



ADMINISTRATION FOR  
**CHILDREN & FAMILIES**  
Office of Child Care



## Tip Sheet for Tribes: Using CCDF Amendments and Waiver Flexibilities to Meet the Child Care Needs as a Result of COVID-19

Tribal Lead Agencies have broad flexibility to operate the Child Care and Development Fund (CCDF) program and have a number of flexibilities within federal statute and regulation to adapt policies in order to maintain continuity of services for families affected by this Coronavirus Disease 2019 (COVID-19) pandemic. Tribal Lead Agencies also have emergency preparedness plans as required by CCDF regulations that contain guidelines for the continuation of child care subsidies and child care services in disasters and emergencies. Finally, the Coronavirus Aid, Relief, and Economic Security Act or the “CARES Act” passed into law on March 27, 2020 provides additional flexibility.

This tip sheet is intended to assist Tribal Lead Agencies in understanding what flexibility is available to them, and how to use it to continue child care services. It contains the following sections:

- [Section 1](#) – Questions to consider when determining where flexibility is needed,
- [Section 2](#) – Examples of When to Use Amendments Only or Waivers with Amendments, and
- [Section 3](#) – Tips and Examples for Requesting Temporary Waivers.

### Section 1: Questions to Consider when Determining Where Flexibility is Needed

When seeking flexibility, the following four questions are important to consider.

#### 1) What are the needs in the Tribal CCDF service area, reservation, or community?

Tribal Lead Agencies can first begin by asking, what are the most important issues facing their Tribal communities?

- Do our communities have essential personnel like health care workers, grocery store staff, and emergency workers who need child care to continue to work?
- Do our communities have families losing their jobs?
- Do our communities have families that can no longer afford their co-payments?
- Are we trying to address the shrinking number of providers?
- Are we concerned that our Tribally Operated Center staff would leave and not return?
- Are we concerned that providers, when closed, will leave the field and not return or lose staff resulting in increased training needs when reopening?
- Are we facing shortages in child care staff or providers due to program closures?
- Are we considering where closures are occurring to better address needs and target resources appropriately?
- How do we enlist temporary or emergency providers, including Tribally Operated Centers, Family Child Care providers or In-home care providers?

- How will we transition back to normal program operations when the crisis ends?
- Do child care staff have the resources they need to care for children, such as thermometers and disposable thermometer covers, gloves for diapering, cleaning supplies, etc.?
- What avenues do we have for distributing funds quickly to impacted areas or providers? Can our procurement process be streamlined?
- Do we have systems in place to continue to prevent fraud when policies are changed during a crisis?

**2) What types of flexibilities do Tribal Lead Agencies have without requesting an amendment or a waiver?**

- Tribal Lead Agencies can expand their partnerships, or the focus of their existing partnerships, to meet the identified needs for child care.
- Tribal Lead Agencies can choose to enhance the referral services they are providing to families, especially to the families of essential workers who are looking for available child care.
- Tribal Lead Agencies can develop emergency, temporary, or simplified approval, certification, and/or Tribal licensing processes.
- Tribal Lead Agencies can promote care in a child's home or approved provider's home.
- Tribal Lead Agencies can expand funding to move part-day school-age programs to full-day school-age programs.
- Tribal Lead Agencies can streamline procedures to determine eligibility.

