

ADMINISTRATION FOR CHILDREN AND FAMILIES (ACF)
Response to Testimony Presented at Tribal Consultation, August 2011

ACF Wide

Tribe/Requester: CENTRAL COUNCIL TLINGIT & HAIDA

Comment: The Central Council Tlingit & Haida in Juneau would welcome an opportunity to serve as a demonstration project. Right now we are self-governance and we are a "477" program. So, we have consolidated our programs. We would like to see this happen with HHS (Department of Health and Human Services).

Program Office Response: Thank you for your comment. ACF will keep your recommendation in mind as we continue to work through this subject.

Tribe/Requester: HOPI TRIBE

Comment: Regarding consultation with Indian Tribes, the regulations should address the consultation process of scheduling, reporting, and requirements for consultation in writing to the tribes.

Action Requested: The Hopi Tribe requests that continued efforts are made to allow for tribes to be a part of the consultation process. This will allow for the government-to-government relationship to move forward in a positive manner and will allow for our program to continue to have input to identify solutions to the issues that confront our early childhood programs. In addition, prior notification of all consultations, as well as sufficient time to prepare for such consultations, would allow us to better meet the needs of our program, as well as to allow our Tribal leaders to attend.

Program Office Response: Thank you for your comment. ACF is committed to working with tribes and building a better and more integrated relationship with tribes. We will continue to work towards improving our processes as we implement our consultation policy.

Tribe/Requester: IHS TRIBAL SELF-GOVERNANCE ADVISORY COMMITTEE

Comment: We look forward to continued consultation with the goal of implementing expanded Tribal Self-Governance in collaboration with ACF, the Substance Abuse and Mental Health Services Administration (SAMHSA), and the Administration on Aging (AoA). We also recommend that these agencies collaborate with the Indian Health Service (IHS) to hear first-hand about a partnership that really works.

Program Office Response: Thank you for your comment. ACF is working with HHS and IHS for guidance as we continue working through this subject.

Tribe/Requester: NATIONAL CONGRESS OF AMERICAN INDIANS (NCAI)

Comment: To date ACF does not have a tool to engage tribal communities and leaders on a regular basis outside the HHS annual consultation. Tribal Advisory Committees (TAC) have proven to be useful resources in other HHS operating divisions by providing tribal technical expertise to improve programs and to provide regular feedback. The establishment of a TAC will strengthen ACF's relationship with tribes.

Action Requested: Establish a tribal technical advisory committee to assist the Assistant Secretary and the Native American Affairs Advisory Council (NAAAC).

Program Office Response: Thank you for your comment. Since 2007, the Office of Head Start (OHS) has planned and implemented, in partnership with Tribal Head Start Leadership, the

annual Tribal Consultation Sessions within the regions where Tribal Head Start Programs are located.

OHS has convened ad hoc TACs to discuss issues and exchange information prior to development of standards and protocols for consultation to ensure we have current and relevant tribal input. OHS is committed to further develop and sustain on-going relationships and partnerships with Tribal Head Start leadership with the goal to improve the quality and effectiveness of services to tribal grantees. ACF will take your suggestions to establish a TAC under advisement.

Tribe/Requester: NATIONAL CONGRESS OF AMERICAN INDIANS (NCAI)

Comment: Many tribes use various ACF grant funds to directly assist their citizens through transitions, into new jobs, or tough times. There is no shortage of need in tribal communities, and lengthy reporting requirements slow down or disrupt work. ACF should evaluate their current reporting requirements to determine if information collection is necessary and the means of collection are efficient. The administration should also encourage compliance and participation in the 477 program, allowing tribes to streamline their reporting process with several government agencies, including HHS.

Action Requested: Reevaluate and streamline oversight and grant reporting requirements.

Program Office Response: Thank you for your comment. ACF is actively working towards the goal of improving its grant reporting requirements.

Tribe/Requester: NATIONAL CONGRESS OF AMERICAN INDIANS (NCAI)

Comment: By statute and regulation, many programs funded through ACF require both tribes and States to describe how they coordinate to provide services within their boundaries. ACF should reevaluate and reinforce its efforts to educate States about Tribal/State collaboration. Other HHS programs are working to encourage Tribal/State collaboration to leverage resources and prevent duplication of services within their respective service areas.

Action Requested: Promote Tribal/State Collaboration.

Program Office Response: Thank you for your comment. Tribal Head Start Programs are located across 26 States in all HHS Regions except one. OHS has an increased focus and emphasis on State collaboration with Head Start Programs, including Tribal Head Start Programs, to ensure children are prepared to successfully transition to school. The American Indian/Alaska Native (AI/AN) Regional TA and State Collaboration Programs are closely aligned to ensure coordination of available training and technical assistance resources and to prevent duplication of services between State and tribal programs. Some States and tribes have developed exemplary models of collaboration and partnership, such as South Dakota and the tribal nations located in that State, which are mutually beneficial to the children and families of those programs. ACF is also working through the Intradepartmental Council on Native American Affairs (ICNAA) and the Secretary's Tribal Advisory Committee (STAC) to address this issue.

