlining an option for TLAs to expand services to these families through the

case-by-case waiver of co-payment and income eligibility requirements as outlined in question 3.4.4(b) (and in the current Plan Preprint question 3.3.4).

3.4.4(a)

- There is a typo in the highlighted Reminder (it says “proactive” instead of “protective”). Also, it seems a bit confusing to include this reminder here, since the question about incorporating foster care with protective services isn’t asked until 3.4.4(c).

3.4.4(c)

- Guidance should be included which states, "A Tribal Lead Agency must include foster care in its definition of "Protective Services" if the Tribal Lead Agency proposes to provide CCDF-funded child care in those circumstances." The following language should also be added after the “Yes” check box: “If yes, "foster care" must be included in the definition of "protective services" in question 3.4.4(a).”
- It is unclear why the “Note” that accompanies this question on the current Plan Preprint (“(NOTE: This means that for CCDF purposes the Tribe considers these children to be in protective services.)”) was eliminated in this draft. This “Note” should be reinserted.
- The following question is missing from this section and should be added: "Does the Tribe choose to provide respite child care to children in protective services? If "yes," "respite care" must be included in the definition of "protective services" in 3.4.4(a).” Guidance language should also be added that clarifies that “Respite care is only available for the parents of children in protective services (including foster parents, if “foster care” is included in the Lead Agency’s definition of “protective services”) ONLY FOR SHORT, TEMPORARY PERIODS to provide parents with relief from caretaking responsibilities. A Tribal Lead Agency that intends to include respite care must explain (in the definition of “protective services”) the circumstances under which respite care is offered. (For example: one weekend per month upon request).” It may also be useful to include in the guidance language the statement from the 1998 Preamble (39949) that “this definition of “respite child care” may differ from how Tribes define it for other purposes (e.g., child welfare).”

3.4.5

- Consider changing the title of this question to “Eligibility Criteria Based on Income”
- The introductory/guidance language in current Plan Preprint (Section 3.3) is very useful and should be added back to this section for clarification of this challenging section.

3.4.5(a)

- A useful definition of "income" can be a very lengthy description. This question should allow grantees to provide an attachment (e.g., policy and procedures outlining "income") in lieu of a full description. In addition, or as an alternative, check boxes like those in the State Plan could be offered here.

3.4.5(b)

- This question requests a data source for the SMI (since programs aren't required to use the SMI charts published by LIHEAP). This is a nice improvement over the current Plan Preprint, but a line should be added so that TLAs have clearly defined space to record the data source.

3.4.5(c)

- The use of GMI, SMI, and TMI seems to be confused here. We suggest rephrasing the question to "...in terms of GMI (State Median Income or Tribal Median Income, as selected above), even if Federal..."
- In the table, the addition of new Column (a) (requesting 100% GMI) is a nice improvement over the current Plan Preprint.
- We suggest rephrasing/simplifying the Reminder language to read "Reminder: The highest income eligibility level (shown in Column (c)) on the GMI Matrix above must match the highest income eligibility reflected on the sliding fee scale described in Section 3.7."

3.4.5(d)

- The concept of "tiered eligibility" is new to many Tribal Lead Agencies and the likelihood of its implementation is rare. At this point, TriTAC does not know of any Tribes that utilize tiered eligibility. We strongly recommend that this question be deleted from the Plan at this time. If this question must be included in this Plan, it will be necessary to include additional background information, including examples, for clarity. Additional time will also be needed to train grantees on this topic.
- If this question remains in the Plan Preprint, it should indicate that it is being asked for informational purposes only.
- If this question remains in the Plan Preprint, the "If yes" language should be clarified. As currently written, it may be unclear to TLAs what the "requested information" is. Also, this language should be moved next to the "Yes" check box rather than below the "Yes" and "No" boxes.

3.4.6

- The way this question is formatted may be confusing. Consider restructuring the question to mirror 3.5.2 (see comments below), adding a 3.4.6(b) to ask, "Define any additional eligibility terminology used in 3.4.6(a)".