**3) What flexibility in the FY 2020-2022 Tribal CCDF plan would help to address the needs identified?**

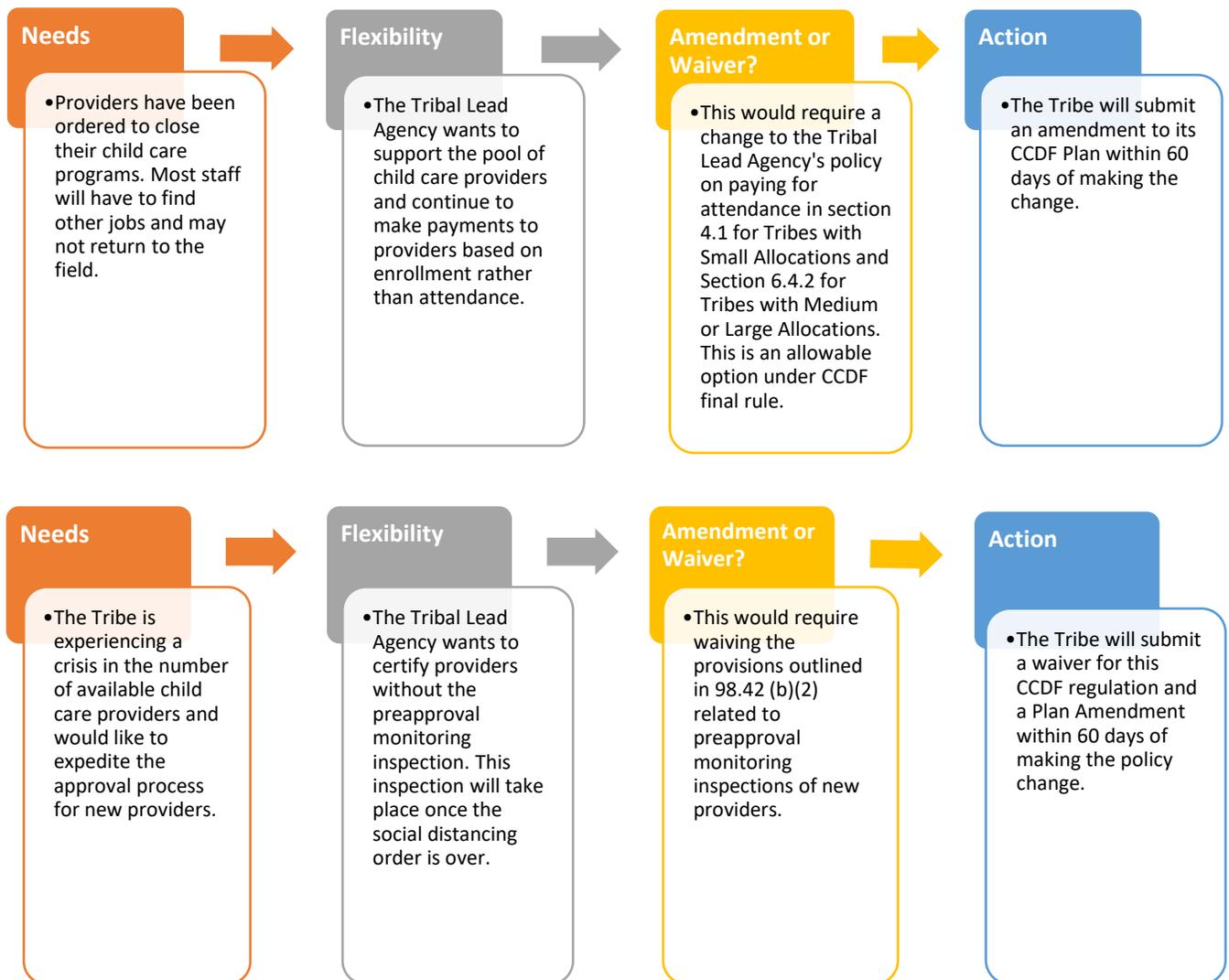
- Does our Tribal Lead Agency want to change our definition of income?
- Does our Tribal Lead Agency want to waive co-payments for some or all families?
- Does our Tribal Lead Agency want to use CCDF quality dollars to support impacted families or providers?
- Does our Tribal Lead Agency want to change payment practices for providers?
- Does our Tribal Lead Agency want to continue paying providers who are closed?
- Does our Tribal Lead Agency want to limit child care services to serving essential workers?
- Can our eligibility and payment practices be improved to streamline access to care, payment to providers, and reductions in provider paperwork?
- Does our Tribal Lead Agency want to waive certain health and safety practices?
- Does our Tribal Lead Agency want to serve families making above 85 percent State Median Income (SMI)?
- Can our Tribal Lead Agency conduct monitoring virtually?

**4) Does the Tribal Lead Agency only need an amendment, or does it need to request a waiver to implement the CCDF program change(s)? What is the difference?**

- Plan Amendment: Is the program change already possible under CCDF? CCDF provides existing flexibility to make policy and program changes through a Plan Amendment only, as long as the change falls within current CCDF requirements.