Tribe/Requester: NATIONAL CONGRESS OF AMERICAN INDIANS (NCAI)

Comment: ACF should continue to reaffirm self-governance practices by further identifying and implementing programs that can be placed under tribal management and control. A 2003 study provided to Congress identified programs that are deemed feasible to be included in a self-

governance demonstration project. These programs include: Tribal Temporary Assistance for Needy Families (TANF), Low Income Home Energy Assistance Programs (LIHEAP), Community Services Block Grant, Child Care and Development Fund, Native Employment Works, Head Start, Child Welfare Services, Promoting Safe and Stable Families, and Family Violence Prevention: Grants for Battered Women's Shelters. Tribes have been successful in the administration of these programs and should continue to have the opportunity to have greater control over programs serving their communities.

Action Requested: Identify and implement programs for tribal management and control.

Program Office Response: Thank you for your comment. Tribes can apply for, and directly receive title IV-B funding under the Social Security Act for subpart 1, Stephanie Jones Child Welfare Services, and subpart 2, Promoting Safe and Stable Families. A program instruction is issued annually, which is also posted on the Administration on Children, Youth and Families (ACYF), Children's Bureau web page. ACF is also working with HHS for guidance as we continue working through this subject.

Tribe/Requester: PORT GAMBLE S'KLALLAM TRIBE

Comment: Follow-up on studies, reports, and evaluations - 2003 Feasibility Study

Action Requested: There is no reason to delay the institution of self-determination of health and human services priorities on tribal land. Since the conclusion of the feasibility study, there has been little or no movement to support tribal self-governance of these programs. We believe conversation regarding self-governance of these programs should begin again, and steps should be taken to ensure tribes are afforded the ability to implement these programs in the manner most beneficial to the tribes, as determined by tribes.

Program Office Response: Thank you for your comment. HHS is in the process of exploring methods to implement a self-governance pilot demonstration project and has conducted several listening and technical assistance sessions seeking tribal input. HHS is developing a Tribal/Federal workgroup to look at self-governance expansion within HHS.

Tribe/Requester: SELF-GOVERNANCE COMMUNICATION & EDUCATION TRIBAL CONSORTIUM

Comment: Under a pilot or demonstration project, a tribe could combine funds from various sources, which would provide the flexibility to allow the tribe to use the funds to redesign and administer services that are appropriate for the tribal community. Funding from each of these programs is prescribed for a specific service. Thus, the tribe could use these combined funds for services according to local needs and priorities without having to provide each categorical service.

Action Requested: Pilot demonstration project under Title VI of the Indian Self-Determination and Education Assistance Act.

Program Office Response: Thank you for your comment. HHS is in the process of exploring methods to implement a self-governance pilot demonstration project and has conducted several listening and technical assistance sessions seeking tribal input. HHS is developing a Tribal/Federal workgroup to look at self-governance expansion within HHS.

Administration on Children, Youth and Families

Tribe/Requester: CENTRAL COUNCIL TLINGIT & HAIDA

Comment: [Section] IV-B, Subpart 1 (Child Welfare Services), has an indirect cap of 10 percent, while IV-B, Subpart 2 (Promoting Safe and Stable Families), allows tribes to capture the full indirect. This is a real concern. When we can't collect that indirect, the Tribe is obligated to find it. We don't have a land base and we don't have any economic development or casinos. Our last under-recovery problem that we had with the National Business Center was \$500,000 that we had to take out of our Trust Fund. Soon we won't be able to take any grants unless we can get the full indirect.

Program Office Response: Thank you for your comment. Changing the requirement regarding the cap on administrative costs would require Congress to enact a legislative change.

Tribe/Requester: KARUK TRIBE

Comment: The Karuk Child and Family Services Department received a Title IV-B grant. It is a difficult grant to write and the yearly up-dates are equally cumbersome for the small amount of funds. ... We receive about \$17,000 annually, which is spent out completely every year. We could use about twice that amount; we could spend all of what we receive just on family support. We have signed a Title IV-E agreement with the feds and California. California is really holding up the process of getting started. There are some real specific items that we have requested from California CWS.

Action Requested: We need your help in getting California to get the bugs worked out so we can get started. They say just start, but I feel we need more training on the A, B, and C's of the process.

Program Office Response: We thank you for this information and will request that our Regional Office contact Karuk Tribe for further discussion and appropriate action.

Tribe/Requester: PORT GAMBLE S'KLALLAM TRIBE

Comment: Ensure that principles of tribal consultation are implemented across the board - Tribal Title IV-E/IV-B programs.

Action Requested: We suggest, for future reference and to remove some of the impression of stalling on the part of ACF, that a timeline for processing tribal IV-E plans, similar to the one used to review tribal IV-D plans, be established and followed. We also suggest possible additions to any ACF Tribal Consultation Policy include a section on appropriate ways to conduct government-to-government relations, and that these policies be promulgated and addressed to regional and local ACF offices.