3.4.6(a)

- To further address the issue raised regarding 3.4.6 (above), consider rephrasing the "Yes" response to say "Yes, and the additional eligibility criteria that the Lead Agency has established are:" As noted above, the related definitions would be provided in 3.4.6(b).
- This is another example where the "Yes" and "No" responses should be reordered so that the criteria could immediately follow the "Yes" response.

Section 3.5 - Priority Rules for Children

- This section needs additional guidance to clarify that the definition of "special needs" does not have to be limited to children with disabilities. Examples such as those in the Guidance to the current Plan Preprint should be included. Without this clarification, new administrators will often assume that the definition is related to children with disabilities.

3.5.1(b)

- It may be useful to offer check boxes here to help TLAs understand the range of options for giving priority to children with "special needs"? This would help guide responses and would make it easier for OCC to pull out useful information. The examples offered in the introduction to Section 3.5 would be a useful starting point for the check boxes.

3.5.2(a)

- This is another example where the "Yes" and "No" responses should be reordered so that the rules/categories could immediately follow the "Yes" response.

3.5.2(b)

- The way this question is phrased may be confusing, as it seems to repeat 3.5.2(a). Consider rephrasing the question to something like, "Define any additional priority terminology used in 3.5.2(a)".

Section 3.6 - Payment Rates for Child Care Services

- Additional guidance should be added to remind TLAs that payment rates cannot vary based on family eligibility.

3.6.1

- The Reminder references the different categories and types of care described in 3.1. However, in Section 3.1, the question was not asked about "types of care and range of providers." See comments under Section 3.1.
- The Reminder for Tribally-Operated Centers should be reworded to say, "Reminder: For those Lead Agencies that *only* offer direct child care services through a tribally-operated center (as noted in section 3.1.1), in lieu of a payment rate schedule...." Since the option provided in this Reminder is totally new to Tribal grantees and will likely generate a great deal of confusion, additional comprehensive guidance is needed, preferably in the form of a PI.
- What if the TLA only checked "Grant or Contracts for Slots" in section 3.1.1? Is there an alternate documentation option for these programs?
- To avoid confusion, this question should be reworded to take into consideration those Tribes that will not be submitting payment rates (i.e., those only operating centers (and possibly those offering direct services through grants/contracts)). For example, the question could be reworded to say, "Provide a copy of your payment rates (or alternative documentation as noted below for those Tribal Lead Agencies who provide direct services only through a tribally-operated child care center) as Attachment 3.6.1."

- It should also be noted that if a Tribe only provides services through a Tribally-operated center and alternative documentation related to budgets and average cost of care are submitted in lieu of payment rates, sections 3.6.2, 3.6.4, and 3.6.5 do not have to be completed. These grantees would only need to complete 3.6.3 Option 3, Criteria 1.

3.6.3

- The introductory language from the current Plan Preprint and Guidance explaining the payment rate/market rate survey requirements should be added to this question. For example, the revised introduction/guidance could read:

Tribal Lead Agencies are required to establish payment rates for child care services that ensure eligible children equal access to comparable care. At a minimum, Lead Agencies are required to show how payment rates are adequate based on a local market rate survey conducted no earlier than two years prior the effective date of the currently approved Plan (i.e. conducted no earlier than 10/1/10 and no later than 9/30/11).

ACF recognizes that market rate surveys may not be feasible for some Tribal Lead Agencies. Please review all the Market Rate Survey options listed below (and in the Program Instruction on Market Rate Survey for Tribal Lead Agencies, CCDF-ACF-PI-2009-02, dated January 16, 2009) and select the appropriate option that fits the circumstances of your Tribal Child Care Program.

- Consider incorporating the checklist used by TriTAC in the 2009 Plan Trainings (included with this document as Attachment #3) before Options 1, 2, and 3 so that grantees know which option they should answer.
- Consider streamlining this question by making more specific references to the PI rather than rephrasing or restating language from it.

3.6.3 Option 1

- Consider asking the “at a minimum” questions (those listed here and in the regulations) separately as in the current Plan Preprint. For example, after the date of the survey, ask separate questions that say, “What is the relationship between the attached payment rates and the market rates observed in the survey?” and “What additional facts were used, in addition to the market rate survey, to set the attached payment rates?” This would eliminate the need for the extensive “Required” paragraph, which is confusing and would likely be overlooked by most TLAs.