- Waiver: Is the program change something that would not meet the current CCDF requirements? In situations where the proposed change would not meet CCDF requirements, Tribal Lead Agencies can request a temporary waiver of the CCDF requirement when there are extraordinary circumstances, like the COVID-19 virus. In most cases, an approved waiver request will also require a Plan Amendment, which can be submitted up to 60 days following approval of the change.

Below are two examples of how Tribal Lead Agencies might think through this process:



## Section 2: Examples of When to Use Amendments Only or Waivers with Amendments

The following table shows examples of changes that can be made with a CCDF Plan Amendment and do not need a waiver request. These examples include those changes as covered by the Coronavirus Aid, Relief, and Economic Security Act or the “CARES Act” passed into law on March 27, 2020.

Provision	Reason for Action	Element of Tribal CCDF Plan Section to Amend
<b>Section 2: Establish Standards and Monitoring Processes to Ensure the Health and Safety of Child Care Settings</b>		
Adjust adult to child ratios or group size	<p>A Tribal Lead Agency might decrease adult to child ratios or group size to encourage smaller groups in a child care setting.</p> <p>A Tribal Lead Agency has the flexibility to, for example, allow the addition of a school-age child to a family home provider already caring for younger siblings.</p>	2.1.4(a)
Shift health and safety training requirements from required prior to employment (pre-service) to required within three months (orientation)	<p>CCDF requires initial training requirements to be met either pre-service (prior to employment) or within three months of employment (orientation).</p> <p>Therefore, as long as the Tribal Lead Agency shifts training requirements from pre-service (prior to employment) to a period within three months of employment (orientation), a waiver would not be needed.</p>	2.1.5(a)(2)
Adjust annual inspections requirements	<p>OCC recognizes that Tribes may not have the capacity to conduct all scheduled inspections for existing facilities. Tribal Lead Agencies can alter or postpone their annual inspection schedule for existing facilities during the tribal, state or federal-declared emergency period without a waiver. Tribes can postpone their provider certification requirements without a waiver. As a reminder, Tribal Lead Agencies can propose an alternative monitoring approach as long as it is comprehensive and protects the health and safety of children in care.</p>	2.2.1 2.2.1 (c)
Provider/Staff employment eligibility decisions without all background check components completed	<p>A Tribal Lead Agency has the flexibility to submit an alternative approach to each of the background check requirements.</p>	2.3

Provision	Reason for Action	Element of Tribal CCDF Plan Section to Amend
<b>Section 3: Supporting Continuous Quality Improvement</b>		
Use quality dollars to support impacted providers	<p>Tribal Lead Agencies may use quality improvement dollars to provide retention or supply-building grants or contracts to providers for equipment, supplies (including cleaning supplies or deep cleaning services), establishing virtual professional development opportunities and staffing, or other costs. Tribal Lead Agencies may use this flexibility to target support to providers that experience a disruption in subsidy receipt due to an emergency. Providers are eligible for support, even if the families served do not receive CCDF subsidies.</p> <p>“CARES Act” funds shall be available to eligible child care providers for the purposes of cleaning and sanitation, and other activities necessary to maintain or resume the operation of programs through and after the coronavirus emergency, even if such providers were not receiving CCDF assistance prior to the public health emergency.</p> <p>The quality spending requirements, as well as requirements to spend a substantial portion on direct services, do not apply to the supplemental appropriation provided by the Coronavirus Aid, Relief, and Economic Security Act or the “CARES Act.”</p>	3.1.2
<b>Section 4: Direct Services – Tribes with Small Allocations Only Who Provide Direct Services</b>		
Switching to providing non-direct services only	Tribal Lead Agencies with small allocations have the option to not provide direct services. Many Tribes with small allocations that operate tribally operated centers have chosen to shut their doors during the crisis. A Tribe in this situation could choose to provide non-direct services only, such as purchasing personal protective equipment for child care facilities that remain open.	4.1
Tribes with small allocations that want to change their provider types, eligibility criteria, payment rates, sliding fee scales, etc.	Tribal Lead Agencies with small allocations who offer direct services have the flexibility to change their direct service options; however, current practices must be reflected in their plan.	4.1(a)-(f)

