



COMMENTS REGARDING PROPOSED INFORMATION COLLECTION ACTIVITY: CHILD CARE AND DEVELOPMENT FUND PLAN FOR TRIBES FOR FY 2026-2028 (ACF-118A)

(Office of Management and Budget #0970-0198)

September 3, 2024

The National Indian Child Care Association (NICCA) respectfully submits these comments as the sole representative organization for American Indian and Alaska Native communities, serving over 260 Tribal CCDF grantees nationwide that support Tribal children and families. NICCA appreciates the opportunity to provide feedback and to articulate the specific needs and concerns of Indian Country regarding early childhood education.

NICCA acknowledges and commends the efforts of the Administration for Children and Families and the Office of Child Care in recognizing the unique needs of Tribal communities, families, and the programs that serve them. We are pleased to see the responsiveness to these needs through the development of improved solutions for Tribal child care programs. We value the opportunity to represent the priorities of our Tribal communities. In preparing these comments, NICCA actively sought input from Tribal CCDF programs, ensuring that our response accurately reflects the concerns and challenges faced by our communities.

We are grateful for the opportunity to share our insights and feedback on the proposed revisions to the Tribal Plan Pre-Print. Our goal is to contribute to the creation of more comprehensive systems that effectively address the needs of families, providers, and communities. We are encouraged by the positive strides being made to reduce the burden on Tribal programs in meeting programmatic requirements. Our comments emphasize the benefits of a more streamlined Tribal Plan Pre-Print and advocate for the need to grant Tribal Nations and Tribal organizations access to data about our children and families derived from these Plans. Our comments are structured in alignment with the proposed format of the Tribal Plan Pre-Print.

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

1. CCDF Program Administration

1.1. Definition of Indian Child

No suggested changes at this time.

1.2. 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.¹ 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%.²

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, **NICCA 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.”**

1.3. Child Count

NICCA fully acknowledges and respects the sovereignty of Tribes in identifying and determining their child population. We recognize that this section appropriately considers sovereignty. However, **NICCA requests that aggregate child count data be made available.** This data is crucial for organizations like NICCA, which support and advocate for Tribal child care programs, to gain a clearer understanding of the children being served.

At present, we believe that the Tribal CCDF program is significantly underfunded. However, without knowing the exact number of children served by CCDF, our ability to effectively illustrate the profound need for increased investment in the program is significantly hampered.

¹ American Indian and Alaska Native Health. U.S. Department of Health and Human Services Office of Minority Health: Washington, DC. Accessed at: <https://minorityhealth.hhs.gov/american-indianalaska-native-health>.

² Data and Funding Gaps in Tribal Early Care and Education. (2021). Bipartisan Policy Center: Washington, DC. Accessed at: <https://bipartisanpolicy.org/download/?file=/wp-content/uploads/2021/04/Data-and-Funding-Gaps-in-Tribal-Early-Care-and-Education.pdf>.

1.4. Optional: Telling the Tribal Story

NICCA commends the Office of Child Care for including this optional question, recognizing the potential value of sharing these stories broadly and appropriately. Such narratives can play a crucial role in ensuring that Tribal child care programs receive the necessary resources—both fiscal and technical—to thrive. However, historically, Tribal CCDF plans have not been made public, and the Administration for Children and Families (ACF) has released very limited information about AI/AN programs and the children who benefit from them.

Given this precedent, NICCA is concerned that the valuable information shared by Tribes may not reach a wider audience or be utilized effectively to tell their story. While the inclusion of this question as optional is appreciated, many Tribes may wish to share their stories but may hesitate due to the burden of crafting these narratives without assurance that they will be disseminated and appreciated.

It is NICCA's hope that these stories are shared with other Tribes, legislators, states, and advocates, ensuring that they are both heard and utilized to highlight the importance and impact of Tribal child care programs.

1.5. CCDF Leadership

As a key partner to the Office of Child Care, and as a Native-operated and Tribally-supported organization providing technical assistance and serving as the voice for Tribes and their Tribal child care programs, it is important that Tribal government contact information is made available among Tribal Nations and NICCA, as a Native-led voice for CCDF. 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 and to support the Tribal leaders of Tribal child care programs. Such information will also allow NICCA to better support Tribal Nations in partnership with the Federal government, ultimately contributing to the success and visibility of Tribal child care programs.

1.6. Designated Tribal Lead Agency

As a key partner in providing this support, Tribal Administrator contact information for the Tribal programs we serve must be readily among Tribal Nations, themselves, and NICCA, the Tribally led CCDF voice.

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

1.7. Administration through Contracts or Agreements

No suggested changes at this time.

1.8. Consultation in the Development of the Tribal CCDF Plan

No suggested changes at this time.

1.9. Categories of Care

No suggested changes at this time.

1.10. Coordination of Services

Given the wide range of responses this question could generate, **NICCA recommends incorporating a checkbox list of services in which Tribes may coordinate. NICCA recommends the list to include (bolded are added and/or modified from the proposed list):**

- 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 colleges and universities**
- **Bureau of Indian Affairs (BIA)/workforce development**
- **Bureau of Indian Education FACE Program**
- **Public School System**
- **National Tribal organizations, e.g. the National Indian Child Care Association the National Indian Head Start Directors Association, or the National Indian Child Welfare Association**



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

1.11. Program Integrity and Accountability

No suggested changes at this time.

1.12. Disaster Preparedness and Response Plan

No suggested changes at this time.

2. Health and Safety

2.1. 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. **NICCA 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.**

2.2. Overview of Health and Safety Standards

No suggested changes at this time.

2.3. Overview of Monitoring Systems

No suggested changes at this time.