3.6.3 Option 2

- Additional guidance needed to clarify the circumstances allowing a Tribe to use the State's survey.
- This section should include an option for Lead Agencies operating in multiple states (who may use the surveys of some or all of those states to set their rates).
- As in Option 1, consider asking the “at a minimum” questions separately. For example, after the name of the State(s) and the date(s) of the survey, ask separate questions that say, “What is the relationship between the attached payment rates and

the market rates observed in the State(s)'s survey(s)?" and "What additional facts were used, in addition to the market rate survey(s), to set the attached payment rates?"

3.6.3 Option 3

- Criteria 1 is very confusing. Consider using the language from the PI instead of the draft language.
- Consider changing the organization of the "Yes"/"No" answers so that the "If yes" language immediately follows the "Yes" check box.
- For the sake of clarity, consider rephrasing the "If yes" language for both Criteria. For Criteria 1, consider changing to "If yes, provide a statement (below or as an attachment) indicating that the Lead Agency..." For Criteria 2, consider changing to "If yes, describe how the Lead Agency determined..."

3.6.5

- If the "summary of facts" questions in previous options were asked in more detail (as suggested in the comments for 3.6.3), this question shouldn't be necessary.

Section 3.7 – Sliding Fee Scale(s)

- Additional guidance should be added to remind TLAs that category of care cannot be a factor in determining parent fee.

3.7.4

- There is a typo in the Reminder: "tow" should be "two."
- The Reminder should be rephrased to clarify that "on a case-by-case basis" is ONLY modifying "families... protective services." We suggest changing the Reminder to read: "Reminder – Lead Agencies are reminded that the co-payments may be waived for only two circumstances – for families at or below the poverty level or, on a case-by-case basis, for children falling under the definition of "protective services" (as defined in 3.4.3)."
- For the "No families with income....." option, the sentence asking for the poverty level should be moved to the overall 3.7.4 question. In addition, we suggest changing this sentence to request the Fiscal Year and data source for the poverty level rather than the specific dollar amount "poverty level used by the Lead Agency for a family of 3." Our experience has shown that, very often, the incorrect amount for a family of three is listed and/or the FPL used is from several years in the past; both of these situations make it difficult to review the sliding fee scale for accuracy.
- For the third option ("SOME families..."), the question is confusing. It appears that a description of "these" families is needed, but a description isn't directly requested. It might be clearer to add "and these families are described below" after "SOME families... ARE NOT required to pay a fee" or add the following new sentence after the question: "Provide a description of the families at or below poverty that are not required to pay a fee: _____"

3.7.5

- It would be helpful to add guidance (include examples) about what is meant by "affordable."

Part 4 - Procedures for Parents

4.1.2

- It needs to be clearly stated that this question is for informational purposes only.
- We recommend deleting this question or changing the question to request a copy of the application and require a narrative response to the following question: “Describe how you document and/or verify the information provided on the application.”
Guidance with examples should be provided. As it is currently drafted, this question will be burdensome for grantees to complete and for OCC Regional Offices (ROs) to review. Grantees might also be at risk of audit findings if auditors do not understand that specific items listed are not required. The existence of check boxes may suggest that a grantee needs to be using all of these methods/requesting all of the kinds of documentation. Since Tribes can limit their programs in ways that States cannot, this is a question that should not mirror the State Preprint question so closely.

4.1.3

- There seems to be some confusion about whether “How Does the Lead Agency Inform Parents...” is a title or a question.
- It should be noted in the background information or guidance that the CCDF TLA is not required to give this information to the parents (see 1998 Preamble 39953), but required to ensure that the information is provided to TANF families (i.e., other agencies, such as the TANF agency, could be providing this information to parents).
- In the last sentence of the guidance paragraph, it may be helpful to specify “the TANF statute and the TANF Plan” to avoid confusion with the CCDF statute and Plan.

4.1.3(a)

- This structure does not allow programs operating in multiple states to indicate the names of the TANF programs serving each state.