Provision	Reason for Action	Element of Tribal CCDF Plan Section to Amend
<b>Section 5: Provide Stable Child Care Financial Assistance to Families</b>		
<p>Raise the income eligibility limits or redefine what the Tribal Lead Agency counts as income</p>	<p>Tribal Lead Agencies have the flexibility to define income and to set the income limit or purposes of CCDF eligibility. Tribal Lead Agencies could raise the income eligibility limits and/or change what counts as income. For example, the Tribal Lead Agency could exclude disaster relief or other forms of temporary assistance from counting as income.</p> <p>CARES Act funds can be used for subsidies for health care, emergency, or other essential workers <i>without regard to income eligibility requirements</i>.</p>	<p>5.1.5(a)(b)</p>
<p>Broaden the definition of protective services</p>	<p>In emergency situations, Tribal Lead Agencies have the option of deeming tribal children affected by a tribal, state, or federal declared emergency (such as children of health care, essential, and emergency workers) to be in need of protective services, and therefore, the eligibility requirements (such as income threshold, work or training requirement) could be waived on a case-by-case basis.</p> <p>CARES Act funds can be used to provide child care assistance to health care sector employees, emergency responders, sanitation workers, and other workers deemed essential during the response to the coronavirus, <i>without regard to the income eligibility requirements</i>.</p>	<p>5.1.4(a)(1)</p>
<p>Add additional priority rules</p>	<p>As long as income is below 85 percent of SMI, a parent is engaged in an eligible activity as defined by the Tribal Lead Agency, and the child is under age 13, and meets the definition of Indian Child, Tribal Lead Agencies can add additional eligibility conditions or develop priority rules. (For example, prioritizing the children of health care sector employees, emergency responders, sanitation workers, and other essential workers.)</p> <p>CARES Act funding can be used for subsidies for health care, emergency, or other essential workers <i>without regard to income eligibility requirements or Indian Child status</i>.</p>	<p>5.1.6(a)(b)</p>
<p>Allow for different eligibility conditions in different parts of the jurisdiction</p>	<p>Tribal Lead Agencies have the flexibility to determine different eligibility criteria within specific parts of their service area. This can allow resources to be targeted to areas most affected by a tribal, state, or federal declared emergency.</p>	<p>5.1.6(a)(b)</p>

Provision	Reason for Action	Element of Tribal CCDF Plan Section to Amend
Adjust application procedures to allow for quicker approval of child care for siblings	A Tribal Lead Agency has the flexibility to, for example, allow the addition of a school-age child under the age of 13 to a family home provider already caring for their younger siblings via a streamlined process.	5.2
Lengthen eligibility determination periods	Tribal Lead Agencies may lengthen the minimum 12-month eligibility period to a longer period and Tribal Lead Agencies may also lengthen the minimum 3-month period of continued assistance (job search) to a longer period.	5.2.5
Reduce co-payments	Tribal Lead Agencies may revise their sliding fee schedule to reduce co-pays for some or all families.	5.4.1(a)
Waive co-payment requirements	As long as co-payments are not waived for all CCDF-eligible families, Tribal Lead Agencies have the option to waive family co-payment requirements for a sub-population of families that meet criteria established by the Tribal Lead Agency. This may include families directly impacted by tribal, state, or federal declared emergency situations. For example, if “families affected by COVID-19” is a subset of the CCDF recipient population (e.g., essential workers only), then a waiver is NOT required. If “families affected by COVID-19” means all families in the CCDF recipient population, then a waiver would be required.	5.4.1(g)
<b>Section 6: Ensure Equal Access to High Quality Child Care Assistance for Low-income Children</b>		
Fund slots through grants and contracts	To build the supply of child care providers, Tribal Lead Agencies may consider funding subsidy slots through grants or contracts rather than certificates or vouchers. For example, Tribal Lead Agencies may establish contracts with providers to care for children of health care, emergency, or other essential workers, or Tribal Lead Agencies may establish contracts with hospitals to provide on-site child care for staff.	6.1.1(c)
Pay hazard pay to providers that remain open during the COVID-19 crisis to the essential workforce	Tribal Lead Agencies can provide hazard pay to providers that remain open during COVID-19. We encourage Tribal Lead Agencies to take steps to assure that the hazard pay reaches staff actually providing care for those providers. Tribal Lead Agencies should ensure that payment practices for each type of provider reflect generally accepted payment practices in order to ensure that families have access to a range of child care options. Tribal Lead Agencies may consider additional policies that are fair to providers and promote the financial stability of providers in response to COVID-19.	6.3.5

