

## **National Indian Child Care Association**

The National Indian Child Care Association is the recognized representative body of the Tribal Child Care and Development Fund Grantees. The Association was developed in 1993 to provide information, support, coordination, and advocacy for Tribal child care.

Two hundred sixty Tribes and Tribal organizations received Child Care and Development Funds in FY 2008. The Child Care and Development Block Grant is the single largest program authorized under the Personal Responsibilities and Work Opportunities Reconciliation Act (PRWORA) affecting Tribal governments.

Participation in the Child Care and Development Fund allows Tribal governments the opportunity to design, implement, and support programs which are beneficial to the unique needs of our Tribal citizens. Child care is an important support service to assist Indian families in becoming self sufficient through education, training, and employment. Child care is an important component of economic development planning in Tribal communities. Jobs that are created cannot be filled without the support of child care services.

This document sets forth four major goals for reauthorization of the Child Care and Development Fund which have been adopted by the Association.

The risk factors in Tribal communities for children such as poverty, low birth weight, unemployment, and the educational attainment of mother contribute to the need for investment in quality child care.

## **GOVERNMENT-TO-GOVERNMENT**

### **ISSUE #1**

**Tribes must continue to receive direct funding from the federal government for child care services.**

The United States Government has a trust responsibility which requires a government-to-government relationship with Tribes. Direct funding to Tribes supports Tribal sovereignty and affords Tribes local control of programs that can more effectively meet the needs of their own citizens.

Indian Tribes have demonstrated the ability to administer Child Care and Development Block Grants successfully and must continue to administer these programs in order to meet the unique needs of their own Tribal communities.

#### **Current Legislative Status:**

Section 418 of Title IV of the Social Security Act (42 U.S.C. 618) and the Child Care and Development Fund Act of 1990, as amended, authorizes a set-aside for direct government-to-government grants to Indian Tribes and Tribal organizations.

- Retain legislative language, which provides for a set aside for direct grants to Tribes and Tribal organizations.
- Increase child care funding levels and add language that would require any new child care appropriations to include a Tribal set-aside.

## **FIVE PERCENT FUNDING**

### **ISSUE #2**

**The number of Tribal child care programs receiving funding through the Child Care and Development Fund has increased. The percent of set aside for Tribes is currently two percent of the funding for the CCDF and has remained the same although services rendered by Tribal child care programs have significantly increased. Increased funding to a five percent set-aside to Tribes is necessary to meet the child care needs of Tribal citizens.**

Tribes and Tribal organizations currently receive two percent of the appropriation of the Child Care and Development Block Grant. Tribal grantees participating in the CCDBG have increased from 226 in 1994 to 260 in 2008; however, all federally recognized Tribes are eligible to participate.

The per child amount of funding for Tribes has decreased from \$164.00 per child in 2002 to \$150.00 per child in 2008. With inflation at approximately 3% per year, Tribes have experienced a significant decrease in the ability to provide services in Indian Country. This is particularly detrimental to existing programs, which must reduce funding of all child care services to Indian families. This greatly affects the children of families that are working to transition off of public assistance programs through work and educational opportunities.

According to the Annie E. Casey Foundation, American Indian children are the only group that collectively lost ground since 2000 on several well-being indicators. Child poverty continues to rise at a faster rate than for any other ethnic group in the United States. Additionally, the child death rate for children aged 1-14 has *decreased by 9%* for non-Indian children but has *increased by 15%* for American Indian children. Indian Country has a poverty rate approaching 26%, the highest poverty rate of any ethnic group in the United States, and an unemployment rate of 50%. Child care services provided for under the Child Care and Development Fund are critical. Greater demands for child care are being placed on Tribal child care programs as a result of increasing population, increasing employment and education opportunities, and the time line for TANF as well as the higher poverty rates.

In addition to the need for access to child care assistance, Indian children need high quality early learning experiences. Children who are in quality early learning environments experience positive outcomes later in life. An investment in early childhood is essential to the future of Tribal communities.

In the current economic decline, child care is an important component for developing future economic growth in Tribal communities. Jobs that are created cannot be filled without the support of child care services.