4.1.3(b)

- Unlike the current Plan Preprint, this structure does not allow programs serving families from both Tribal and State TANF (and/or families from different State TANF programs) to provide definitions from multiple TANF programs.
- Grantees should be offered the option of attaching the relevant definitions rather than restating them here.

4.1.3(c)

- Based on the clarification, it may be more relevant to ask "who and how" are TANF parents informed about the exception to individual penalties associated with the work requirement for any single custodial parent with a child under six.

4.1.4

- We recommend deleting this question. If the goal of this question is to address the requirement of §98.16(g)(4), it would be better to ask “How are you meeting the child care needs of TANF families?” or to revert back to question 3.4.3 in the current Preprint. Many grantees will not be able to describe the different application processes for families receiving TANF. Will they be expected to describe the process for families receiving State TANF AND Tribal TANF if the Tribe operates a Tribal TANF program?

Section 4.2 – Description of Procedures for Unlimited Parental Access

- It may be clearer to use the exact language from §98.31 and then ask the question, “Describe how the Lead Agency ensures that parents have this access:”

Section 4.3 - Record of Substantiated Parental Complaints

- Since there are two questions, shouldn't they be numbered 4.3.1 and 4.3.2?
- The Statutory and Regulatory citation should be included at the beginning of the section; not at the end of the second question.
- Asking “who should be contacted to receive them?” seems to go beyond the statutory and regulatory requirements.
- We suggest deleting the phrase “about a child care provider” from the first question. This language unnecessarily limits the complaints in a way that goes beyond what is in the statute and regulations (neither of those documents specifies that complaints must be about providers).
- The phrase “complaints...that were found to be true” seems to be an attempt to explain or simplify the term “substantiated,” but “substantiated” seems more precise for this purpose. Instead, consider providing examples (as guidance) of what might be considered substantiation.

Part 5 - Activities and Services to Improve the Quality of Child Care

- The introductory language appears to be outside the scope of the governing statutes and regulations and appears to impose a new requirement on Tribal CCDF programs. We recommend deleting the sentence that begins, “It is expected that the Lead Agency’s quality improvement...”
- Is the sentence that begins “If applicable, describe how child care...” a question that grantees are expected to answer? If so, it should be numbered 5.1.

5.1.1

- This is a new question for Tribal Lead Agencies and will be confusing to many, especially to small, exempt Tribal grantees who spend little, if any, of their CCDF allocation on quality activities (note: exempt grantees represent roughly 80% of the Tribal Lead Agencies). We suggest deleting this question or rephrasing it to something like, “Describe the process the Lead Agency uses to decide how to spend its quality funds.” If the question is included (in any form), we suggest requiring the question of non-exempt TLAs only (perhaps by offering a check box that says “N/A; we are an exempt program and do not plan to spend any CCDF funds on quality”) and providing additional guidance, including examples.

5.1.2

- Consider rephrasing the question to something like, “Describe (or check) the quality initiatives that the Lead Agency intends to implement during this Plan period:” The existing draft language may expose grantees to a danger of audit findings if auditors do not understand that all categories/items are not required.
- This check box structure may be overwhelming, esp. to new administrators, who may feel that they need to check more boxes (such as a minimum of one per category) than they actually intend to do.
- Categories of quality activities should align with the categories outlined in the regulations at §98.51(a), not with the categories in Appendix C of the New Administrators Guide (which were created to organize a wide range of examples provided by grantees).
- An overall “Other” category should be added, in addition to the “Other” option provided under each category.

5.1.2(a)

- The “Training Outcomes” section is confusing and seems inappropriately limited to formal training outcomes (leaving out important outcomes like “learning basic caregiving skills” and “raising awareness of __ topic within the local provider community” which may be intentional but not formal). If the intent is to elicit responses from programs trying to bring caregivers up to a certain level of qualifications, this section should probably be rephrased.

5.1.2(b)

- It is unclear how “financial assistance” is defined for this purpose, particularly as compared to grants/mini-grants.

5.1.2(g)

- It is unclear how “Grants to programs that meet high quality...” differs from “Bonuses to higher quality programs” in 5.1.2(d)
- It is unclear what “Social-emotional development” means here. Should it be under Training Topics (5.1.2(a)) instead?
- Should “Higher rates...” be moved to 5.1.2(d)?

