

**Final Child Care and Development Fund Regulations Published:  
Summary of Regulations Specific to Children and Families Experiencing Homelessness  
September 26, 2016**

Last week, the Administration for Children and Families in the U.S. Department of Health and Human Services announced final regulations to implement the Child Care and Development Fund program (CCDF). The new regulations contain several unprecedented provisions to facilitate access to child care for families experiencing homelessness. Research shows that families experiencing homelessness are less likely to access child care than housed families with very low incomes. The new CCDF regulations eliminate some of the barriers homeless families face, and present important opportunities for state and local action to support families experiencing homelessness. They also further align child care policy with Head Start and public preschool policies for children experiencing homelessness.

A summary of the final regulations pertaining to children experiencing homelessness and their families is below. The full regulations may be read here:

<https://s3.amazonaws.com/public-inspection.federalregister.gov/2016-22986.pdf>

## **DEFINITIONS**

### **§98.2 Definitions.**

Child experiencing homelessness means a child who is homeless as defined in section 725 of Subtitle VII-B of the McKinney-Vento Act (42 U.S.C. 11434a).

Effect of regulation: States must use the definition of homelessness from the education subtitle of the McKinney-Vento Act.

## **ENROLLMENT**

### **§98.41 Health and safety requirements.**

(a)(1)(i)(C) Lead Agencies shall establish a grace period that allows children experiencing homelessness and children in foster care to receive services under this part while providing their families (including foster families) a reasonable time to take any necessary action to comply with immunization and other health and safety requirements. The length of such grace period shall be established in consultation with the State, Territorial or Tribal health agency. Any payment for such child during the grace period shall not be considered an error or improper payment. Lead Agencies must coordinate with licensing agencies and other relevant State, Territorial, Tribal, and local agencies to provide referrals and support to help families of children

receiving services during a grace period comply with immunization and other health and safety requirements

Effect of regulation: States must establish a grace period for children experiencing homelessness to comply with immunization and other health and safety requirements. The grace period must allow the children to receive child care services during the grace period, as they work to meet health and safety requirements. The regulations do not establish a minimum or maximum grace period. Rather, the Lead Agency must establish the length of the grace period in consultation with the applicable health agency. Agencies also must help families comply with immunization and other requirements during the grace period. The regulations assure that providers can receive payment during the grace period. These provisions are critical to remove barriers to child care for children experiencing homelessness, as many homeless families do not have documentation of immunizations and struggle to obtain health care services for their children. In addition, some child care providers have been hesitant to accept homeless families into their program for fear of not being paid for services rendered.

#### **§98.51 Services for children experiencing homelessness.**

Lead Agencies shall expend funds on activities that improve access to quality child care services for children experiencing homelessness, including:

(a) The use of procedures to permit enrollment (after an initial eligibility determination) of children experiencing homelessness while required documentation is obtained;

(1) If, after full documentation is provided, a family experiencing homelessness is found ineligible:

(i) The Lead Agency shall pay any amount owed to a child care provider for services provided as a result of the initial eligibility determination.

(ii) Any CCDF payment made prior to the final eligibility determination shall not be considered an error or improper payment under subpart K of this part; and

(b) Training and technical assistance for providers and appropriate Lead Agency (or designated entity) staff on identifying and serving children experiencing homelessness and their families; and

(c) Specific outreach to families experiencing homelessness.

Effect of regulation: States must use CCDF funds to improve access to quality child care for children experiencing homelessness. Those activities must include procedures to allow immediate enrollment of homeless children while required documents are obtained. In the unlikely event that a homeless child is found ineligible for services after the documentation has been obtained, child care providers still will receive payment for services rendered. States also must provide training and technical assistance on identifying and serving children experiencing homelessness to providers and staff and engage in specific outreach targeted to families experiencing homelessness.

## **PRIORITIZATION AND INCENTIVES**

### **§98.46 Priority for child care services.**

(a)(3) Lead Agencies shall give priority for services provided under § 98.50(a) to: (3) Children experiencing homelessness.

Effect of regulation: States must prioritize children experiencing homelessness for direct child care services, as they are required to do for children with special needs and children of families with very low family income.

### **§98.45 Equal access.**

(j) Nothing in this part shall be construed to prevent a Lead Agency from differentiating payment rates on the basis of such factors as: ... (2) Age or particular needs of children (such as the needs of children with disabilities, children served by child protective services, and children experiencing homelessness);

Effect of regulation: Although states are prohibited from establishing different payment rates based on a family's eligibility status, such as TANF status, states may establish different payment rates based on the needs of the child, which includes children experiencing homelessness. This will allow states to incentivize the provision of child care services to children experiencing homelessness by increasing the payment rates for those children.

### **§98.92(b) Penalties and Sanctions.**

(3)(i) A penalty of five percent of the funds allotted under §98.61 (i.e., the Discretionary Funds) for a Fiscal Year shall be withheld for any Fiscal Year the Secretary determines that the Lead Agency has failed to give priority for service in accordance with §98.46(a).

Effect of regulation: States will be penalized if they fail to prioritize children experiencing homelessness for child care services, unless they correct the failure within six months.

### **§98.71 Content of reports**

(a) At a minimum, a Lead Agency's quarterly case-level report to the Secretary... shall include the following information:

...(16) Whether the family is homeless

Effect of regulation: States must report how many homeless families receive assistance each quarter.

## **SERVICE COORDINATION**

### **§98.14 Plan process.**

(a)(1) The Lead Agency shall coordinate the provision of child care services with other Federal, State, and local child care and early childhood development programs (including programs for the benefit of children experiencing homelessness) to expand accessibility and continuity of care as well as full-day services.

(xi) The Lead Agency shall coordinate the provision of child care services with the state, and if applicable, tribal agencies responsible for services for children experiencing homelessness, including State Coordinators of Education for Homeless Children and Youth (EHCY State Coordinators) and, to the extent practicable, local liaisons designated by Local Education Agencies and Continuum of Care Grantees.

Effect of regulation: States must coordinate the provision of child care with early childhood programs serving children experiencing homelessness, State Coordinators for Homeless Education, and, as practicable, local liaisons and Continuum of Care Grantees funded by the U.S. Department of Housing and Urban Development. This coordination must expand accessibility and continuity of care as well as full-day services.

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