Although demands on Tribal resources have increased, Tribes do not have access to additional funding. States have a tax base that generates funds for necessary programs. States also have access to federal funding sources not appropriated to Tribes that may be used for child care assistance, such as Title XX and additional discretionary funds earmarked for quality expansion,

infant and toddler care, and resource and referral services. Child Care Block Grant funds are the only funds for Tribal child care.

**Current Legislative Status:**

Section 603 (b) of the PRWORA amended Part A of Title IV of the Social Security Act and the Child Care and Development Block Grant of 1990, by adding Section 418 (a)(4) Part A of the Social Security Act, which states: “Indian Tribes – The Secretary shall reserve not less than 1 percent, and not more than 2 percent, of the aggregate amount appropriated to carry out this section in each fiscal year for payments to Indian Tribes and Tribal organizations.”

**Legislative Recommendation:**

**Amend the language in Child Care and Development Block Grant of 1990 and Section 418(a)(4) Part A of the Social Security Act to “not less than 5 percent.”**

- **Include language that would require any new child care appropriations to include a Tribal set aside.**

## **HEALTH & SAFETY STANDARDS**

### **ISSUE #3**

#### **Indian Tribes and Tribal organizations should develop minimum Health and Safety Standards to be implemented by Tribal programs.**

The United States Government, through the Constitution, treaties, Supreme Court decisions, Executive Orders, statutes, and existing federal policies, recognizes the rights of Tribes to self-govern and those Indian Tribes have inherent sovereign powers over their members.

Through Executive Order 13175, Coordination and Consultation with Indian Tribes, issued November 6, 2000, states that,

“When undertaking to formulate and implement policies that have Tribal implications agencies shall:

- 1) encourage Indian Tribes to develop their own policies to achieve program objectives,
- 2) where possible, defer to Tribes to establish standards.”

The current language in the Child Care and Development Fund, as it relates to the development of health and safety standards, is in direct conflict with the executive order.

Tribal governments know and understand the needs of their citizens and must be the authority when setting health and safety standards. States develop minimum health and safety, and licensing requirements that allows each state maximum flexibility in developing child care programs and policies that best suit the needs of children and parents within each state. Tribal governments should be afforded that same flexibility. One set of health and safety standards do not exist for all 50 states. It is unrealistic to think that one set of standards is going to be appropriate for 580 Tribes.

#### **Current Legislative Status:**

The Child Care and Development Block Grant Act as amended, states that “...the Secretary, in consultation with Indian Tribes and Tribal organizations, shall develop minimum child care standards...”

#### **Legislative Recommendation:**

- **Amend the language in the Child Care and Development Fund by striking out the language that reads: “the Secretary, in consultation with.”**
- **Amend the Child Care and Development Fund to allow Tribes to develop standards, which may be approved by the Secretary.**

- **Provide additional funding to ensure the implementation of health and safety standards for Tribes.**

## **CHILD NUTRITION**

### **ISSUE #4**

**Tribes are sovereign governments and should have direct access to administer the Child and Adult Care Food Program (CACFP) through the funds made available to State Agencies. The Department of Agriculture should establish a taskforce to review and make recommendations regarding the implementation of CACFP in Indian Communities.**

#### **Current Legislation:**

The Child Nutrition and WIC Reauthorization Act of 2004 (42 USC 1754 Sec. 5) states, “Subject to the availability of funds made available under subsection (g), the Secretary shall make payments to State agencies for each fiscal year, in accordance with this section, to promote nutrition in food service programs under this Act and the school breakfast program established under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.)”

Access to and implementation of the Child Care and Adult Food program by child care providers in Indian Country is often reported as challenging. Access to the program is important for the positive growth and development of Indian children. Many children remain unserved.

A review of current policies, practices, and challenges of the implementation of the the program through-out Indian country is necessary to insure that tribal children are benefiting from nutritious meals and snacks provided through CACFP.

#### **Legislative Recommendation:**

- **The U.S. Department of Agriculture to consult with Tribes concerning the implementation of CACFP on Tribal lands.**
- **The U.S. Department of Agriculture to initiate a task force, to include tribal representatives, which will research the CACFP as it relates to Indian country and make recommendations regarding Tribe’s participation with the Child Nutrition Act.**