Part 6 - Health and Safety Requirements for Providers

Section 6.1 – Guidance and Background

- The numbering and labeling in this section is confusing, since the major health and safety requirements technically appear under a heading called “Guidance and Background.”
- We recommend adding an “Other” option to the question that begins “If requirements are described through references to a published document, please indicate...” This additional option would allow TLAs with lengthy regulations that do not appear online to indicate another location where their regulations can be found. For example, we have worked with grantees whose health and safety regulations are available only in multi-volume print documents. It would be burdensome for both the TLA and the RO if these files had to be copied and submitted with the Plan.
- For the question referenced above, insert a line after “Included in this Plan as Attachment” so that it is clear that an attachment number is being requested. Alternately, a suggested attachment number could be inserted, so that the line would read, “Included in this Plan as Attachment 6.1.”

6.1.1

- We suggest rephrasing the question to read: “Check the health and safety requirements for **prevention and control of infectious disease** that are in effect for child care providers...” Consider adding additional guidance to make it clear that TLAs are not expected to require every item listed.
- Add “Check all that apply” to the first column after “The Lead Agency requires”.
- The phrase “another oversight entity” seems confusing here. Perhaps the addition of a parenthetical phrase like “(such as a state licensing agency, IHS Environmental Health, Head Start, etc.)” would clarify the intent.
- In the last item, rephrase to read: “Other: Describe any additional requirements for prevention and control of infectious disease”

6.1.2

- We suggest rephrasing the question to read: “Check the health and safety requirements for **building and physical premises safety**, including policies and practices to protect children and providers from environmental hazards, that are in effect for child care providers...” [Note that, in addition to changing “Describe... in effect” to “Check... that are in effect,” we have also inserted the phrase “children and providers” before “from environment hazards.”] Consider adding additional guidance to make it clear that TLAs are not expected to require every item listed.
- Add “Check all that apply” to the first column after “The Lead Agency requires”.
- The phrase “another oversight entity” seems confusing here. Perhaps the addition of a parenthetical phrase like “(such as a state licensing agency, IHS Environmental Health, Head Start, etc.)” would clarify the intent.
- In the last item, rephrase to read: “Other: Describe any additional requirements for building and physical premises safety”

6.1.3

- We suggest rephrasing the question to read: “Check the health and safety requirements for **health and safety training** that are in effect for child care providers....” Consider adding additional guidance to make it clear that TLAs are not expected to require every item listed.
- The header on the training category column should read “The Lead Agency requires training on:” “Check all that apply” should also be added.
- We recommend deleting the columns for the “Pre-service” and “On-going” check boxes as these are not likely to elicit much useful information and it is possible that any grantees that require both pre-service and on-going training would have different requirements for different categories of providers.

6.1.4

- It is not clear how this question differs from the question in 6.1 (right above 6.1.1).
- Does this question apply to programs that only offer relative or "unregulated" care?
- If providers are "regulated by the Tribe" (i.e., the Tribe has health and safety requirements that they have developed and require of the providers but do not "license" providers), should they complete this question? (The question specifically asks for the name of the “licensing agency” and a copy of the “licensing regulations.”)
- This question is likely to confuse small Tribes who work primarily with relative or family, friend and neighbor care that is not formally "licensed."
- A note should be added to indicate that this question is for info purposes only.

6.1.5

- As a new question, this question needs additional guidance to explain exactly what is requested and how this question differs from the "other" option included in the checklists in 6.1.1-6.1.3?

6.2.2

- We suggest changing the question to “...announced and/or unannounced visits...”
- The title of the table should be changed to “Information on Monitoring Visits” instead of “...Inspections.”
- In the table, under announced and unannounced visits, there should be an “N/A” option check box.
- In the table, change the list of frequency choices to one choice: “approximately ___ times per year.” Otherwise this section may cause audit problems.

