

<h1>ACF</h1>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES	
Administration for Children and Families	<b>1. Log No:</b> CCDF-ACF-PI-2018-02	<b>2. Issuance Date:</b> June 21, 2018
	<b>3. Originating Office:</b> Office of Child Care (OCC)	
	<b>4. Key Words:</b> Child Care and Development Fund (CCDF) Plan Preprint, ACF-118	

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

**Subject:** This Program Instruction (PI) transmits the revised state/territory Plan Preprint (ACF-118) for the Child Care and Development Fund (CCDF) program for the Fiscal Year 2019-2021 triennium, and provides guidance for submitting the Plan. This Plan is required by section 658E of the CCDBG Act.

**References:** The Child Care and Development Block Grant (CCDBG) Act (42 U.S.C. § 9857 *et seq.*), as amended by the CCDBG Act of 2014 (Pub. L. 113-186); section 418 of the Social Security Act (42 U.S.C. § 618); 45 CFR Parts 98 and 99.

**Purpose:** The CCDF Plan serves as the Lead Agency’s application for CCDF funds by providing a description of how the program will be administered in accordance with CCDF rules and regulation to provide high-quality child care services to eligible families.

The CCDF Plan also presents an opportunity for states and territories to demonstrate the activities and services they are providing to meet the needs of low-income children and families. The Administration for Children and Families (ACF) makes Plans publicly available to many users including members of Congress, Congressional committees, State and local child care administrators, advocacy groups, researchers, and the general public.

**Guidance:** As indicated in the Preamble to the CCDF Final Rule (81 FR, p. 67443-4), states and territories must demonstrate compliance with all requirements of the Final Rule no later than October 1, 2018 (the effective date of the FY2019-2021 CCDF Plan). The only exception is background check requirements, for which states and territories may request time-limited waiver extensions as long as certain milestones are fully implemented by September 30, 2018 as demonstrated in the FY2019-2021 CCDF Plan. As such, the FY 2019-2021

Plan Preprint requirements, would be fully implemented no later than October 1, 2018.

ACF recognizes that Lead Agencies may still be making decisions and have pending actions about how they will implement some requirements, and we have included language in the introduction to the Preprint to support Lead Agency's ability to accurately respond in these situations throughout the document. To facilitate responses in these areas, Lead Agencies should use associated "Describe" boxes to provide up-to-date information on the status for these requirements at the time of Plan submission.

In the description of the CCDF requirements, ACF requests that the Lead Agency specify what components are implemented and identify what components are still pending. For pending components, Lead Agencies should list major pending actions (passage of legislation, approval of administrative rules, etc.) needed to complete implementation and expected completion date. These descriptions can be updated prior to Plan approval as appropriate, or amended pursuant to the requirements at 98.18(b) after the Plan becomes effective on October 1, 2018.

Please note that all requirements not fully implemented by the Final Rule deadline are subject to compliance actions, such as corrective action plans and/or penalties in accordance with CCDF regulations.

#### Background Check Extension

In recognition of the significant challenges to implementing the Child Care and Development Fund (CCDF) background check requirements, all states and territories applied for and received extensions through September 30, 2018. The Office of Child Care (OCC), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS) is committed to granting additional waivers of up to 2 years, in one year increments (i.e., potentially through September 30, 2020) if significant milestones for background check requirements are met.

In order to receive these time-limited waivers, states and territories will demonstrate that the milestones are met by responding to questions 5.4.1 through 5.4.8 and then apply for the time-limited waiver by completing the questions in Appendix A. By September 30, 2018, states and territories must have requirements, policies and procedures for the four specific background check components listed below, and must be conducting those checks for all new (prospective) child care staff, in accordance with 98.43 and 98.16(o):

- The national FBI fingerprint check; and,
- The three in-state background check provisions for the current state of residency:
  - State criminal registry or repository using fingerprints;
  - State sex offender registry or repository check; and,

- State-based child abuse and neglect registry and database.

All four components are required in order for the milestone to be considered met.

#### *Citations*

ACF recognizes that Lead Agencies use different mechanisms to establish policies, such as state statutes, regulations, administrative rules, policy manuals and policy issuances. When asked to provide a citation in the CCDF Plan, Lead Agencies should list the citation(s) for the policy that clearly identifies and establishes the requirement and that allows the Lead Agency to enforce the requirement. Lead Agencies may list multiple sources as needed to cover all types of providers receiving CCDF (e.g., policies for licensed providers may be established in licensing regulations and policies for license-exempt providers may be in subsidy rules).

#### *Lead Agency Responsibilities*

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

#### **Submission Deadline and Effective Date:**

The state and territory deadline for the submission of the Plan was extended from July 1, 2018 to August 31, 2018. We expect the site to be available to accept FY2019-2021 CCDF Plan submissions (Go Live!) on August 17, 2018. OCC will issue additional guidance when the site is ready. Plans will be effective from October 1, 2018, through September 30, 2021.

#### **Plan Submission Process:**

States and territories will submit their Plans electronically through the ACF-118 electronic submission site by the August 31, 2018 deadline. The state and territory CCDF Plan Preprint (ACF -118) is included as Attachment A for reference purposes only. Lead Agencies will continue to use the online submission tool via the web to submit the Plan to ACF. Please note that the format of the questions on the ACF-118 site are modified from the Word version of the document to ensure compliance with Section 508 policies regarding accessibility to electronic and information technology for individuals with disabilities. (See <http://www.section508.gov/> for more information.)

In responding to questions, states and territories are asked to provide brief, specific summaries and/or bullet points with specific language that responds

only to the question. Do not use tables or copy and paste charts, add attachments, or paste manuals into the Plan.

**Plan  
Amendments:**

Once the Plan is approved, any substantial change to the CCDF program during the Plan period requires an amendment to the approved Plan per 45 CFR 98.18(b) of CCDF regulations. Lead Agencies should submit the amendment within 60 days of the effective date of the change. ACF will make determinations on amendments no later than 90 days following the date on which the amendment is received, unless a written agreement to extend that period has been secured.


Substantial changes include, but are not limited to, any changes that affect CCDF administration and policies such as policy changes to program eligibility (e.g., changes in income eligibility levels), payment rates, sliding fee scales, changes in responsible agency/entity who is administering CCDF activity (e.g., change in agency who oversees quality funds), change in CCDF Lead Agency, change in subsidy or quality activities that affects parents and/or providers access to the program (e.g., adding a new professional development initiative or changing the subsidy application process), and changes to the Lead Agency consumer education website address.

Lead Agencies are not required to submit Plan Amendments for basic “edits” or revisions to Plan questions that do not constitute a CCDF program change. Whenever you are unsure if you are making a substantial change, please consult your Regional Office.

For FY2019-2021 CCDF Plans, Lead Agencies are reminded that Plan Amendments can be submitted as decisions are finalized on how to use the increased funding from the Consolidated Appropriations Act of 2018. OCC recognizes that Lead Agencies have up until September 30, 2019 to obligate these funds and does not expect all decisions to be finalized at the time of Plan submission. Lead Agencies are encouraged to describe in the Plan Amendment through available options if the amended activity is being supported by the increased funding.

**Questions:**

Please direct inquiries to the Child Care Program Manager in your ACF Regional Office.



Shannon Christian  
Director  
Office of Child Care

**Attachment**