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Comments regarding Child Care and Development Fund Plan for Tribes for FY 2026-2028 (ACF-118A)

(Office of Management and Budget #0970-0198)

September 3, 2024
Docket number (ACF-2024-14530)

These comments are made by the Inter-Tribal Council of Nevada, Inc., Child Care Development Fund program. The Inter-Tribal Council of Nevada is a consortium of the 28 Tribes in Nevada. Inter-Tribal Council of Nevada, Child Care Development Fund (ITCN CCDF) serves 14 of the 28 Tribes in Nevada. The Inter-Tribal Council of Nevada Inc. appreciates the opportunity to provide these comments to express our needs and share our concerns in Indian Country regarding the FY2026-2028 Child Care and Development Fund Tribal Plan Pre-Print.

The Inter-Tribal Council of Nevada recognizes the efforts of the Office of Child Care and the Department of Health and Human Services to address the unique needs of Tribal communities and families and the programs and organizations serving them and we appreciate the opportunity to share the needs and priorities of our Tribal communities.

We thank you for addressing both the programmatic and systemic challenges within child care programs to build a better system and address the needs of families, providers, and communities. We are heartened by the movements in the right direction.

Our comments focus solely on the proposals and modifications in the Tribal Plan Pre-Print (ACF-118A) and are not exhaustive of the broader improvements we know would benefit Tribal Nations, children, families, and the providers that serve them. Our comments highlight the need for resources to implement any proposed changes to the Plan and for deeper and more meaningful technical assistance to support Tribal efforts.

Part I: For Tribal Lead Agencies with Small, Medium, and Large Allocations

Definition of Service Area

The 2020 Census revealed that 87 percent of individuals who identify as American Indian/Alaska Native (AI/AN) alone or in combination reside outside of tribal statistical areas, with only 13 percent living on reservations or other trust lands. This statistic includes a significant number of AI/AN children. While specific data on the number of AI/AN children served by CCDF, both broadly and within Tribal CCDF programs, is not available, we can reasonably hypothesize based on figures from Head Start. According to a report by the Bipartisan Policy Center, which cites data from the Office of Head Start, only 25,000 of the 44,000 AI/AN children served by Head Start are enrolled in Indian Head Start or Early Head Start programs, representing approximately 56%.

Given the substantial number of children living outside reservations and designated service areas, it is imperative that Tribal governments retain full sovereignty in determining how best to serve their children and families. Therefore, ITCN CCDF recommends the removal of the requirement to define the service area as “within reasonably close geographic proximity to the borders of a Tribe’s reservation...” and “within reasonably close geographic proximity to the area where the Tribe’s population resides.”

Child Count

ITCN CCDF fully acknowledges and respects the sovereignty of Tribes in identifying and determining their child population. We recognize that this section appropriately considers that sovereignty. However, ITCN CCDF calls for greater data transparency regarding these child population numbers. Such transparency is crucial for organizations like ITCN CCDF, which support and advocate for Tribal child care programs, to gain a clearer understanding of the children being served by Tribal child care.

At present, we believe that the Tribal CCDF program is significantly underfunded. However, the lack of access to precise data on the number of children and families being served hinders our ability to effectively illustrate the profound need for increased investment in the Tribal CCDF program.

Optional: Leadership

ITCN CCDF believes there is a lack of understanding Consortia structure and processes. ITCN CCDF would like to emphasize the need for greater understanding from ACF OCC regarding the processes and policies the TLA is required to follow when consulting the Tribes it serves.

CCDF Leadership

ITCN CCDF emphasizes the importance of data transparency for Tribes and Tribal organizations. It is crucial that Tribal government contact information is accessible. This information is key to understanding and sharing where each program is serving its community.

Ensuring that Tribal government contact details are available will significantly enhance our ability to collaborate effectively with other TLAs of Tribal child care programs. Such transparency will also allow ITCN CCDF to better partner with other Tribal Nations in regard to the Federal government, ultimately contributing to the success and visibility of all Tribal child care programs.

Designated Tribal Lead Agency

ITCN CCDF remains committed to advocating for greater data transparency to strengthen support for Tribal child care programs.

Currently, State CCDF program data is publicly available, and ITCN CCDF calls for similar access to Tribal program information. This transparency is crucial for us to better serve Tribal Nations, working alongside the Federal government to support and enhance Tribal child care programs.