Provision	Reason for Action	Element of Tribal CCDF Plan Section to Amend
<p>Pay based on enrollment rather than attendance, increase the number of absence days allowed, and paying two providers with CARES Act funds</p>	<p>Tribal Lead Agencies have the flexibility to pay based on child enrollment rather than pay based on attendance, or they may amend their absence day policies to be more generous.</p> <p>CARES Act funds can be used for continued payments and assistance to child care providers in the case of decreased enrollment or closures, which may include paying for two providers. Tribes are encouraged to place conditions on payments to child care providers that ensure that child care providers use a portion of funds received to continue to pay the salaries and wages of staff.</p> <p>Note – If Tribal Lead Agencies plan to pay for two providers using regular CCDF funds, a waiver would be required as CCDF does not allow two providers to receive two payments for the same child care for the same services/time period.</p>	<p>6.4.2</p>
<p><b>Section 7: Promote Family Engagement through Outreach and Consumer Education</b></p>		
<p>Allow for parents to submit complaints electronically due to Tribal offices being closed and social distancing requirements</p>	<p>Tribal Lead Agencies have the flexibility to determine how parents submit complaints. For example, Tribal Lead Agencies may allow complaints to be submitted electronically rather than in person.</p>	<p>7.1.1</p>

**Source:** Office of Child Care, Administration for Children and Families, U.S. Department of Health and Human Services. (2019). Fiscal year 2020-2022 CCDF plan and plan preprint for Tribes. Retrieved from: <https://www.acf.hhs.gov/occ/resource/ccdf-acf-pi-2019-03>

The following table shows examples of changes that would need a waiver request and subsequent Plan Amendment.

Provision	Reason for Action	Waive what Section of Rule or Law?	Corresponding Plan Amendment
Broaden the definition of “relative”	<p>In order to expand the pool of providers, a Tribal Lead Agency may request a waiver to change the definition of relative.</p> <p>CCDF defines eligible relative providers (who do not have to meet any health and safety requirements) as grandparents, great grandparents, siblings <u>residing in a separate residence</u>, aunts, and uncles. OCC may approve waivers for other extended family members (such as cousins, great-grandparents, etc.) as long as the waiver indicates the relative is providing child care for essential workers for the emergency period only.</p> <p>Note: CCDF defines relative providers as individuals 18 or older. OCC will not approve a waiver that would allow providers under age 18 to care for children receiving CCDF subsidies.</p>	(98.42(c))	2.1
Waive health and safety requirements, including ratio/group size, staff training, and inspections	OCC may approve waivers for health and safety requirements as long as a justification or proposed alternative in the waiver request describes how the Tribal Lead Agency will ensure the health and safety of children in child care.	(98.41(a))	2
Eliminate certain required health and safety training requirements	<p>A Tribal Lead Agency may request a waiver to eliminate certain required health and safety training requirements, to increase the pool of child care providers more quickly.</p> <p>A waiver would also be required if the Tribal Lead Agency delays the required completion of pre-service orientation training beyond the first three months of employment.</p>	(658E(c)(2)(I)(i)) (98.44(b)(1)(iii))	2.1.5(a)(2)