6.2.3

- We suggest rephrasing the question to say, “Does the Lead Agency require background checks?”
- This question should be moved to 6.1.X, since it is about a health and safety requirement rather than monitoring.
- What is the purpose of breaking out the different types of background checks and the frequency of the checks? We feel that it might be better to just have a box for each category of care where TLAs can indicate what is required for each type. Another

option would be to change the “If Yes” answer to say “If yes, are all providers required to have a completed background check?”

- If the table is kept in the Plan Preprint “as is,” we recommend adding "Tribal Background Checks" as an option.
- It is unclear how “self-certification/declaration” is an appropriate option for background checks.
- In the existing table, how would a grantee address background checks for state-licensed providers (since the State, not the Tribe, conducts the background checks and maintains the information on those checks). Child care provided in Head Start classrooms might encounter a similar problem. In these cases, the TLA may not know which system was used to conduct the check.

6.2.4

- It is unclear why this question is phrased as though having enforcement methods is optional. It would be better to rephrase the question to read, “What methods does the Lead Agency use to effectively enforce...”

Section 6.3 - Exemptions for Health and Safety Requirements

- We recommend adding the listing of relatives that can be exempted from requirements to the end of the first sentence of this section (the sentence says that the TLA has the option “to exempt the following relatives...” but the list of eligible relatives is missing).

6.3(a)

- It should be clarified that the relatives listed in this section are the ONLY relatives that can be exempt from health and safety requirements. This is a section in the Plan that is often very confusing to grantees and we often see other relatives being exempted from the requirements.

Appendices

Appendix 2 - Child Count Declaration

- Include guidance or a Reminder that the number stated on this form should correspond to the information provided in questions 1.4.1 and 1.4.2 (provided within the CCDF section of the Plan for 102-477 grantees).
- It is unclear why a line for "Federal Fiscal Year" has been added to this form. There is already a line for the date the document is signed.
- It is confusing to have a separate 102-477 Child Count Declaration form within Appendix 2 of the Plan Preprint (since the Preprint is not designed for 102-477 programs). Consider adding a box to bottom of ‘regular’ Child Count Declaration that says, “Note to 102-477 Grantees that opt to complete the Plan Preprint: Please ensure that you use the Child Count Declaration provided in the annual Program Instruction for 102-477 grantees (NOT this form) to submit your official child count. That Child Count Declaration form contains additional information important to 102-477 programs.”

Appendix 3 – Amendments Log

- We recommend including the full instructions for amending the Plan with the Amendment Log (as it is in the draft State Plan Preprint). However, we wish to point out that the instructions in the State Plan Preprint indicate that the “Lead Agency also should indicate the Effective Date of the amended section in the footer at the bottom of the amended page(s).” This appears to be a new instruction inserted in the 10/1/09 -- 9/30/11 State CCDF Plan Preprint. However, it has been our understanding that the ROs complete the “Amended Effective” date in the footer once the amendment has been approved. This practice seems preferable to having the TLA complete it since OCC must first determine whether the TLA’s proposed effective date is allowable.

Section 2.4. – Public-Private Partnerships

Lead Agencies must describe any activities, including planned activities, to encourage public-private partnerships, which promote private-sector involvement in meeting child care needs. (98.16(d))

2.4.1. Has the Lead Agency developed partnerships with businesses, foundations, and/or philanthropic organizations to help meet the child care needs in the service area?

Yes. If yes, please describe these partnerships:

No, we have not developed relationships with businesses, foundations, and/or philanthropic organizations.

N/A, there are no businesses, foundations, and/or philanthropic organizations operating within or near the service area.

3.4.3. Eligibility Criteria Based Upon Parental Work, Job Training, or Educational Activities

a) Does the Lead Agency provide CCDF-funded child care assistance to parents who are working?
[INSERT APPROPRIATE STATUTORY AND REGULATORY CITATIONS]

No (skip to question 3.4.3(b))

Yes. If yes, how does the Lead Agency define “working” for the purposes of eligibility?

Reminder: Lead Agencies have the flexibility to include any work-related activities in its definition of working, including subsistence activities and periods of job search.