Coordination of Services

Given the wide range of responses this question could generate, ITCN CCDF recommends incorporating a checkbox list of services in which Tribes may coordinate. ITCN CCDF recommends the list to include:

- Public health services
- Indian Health Services (IHS) or other direct-service health provider
- Employment services/workforce development
- Temporary Assistance for Needy Families
- Child care licensing
- Head Start and/or Early Head Start
- State Advisory Council on Early Childhood Education and Care
- Afterschool networks, including statewide or community
- Emergency management and response
- Nutrition and/or Child and Adult Care Food Program (CACFP)
- Food pantries or other food sovereignty and access programs
- Housing and homelessness programs
- McKinney-Vento state coordinates for homeless education
- Agencies responsible for Medicaid and state children's health insurance program
- Mental health services
- Child care resource and referral agencies
- Intergenerational programs and/or services
- Language and cultural programs and/or services
- Child welfare
- Family support
- Maternal, Infant, and Early Childhood Home Visiting (MIECHV)
- Social services
- Tribal or public colleges and universities
- Bureau of Indian Affairs (BIA)/workforce development
- Bureau of Indian Education FACE Program
- Public School System
- Include an "other box" for TLAs to respond.

This approach would facilitate easier data collection and provide a clearer understanding of the services Tribes use to support their children and families. ITCN CCDF is also open to retaining the narrative component of the question.

Health and Safety Relative Providers

Relative care within Tribal child care programs plays a vital role in ensuring that our children receive care that is not only safe and nurturing but also deeply rooted in our cultural and familial traditions. While current policies around relative provider exemptions offer certain benefits, they do not fully encompass the diverse and expansive nature of family relationships within Tribal Nations. To better serve our communities, it is essential to reexamine and expand these definitions, allowing for a more culturally responsive approach to caregiving that honors the unique bonds and caregiving roles recognized in our traditions. The flexibility for Tribes to define these terms within their own communities is critical to the lifelong success of our children and our Tribal child care programs.

One of the key issues that has emerged in discussions across the country is the need for a broader understanding of relative care. Tribal Nations have unique customs and traditions related to familial, community, and ancestral connections, and it is evident that current policies do not fully acknowledge the diversity of familial relationships within our Nations. In many communities, and even within individual families, the terms "relative" and "family" often encompass individuals

connected through caregiving roles, generational closeness, or other relationships that extend beyond bloodlines.

Tribes must have the authority to determine who is an eligible provider within their community, including the ability to define a relative caregiver and the nature of their relationship with the child. ITCN CCDF recommends that CCDF regulations be amended to allow Tribes to exercise their sovereignty in this area. Accordingly, the Tribal Plan Pre-Print should include a section where Tribes can define a relative in the context of their community.

Comprehensive Background Check Methods

Comprehensive Background Checks

Conducting comprehensive background checks is an ongoing challenge for all child care programs, and it presents even greater difficulties for Tribal governments and child care programs. Therefore, ITCN CCDF recommends further exploration into methods that ensure the health and safety of our children while also minimizing the burden on Tribal programs and Tribal governments.

Part III: For Tribal Lead Agencies with Medium and Large Allocations Stable Child Care Financial Assistance (Tribal Lead Agencies with Medium and Large Allocations)

Consumer and Provider Education

ITCN CCDF recommends that section 7.3.3 include a list of options that can be selected, along with an open text field for additional input. ITCN CCDF also suggests soliciting input from previous Tribal Plans to help determine a comprehensive list of ways Tribes are currently sharing information with families and providers. A list format is beneficial for several reasons: it allows for easier collection of data trends, and it provides Tribes with new ideas for disseminating information that they may not have considered before. The options may include, but are not limited to:

- Email and/or listservs: Sending information directly to parents and providers via email or subscription-based listservs.
- A website or online portal: Providing updates and resources on a dedicated website or online portal that parents and providers can access.
- Direct mail: Sending printed materials, such as newsletters or notices, directly to families and providers by postal mail.
- In-person or virtual meetings: Organizing meetings, workshops, or information sessions either in-person or virtually to disseminate information.
- Community bulletin boards: Posting information in common areas such as Tribal community centers, health clinics, or local stores.
- Radio announcements: Using local or Tribal radio stations to broadcast important updates and information.
- Social media platforms: Sharing information through Facebook, Instagram, Twitter, or other social media channels popular within the community.
- SMS/text messaging: Sending updates directly to parents' and providers' mobile phones via text messages.
- Home visits: Conducting home visits by Tribal representatives or child care providers to deliver information directly to families.
- Cultural events or gatherings: Distributing information during powwows, community feasts, or other cultural events.
- Television broadcasts: Using local or Tribal TV channels to disseminate important information.
- Partnerships with schools: Collaborating with local schools
- Printed materials in local newspapers or newsletters: Publishing updates in Tribal or community newspapers or newsletters.
- Workshops or training sessions: Offering informational workshops or training

sessions for providers and parents, either in-person or virtually.