Provision	Reason for Action	Waive what Section of Rule or Law?	Corresponding Plan Amendment
Eliminate pre-approval inspections or waive inspection requirements for emergency/temporary facilities	For new emergency/temporary facilities that were not otherwise subject to tribal and/or state child care inspections, OCC recommends that the Tribal Lead Agency follow its tribal and/or statewide guidance on these temporary facilities. OCC will not approve waivers that do not provide some assurance for operating during the emergency to support the health and safety of children.	(98.42 (b)(2))	2.2.1(a)
Eliminate annual inspections or monitoring for providers during the COVID-19 emergency	A Tribal Lead Agency may request a waiver to the annual inspection requirements because of the need for social distancing or because of a reduction in monitoring or inspection staff. Tribes will need to submit a waiver request if on-site inspections will not be conducted (even if using virtual inspections).	(98.42 (b)(2))	2.2.1(c)
Waive background check requirements	<p>A Tribal Lead Agency may request a waiver to some of the background check requirements, within certain parameters, so that the number of child care providers who can work under direct supervision is increased while also remaining vigilant about ensuring child safety. This can include requesting a waiver for:</p> <ul style="list-style-type: none"> <li>• One or more of the 8 components of the CCDBG Comprehensive Background Checks at 45 C.F.R. 98.43.</li> <li>• Provisional Employment Requirement (45C.F.R.98.43(d)(4)): child care staff may begin working unsupervised without awaiting the results of the FBI fingerprint check/state fingerprint check.</li> <li>• 180 day requirement (45 C.F.R. 98.43(d)(3)): child care providers may need to quickly hire a staff member that was separated from</li> </ul>	(98.43(a)(1)(i))	2.3.1(a)(b)(c)(d)(e)(f)(g)(h)

Provision	Reason for Action	Waive what Section of Rule or Law?	Corresponding Plan Amendment
	<p>employment from a child care provider for more than 180 days, but less than 5 years.</p> <p>While fingerprinting services may be unavailable at this time, OCC still expects Tribes to make every effort to conduct any available name-based checks for prospective employees (including the name based NCIC NSOR check, the SOR check, and the CAN checks). Tribes are also <b>strongly</b> encouraged to use the National Sex Offender Public Website at <a href="http://nsopw.gov">nsopw.gov</a> at this time. OCC will not approve waivers that do not include some attempt to determine a prospective child care staff member’s history of convictions. Tribes will be required to list the specific checks that will be conducted for new/emergency/temporary staff.</p> <p>Note: Tribal Lead Agencies do not need to apply for extraordinary circumstance waivers for CCDBG background check components that were already waived.</p>		
Provide CCDF assistance for less than 12 months for affected families	A Tribal Lead Agency may request a waiver to limit families’ eligibility period to less than 12 months.	(658E(c)(2)(N)(i) and (ii)); (98.21(a)(1))	5.2.5

**Sources:** Child Care and Development Fund, 45 C.F.R. § 98.1 (2016) and Child Care and Development Block Grant Act of 2014, Pub.L. No. 113-186, §658. Retrieved from <https://www.congress.gov/113/plaws/publ186/PLAW-113pub186.pdf>.

### Section 3: Tips and Examples for Requesting Temporary Waivers

Section 98.19(b)(2) allows Tribal Lead Agencies to apply for temporary waivers from specific requirements in the Child Care and Development Block Grant (CCDBG) Act of 2014 and the CCDF final rule. These waivers can be approved for no more than one year “in cases of *extraordinary circumstances*, which are defined as temporary circumstances or situations, such as a natural disaster or financial crisis.” The approved duration of the waiver must be connected to the specific temporary circumstances.