- Working -

b) Does the Lead Agency provide CCDF-funded child care assistance to parents who are attending job training program? (98.16(g)(5), 98.20(b))

Reminder – Lead Agencies have the flexibility to include any training-related activities in its definition of job training, including study time. The definition must include the criteria necessary for an activity to be considered “job training” for the purposes of determining a family’s eligibility. For example: “job training must lead to a skilled trade” or “job training must be approved by the local unemployment office.”

No (skip to question 3.4.3(c))

Yes. If yes, how does the Lead Agency define “job training” for the purposes of eligibility and what are the attendance requirements for parents participating in job training programs?

- Job training --
- Attendance requirements for job training -

c) Does the Lead Agency provide CCDF-funded child care assistance to parents who are attending an educational program? (98.16(g)(5), 98.20(b))

Reminder – Lead Agencies have the flexibility to include any education-related activities in its definition of education, including study time. The definition must include the criteria necessary for a program to be considered an “educational program” for the purposes of determining a family’s eligibility. For example: “program must lead to a high school diploma (or its equivalent)” or “the program must be accredited by the Board of Education.”

No (skip to question 3.4.4)

Yes. If yes, how does the Lead Agency define “educational program” for the purposes of eligibility and what are the attendance requirements for parents participating in educational programs?

- Educational program –
- Attendance requirements for Educational programs -

Do I Need to Conduct My Own Market Rate Survey?

CCDF Tribal Lead Agencies (TLAs) are required to conduct a local market rate survey (MRS) and analyze its results no earlier than two years prior to the effective date of their currently approved CCDF Plan and no later than the July 1 Plan submission deadline.

A TLA may not be subject to the MRS requirement if certain criteria are met. The chart below will help you determine whether or not you may be excused from the MRS requirement:

	Yes	No
1. Are you an Exempt program (annual CCDF grant of less than \$500,000)? <i>If YES, continue to question #2. If NO, skip ahead to question #3.</i>	<input type="checkbox"/>	<input type="checkbox"/>
2. <i>Exempt Programs:</i> Are your CCDF direct services provided in: a. ONLY one or more tribally-operated facilities (child care centers)? b. ONLY unregulated home-based settings such as in-home or family, friend, and neighbor care settings? <i>If you answered YES to either 2a or 2b, you may be exempted from the MRS requirement If you answered NO to 2a and 2b, continue to question #3.</i>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
3. <i>Exempt or Non-Exempt Programs:</i> Have you documented that all child care providers in your service area that would potentially be included in an MRS serve only children receiving CCDF subsidies and that no private-pay families are served by these providers? <i>If YES, you may be excused from the MRS requirement. If NO, you are subject to the MRS requirement.</i>	<input type="checkbox"/>	<input type="checkbox"/>

TLAs that are excused from the MRS requirement are required to submit additional documentation in lieu of an MRS. The details about these exception criteria and the additional documentation required are provided in CCDF-ACF-PI-2009-02, dated January 16, 2009.

A TLA that is not excused from the MRS requirement *may* be able to use the State's MRS results rather than conducting its own survey; however, specific criteria must be met before a Tribe can use the State's MRS results. Answering the following questions may help you determine whether to conduct your own MRS or to use the results of the State's survey:

	Yes	No
1. Does the state include the Tribe's CCDF service area in their MRS?	<input type="checkbox"/>	<input type="checkbox"/>
2. Are any "relevant providers" (providers who could potentially be accessed by tribal CCDF clients) included in the State's survey?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the State's survey results be made public in time for the Tribe to analyze the data for the upcoming Plan submission?	<input type="checkbox"/>	<input type="checkbox"/>
4. Does the State produce its survey results in a manner that is relevant to the tribal CCDF service area?	<input type="checkbox"/>	<input type="checkbox"/>

If you answered "Yes" to **all** of these questions, you are eligible to use the State's MRS results to meet the requirements of your Plan submission. The following steps may help you if you choose to use the State's results:

- Contact the State CCDF Lead Agency for each State your service area includes to request the survey results
- Make sure that you get the State's **survey results**, not just the rates that the State set after it completed the survey
- If you have questions, speak with someone involved in conducting the survey (may be a researcher outside the State agency)

If you use the State's survey results, you must indicate in Section 3.2 of your CCDF Plan which State survey(s) you used and the date(s) of the survey(s).