- Public service announcements (PSAs): Creating PSAs for various media outlets that reach the community.

Triennial Child Count Declarations

ITCN CCDF advocates for the sovereignty of Tribes in determining their child population, as referenced in section 1.3. However, ITCN CCDF calls for data transparency regarding the populations being served. Access to precise data is crucial for organizations like ITCN CCDF to effectively support and advocate for the Tribal communities in which we serve. Without this transparency, our ability to illustrate the need for increased investment in the Tribal CCDF program is significantly hindered.

Call for Data Transparency

There is a significant need for comprehensive information about Tribal CCDF programs. Access to this data is essential for effectively telling the story of Tribal child care and advocating for the needs of our communities. Although this data has been collected for many years through the Tribal Plan Preprints and the ACF-700, it remains largely inaccessible.

Specifically, it is imperative that the following data be made accessible:

- What is the total number of children proposed to be served through CCDF (based on the submitted child counts)? (Tribal Plan Pre-Print)
- What is the directory for the Tribal Administrators? This is available for State Administrators. (Tribal Plan Pre-Print)
- What is the distribution of categories of care across Tribal CCDF? (Tribal Plan Pre-Print)
- What is the distribution of services that Tribal CCDF coordinates with? (Tribal Plan Pre-Print)
- What is the distribution of Tribes that utilize Relative Care and Relative Care only? (Tribal Plan Pre-Print)
- What is the distribution of Tribes that utilize Tribal health and safety standards, State health and safety standards, or both for each category of care (center-based, family child care, in-home care, and relative care, if applicable)? (Tribal Plan Pre-Print)
- What is the distribution of monitoring systems – Tribal, state, or combination – across each category of care (center-based, family child care, in-home care, and relative care, if applicable)? (Tribal Plan Pre-Print)
- What is the distribution of provider qualifications across Tribal Nations and across categories of care (center-based, family child care, in-home care, and relative care, if applicable)? (Tribal Plan Pre-Print)
- What is the distribution of methods of conducting comprehensive background checks across each category of care (center-based, family child care, in-home care, and relative care, if applicable)? (Tribal Plan Pre-Print)
- What is the distribution of timeliness in returning background check results? (Tribal Plan Pre-Print)
- What is the distribution of quality improvement activities proposed by Tribes? (Tribal Plan Pre-Print)
- What is the distribution of the basis for determining eligibility? (Tribal Plan Pre-Print)
- What is the distribution of reducing barriers to family enrollment and redetermination? (Tribal Plan Pre-Print)
- What is the distribution for defining children with special needs? (Tribal Plan Pre-Print)
- What is the distribution of how Tribes improve access to child care for children and families experiencing homelessness? (Tribal Plan Pre-Print)

- What is the distribution of funding mechanisms for direct services – certificates, grants or contracts with providers, or Tribally operated centers? (Tribal Plan Pre-Print)
- What is the range for payment rates based on category of care (center-based, family child care, in-home care)? (Tribal Plan Pre-Print)

Access to this critical information would empower us to advocate more effectively for the resources necessary to support our children, families, and communities. Without it, we are unable to provide a comprehensive assessment of how CCDF is functioning within our communities. ITCN CCDF recommends that this data be made available to our organization, as well as to other organizations committed to advancing Tribal child care.

Conclusion

Thank you for the opportunity to share our feedback on the FY 2026-2028 Tribal Plan Pre-Print (ACF-118A). We are heartened by the solicitation of information. To be sure, regularly examining and adjusting course to meet the ever-evolving needs of Tribal communities will be critical for successfully growing child care services throughout Indian Country and encourage ACF and our legislative branches to continue to pursue opportunities for working with Tribal governments through child care and early learning.

Sincerely,



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