Question	Response
<b>How does a Tribal Lead Agency request a temporary waiver?</b>	<p><i>The Tribal Lead Agency must email an electronic written request to the <u>Office of Child Care (OCC) Regional Program Manager</u> that is addressed to the OCC Director.</i></p> <p><i><b>Tip #1:</b> Hard copies are not required.</i></p> <p><i><b>Tip #2:</b> Waiver requests should be submitted by the Tribal Lead Agency official who has authority to act on behalf of the Tribe or by someone authorized to submit on behalf of the Tribal Lead Agency. If signatures are not possible, an email is sufficient to document authority at this time.</i></p> <p><i><b>Tip #3:</b> If more than one waiver is requested (more than one provision), these may be submitted in a single document – separate documents are not required – for the waiver request.</i></p>
<b>What should be included in the temporary waiver request?</b>	<p>The waiver request should include:</p> <ul style="list-style-type: none"><li><i>The reason why the Tribal Lead Agency is requesting the waiver, including a description of the extraordinary circumstances.</i></li></ul> <p><i><b>Example:</b> With the sudden onset and spread of the COVID-19 virus, an urgent and unique situation for parents and children of the [Tribe A] has occurred. The [Tribe A] has declared an emergency and has ordered all schools and Head Start programs closed. With these closures a need for child care services have increased dramatically. The [Tribe A] is proposing to meet this need by increasing the number of providers to serve the children of our essential workforce. Unfortunately, because of the quick response we are not able to complete all background check requirements and preservice training. The [Tribe A] is also concerned with the financial stress families are experiencing during this emergency and would like to lower the barrier for families to access child care. The specific waiver information is listed in the next section of this request.</i></p> <p><i><b>Tip:</b> This is the justification for the waiver request, so include enough detail that describes the extraordinary circumstance.</i></p> <ul style="list-style-type: none"><li><i>Sufficient detail on the provision(s) from which the Tribal Lead Agency is seeking temporary relief.</i></li></ul>

Question	Response
	<p><b>Example 1:</b> 98.41 (a)(2): Health and safety training requirements for child care providers. Due to the nature of this emergency and limited staff on hand, the [Tribe A] will be unable to conduct all of the preservice/orientation training within the required timeframe. Also, due to social distancing requirements, in-person trainings for First Aid and CPR are unavailable. The [Tribe A] will waive these requirements for all providers until the social distancing requirements are lifted and the providers are able to complete their certifications.</p> <p>Section 2.1.5 Health and Safety Training for CCDF Providers on Required Topics, (658E(c)(2)(I)(i);98.44(b)(1)(iii))</p> <p>2.1.5 (a) (2) v. Building and physical premises safety.</p> <ul style="list-style-type: none"><li>○ 2.1.5 (a) (2) vii. Emergency preparedness and response planning for emergencies resulting from a natural disaster or human caused event</li><li>○ 2.1.5 (a) (2) viii. Handling and storage of hazardous materials and the appropriate disposal of bio contaminants</li><li>○ 2.1.5 (a) (2) ix. Appropriate precautions in transporting children</li><li>○ 2.1.5 (a) (2) x. Pediatric first aid and CPR</li><li>○ 2.1.5 (a) (2) xi. Recognition of child abuse and neglect</li><li>○ 2.1.5 (a) (2) xii. Child development</li></ul> <p>The [Tribe A] will complete 2.1.5 (a) (2) i, ii, iii, iv, and v by utilizing information from the Centers for Disease Control and Prevention (CDC) on COVID-19 and information provided on handouts provided by the TLA.</p> <p>Once the COVID-19 crisis is over, all providers will have 30 days to complete the required health and safety training.</p> <p><b>Example 2:</b> 98.45 (b)(5) and 98.45 (k)(4): Temporarily waive copays for all families receiving child care subsidy. Temporarily waiving copays will help address the additional financial stress that families are experiencing during this emergency, as well as lower the barrier for families to access child care. There is no identifiable risk or compromise to children’s health, safety, and wellbeing for children served through CCDF as a result of this waiver.</p> <p><b>Tip #1:</b> In addition to the regulatory citation (98.xxx), Tribal Lead Agencies can include the CCDF Plan section number(s) to identify CCDF regulations they would like to waive.</p> <p><b>Tip #2:</b> When requesting a waiver for co-payments, Tribal Lead Agencies must be able to clarify who would be included in the waiver – a subset of the CCDF recipient</p>