2.4. Health and Safety Standards and Training

No suggested changes at this time.

2.5. Ongoing Training

No suggested changes at this time.

2.6. Child/Staff Ratios and Group Sizes

No suggested changes at this time.

2.7. Provider Qualifications

No suggested changes at this time.

2.8. Monitoring and Enforcement

No suggested changes at this time.

2.9. Monitoring Inspectors

No suggested changes at this time.

2.10. 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, NICCA 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.

2.11. Comprehensive Background Check Methods

See 2.10 Comprehensive Background Checks.

2.12. Household Members in Family Child Care

No suggested changes at this time.

2.13. Disqualifying Crimes for Employment Eligibility

No suggested changes at this time.

2.14. Fees

No suggested changes at this time.

2.15. Timeliness in Returning the Results

No suggested changes at this time.

2.16. Provisional Employment

No suggested changes at this time.

2.17. Privacy of Comprehensive Background Checks

No suggested changes at this time.

2.18. Appeals for Child Care Staff

No suggested changes at this time.

3. Quality Improvement

3.1. Quality Activities Needs Assessment Methodology

No suggested changes at this time.

3.2. Quality Improvement Goals and Activities

No suggested changes at this time.

Part II: For Tribal Lead Agencies with Small Allocations Only

4. Direct Services (Tribal Lead Agencies with Small Allocations)

4.1. Direct Services

No suggested changes at this time.

4.2. Direct Child Care Methods

No suggested changes at this time.

4.3. Application for Services and Eligibility Criteria

No suggested changes at this time.

4.4. Payment Rates

No suggested changes at this time.

Part III: For Tribal Lead Agencies with Medium and Large Allocations

5. Stable Child Care Financial Assistance (Tribal Lead Agencies with Medium and Large Allocations)

5.1. Basis for Determining Eligibility

No suggested changes at this time.

5.2. Eligible Children and Families

NICCA recommends that section 5.2 be responsive to the answer provided in section 5.1. Specifically, if a Tribe has elected to participate in categorical eligibility, section 5.2.1 is relevant, but the remainder of the section is no longer.

5.3. Application and Eligibility Determination/Redetermination Process

NICCA recommends that section 5.3.1 be modified to account for Tribes that have elected to participate in categorical eligibility, eliminating any documentation that may not be required under this circumstance.

5.4. Improving Access for Vulnerable Children and Families

No suggested changes at this time.



5.5. Family Contribution to Payments

No suggested changes at this time.

6. Equal Access to Quality Child Care (Tribal Lead Agencies with Medium and Large Allocations)

6.1. Description of Direct Child Care Services

No suggested changes at this time.

6.2. Establishing Adequate Payment Rates

No suggested changes at this time.

7. Family Outreach and Consumer Education (Tribal Lead Agencies with Medium and Large Allocations)

7.1. Consumer Statement

No suggested changes at this time.

7.2. Information on Developmental Screenings

No suggested changes at this time.

7.3. Consumer and Provider Education

NICCA recommends that section 7.3.3 include a list of options that can be selected, along with an open text field for additional input. NICCA 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 and churches: Collaborating with local schools, churches, or faith-based organizations to share information with parents and providers.
- 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.

7.4. Consumer Education Accessibility

No suggested changes at this time.

7.5. Information on Monitoring and Enforcement

No suggested changes at this time.

7.6. Parental Complaint Process

No suggested changes at this time.

Appendices

8. Triennial Child Count Declarations

NICCA advocates for the sovereignty of Tribes in determining their child population and supports Tribe's authority to conduct their own child counts, as referenced in section 1.3. However, **NICCA requests that aggregate child count data be made available.** Access to

precise data is crucial for organizations like NICCA to effectively support and advocate for Tribal child care programs. Without this information, our ability to illustrate the need for increased investment in the Tribal CCDF program is significantly hindered.

9. Tribal Early Learning Initiative (TELI)

NICCA commends the inclusion of this optional section in the plan which enables Tribes to access additional support in creating a comprehensive system of care and learning. NICCA further advocates for dedicated funding to support systems building through the Tribal Early Learning Initiative (TELI).

Data and Information on Tribal Child Care

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 accessible³:

- 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)

³ These data points are available from the Tribal Plan Pre-Print and the ACF-700. The data questions listed are developed from the new proposed Tribal Plan Pre-Print, though it is expected that the same data questions are answerable with past Tribal Plans. The new Tribal Plan Pre-Print (in its draft form) indicates that a large portion of these questions will be easily obtained and answered.

- 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 Tribes with small allocations providing direct child care services? What is the distribution of those services? What is the distribution of how the Tribe provides direct services? (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)
- What Tribes participate in the Tribal Early Learning Initiative? What are the distributions of collaboration partners and use of quality funds? (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. **NICCA recommends that this data be made available to our organization, as well as to other organizations committed to advancing Tribal child care.**

Conclusion

NICCA appreciates the opportunity to provide these comments on the Tribal Plan Pre-Print. We commend the ongoing efforts to recognize and address the unique needs of Tribal communities in early childhood education and care.

In our comments, we emphasized the critical importance of accessing essential information about Tribal CCDF programs to enable NICCA and similar organizations to better support and represent our communities. We also highlighted the need for flexibility in defining service areas and relative care providers, ensuring that Tribal sovereignty is respected in these determinations. Furthermore, we called for dedicated funding to support systems building through initiatives like TELI and urged the inclusion of practical tools, such as increased use of checklists throughout the Tribal Plan to streamline data collection and usability.

We appreciate the Administration's commitment to engaging with Tribal Nations and look forward to continued collaboration in creating a robust system that serves the best interests of our children, families, and communities.



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