Question	Response
	<p data-bbox="522 237 1481 310"><i>population or all families in the CCDF recipient population – for OCC to be able to determine if a waiver and/or amendment is needed.</i></p> <hr/> <ul data-bbox="522 352 1529 426" style="list-style-type: none"><li>• <i>A description of how relief from the sanction or provision, by itself, will improve the delivery of child care services for children and families.</i></li></ul> <p data-bbox="522 468 1523 636"><b>Example:</b> <i>By allowing the [Tribe A] to waive some of the requirements for the health and safety training, we will be able to meet the need to increase the number of providers to serve the children of our essential workforce. Also, by waiving the copayment requirement, we will help ease the financial stress families are experiencing during this emergency and decrease barriers to accessing child care.</i></p> <hr/> <ul data-bbox="522 678 1529 751" style="list-style-type: none"><li>• <i>A certification and description of how the health, safety, and well-being of children served through CCDF will not be compromised as a result of the waiver.</i></li></ul> <p data-bbox="522 793 1529 1119"><b>Example:</b> <i>The [Tribe A] will ensure training for all new providers on the control of infectious disease specifically related to COVID-19, prevention of sudden infant death syndrome, administration of medication, response to allergies, and prevention of shaken baby syndrome and child maltreatment prior to service utilizing approved handouts and telephone conferencing prior to service. The [Tribe A] will begin waiving copayments immediately since there is no identifiable risk or compromise to children’s health, safety, and wellbeing for children served through CCDF as a result of waiving copayments.</i></p> <hr/> <ul data-bbox="522 1161 1464 1234" style="list-style-type: none"><li>• <i>The preferred start date (which may be retroactive to the time the emergency occurred) and the duration of the waiver.</i></li></ul> <p data-bbox="522 1276 1529 1392"><b>Example 1:</b> <i>The [Tribe A] is requesting the following temporary waivers beginning on [Month/Day/Year] and continuing until sixty days after the [Tribe A Governing Body Name] has lifted the State of Emergency.</i></p> <p data-bbox="522 1434 1529 1549"><b>Example 2:</b> <i>The [Tribe A] is requesting the following temporary waivers beginning on [Month/Day/Year] until 90 days past the date the social distancing requirements are lifted.</i></p> <p data-bbox="522 1591 1529 1665"><b>Example 3:</b> <i>The [Tribe A] is requesting the following temporary waivers beginning on [Month/Day/Year] for the duration of the COVID-19 crisis.</i></p> <p data-bbox="522 1707 1523 1801"><b>Tip #1:</b> <i>Include a specific start date, and when determining the duration of the waiver, consider identifying the end of the tribal, state, or federal emergency period (an exact end date is not required as long as it is tied to the emergency declaration).</i></p> <hr/>

Question	Response
<b>How long are waivers in effect?</b>	<p><i>Tip #2: A single start date and duration dates are sufficient for all waivers being requested for this response to COVID-19.</i></p> <hr/> <p><i>Waivers will be approved for a period of time tied to specific emergency circumstances.</i></p> <p><i>Tip: OCC will approve waivers for the requested COVID-19 emergency period. If possible, the Tribal Lead Agency should specify the length of time of their tribal, state, or federal declared emergency period in their request. OCC will limit waivers up to 1 year initially. If needed, Tribal Lead Agencies can request a renewal via email.</i></p>
<b>If a waiver is submitted, is a Plan Amendment needed as well?</b>	<p><i>Yes, in most cases. Tribal Lead Agencies have 60 days to submit a CCDF Plan Amendment to correspond with the substantial program change in the waiver request.</i></p> <p><i>Tip: For any amendment to a CCDF Plan, the Tribal Lead Agency may want to consider a temporary, or sun-setting, amendment or an amendment that is specific to the disaster, so a later amendment changing back to the original language in the plan won't have to be submitted.</i></p>
<b>Can we request federal emergency relief funding for child care recovery through the temporary relief waiver?</b>	<p><i>No. OCC does not have the authority to award additional funding in the absence of a statutory change; all CCDF funds must be distributed in accordance with the allocation formula. In this case, the CARES Act provided additional emergency funding.</i></p> <p><i>Tip: You may phrase your waiver request to include activities that you plan to implement should additional discretionary funding be awarded through the formula.</i></p>
<b>If a Tribe has a condition listed in their approval letter for a certain provision, does it still need to request a waiver for that provision?</b>	<p><i>Yes, a waiver request may cover other areas not covered by the existing condition.</i></p>
<b>If a tribal grantee completely closes down (as some have done due to COVID-19) and are not providing any CCDF child care services, would the grantee need to submit a waiver perhaps a plan amendment?</b>	<p><i>If the tribal grantee/program completely closes for a temporary emergency period, the grantee is not required to submit a waiver or an amendment.</i></p>