Program Office Response: Thank you for your comment. Regulations currently allow for up to 45 days for the Children's Bureau to review and approve/disapprove a title IV-E plan unless there is a written agreement to extend the period. Rather than disapprove, the Children's Bureau prefers to work with a tribe to ensure that the plan is approvable.

Tribe/Requester: SAUK-SUIATTLE INDIAN TRIBE

Action Requested: Despite the passage of the Indian Child Welfare Act (ICWA) in 1978, and long-standing funding formula available for providing foster care dollars under the Social Security Act, Indian tribal child welfare programs remains woefully inadequate.

Program Office Response: Thank you for your comment. Congress appropriates the funding for each Federal program. However, we note that the option for tribes to operate their own title IV-E programs for foster care, adoption assistance, and guardianship assistance presents one

potential new source of funding for tribes. The Children's Bureau is committed to working closely with any tribes interested in pursuing this option.

Tribe/Requester: SAUK-SUIATTLE INDIAN TRIBE

Comment: From January 2, 2010, through December 31, 2010, the Sauk-Suiattle Indian Tribe (SSIT) had a total of 12 to 15 children under the age of 18 placed in the State foster care system, specialized group homes, and/or in guardianships with non-Indian families. In this same calendar year, the State of Washington paid in excess of \$300,000 to fund these placements. Oddly, SSIT did not receive one cent in reimbursement for meeting or exceeding permanency needs of children in the State foster care system.

Action Requested: At the present time, SSIT is responsible for providing family reunification services to several families without any assurance that the monies spend on SSIT's permanency objectives will be recovered back to the Tribe.

Program Office Response: Thank you for your comment. The Tribe may want to consider applying for title IV-B funding, which can be used for reunification services.

Administration on Developmental Disabilities

Tribe/Requester: LUMMI NATION

Comment: Lummi Nation, like all other human communities, has members who suffer from the debilitating effects of development delays, birth defects, and disabling conditions created through alcohol and drug abuse. Over the last 15 years, about 40 percent of live tribal births were identified as drug and/or alcohol affected babies. There are now a total of more than 500 persons for whom there is legitimate concern about their development abilities and may need some or substantial support services. Fifty percent of all our children test positive for a communications skills delay. With speech therapy intervention, about 25 percent enter first grade with a communication skills delay.

Action Requested: Testing Assessment - We need financial and technical assistance to identify and deploy rapid and accurate testing and assessment systems to developmental delays, birth defects, and the impact of drug and alcohol abuse.

Treatment – We need financial and technical assistance to identify and/or modify a treatment program for persons who are enduring the debilitating impacts of developmental delays.

Long Term Support for Living – We need financial and technical assistance to plan, develop, coordinate, and implement sheltered workshops for our community members who cannot become fully employable.

Program Office Response: Thank you for your comment. Each fiscal year, through its Projects of National Significance, the Administration on Development Disabilities (ADD) funds projects that focus on current and emerging needs of people with developmental disabilities and their families. These projects include data collection and analysis, as well as initiatives designed to improve the employment outcomes of individuals with developmental and intellectual disabilities.

One of the unique aspects of Head Start Programs is the public health focus, with an emphasis on early identification of language, physical, social, or emotional delays with interventions planned and monitored to foster the maximum development of each child's potential. Assessment and intervention for these early years is critical to set the foundation for a child's readiness and success in school. Each child is required to be assessed within 45 days of start of the Head Start

Program, followed by development of an individualized plan for each child if needed. This plan is then monitored to ensure the delays are addressed.

OHS has a cooperative agreement with IHS to provide training and technical assistance to Head Start Programs, and to strengthen the partnership between IHS and OHS with Head Start Programs and their families to ensure resources and services are available to meet those identified health services.

Administration for Native Americans

Tribe/Requester: GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION (GLIFWC)

Comment: Through initial funding from the Administration for Native Americans, (ANA) ACF, GLIFWC has been able to establish numerous programs that have been instrumental in improving the Tribes' ability to exercise their treaty right to harvest, preserve the Ojibwe culture, and allow for tribal input into the protection, rehabilitation, and preservation of natural resources within the Ojibwe ceded territories.

Action Requested: It is the hope of the GLIFWC that ANA will continue to be able to fund projects that aid the tribes in the protection of their sovereignty, preservation of their culture, and stabilization of their communities.

Program Office Response: Thank you for your comment. ANA will, to the extent it can, continue to fund projects that help Native American communities grow stronger and healthier.

Tribe/Requester: KARUK TRIBE

Comment: The programs we have developed through this funding are significant breakthroughs and could be considered model programs for other tribes. The need in this area is for longer term sustainability through the grants process. We would like to see more structured 10-year grant programs that will allow us to link projects together so that critical planning efforts are allowed to maintain a program for several years.

Action Requested: The Tribe would like to see availability of smaller grants during the 3-year cycles to allow for additions to programs that fill in some of the blanks that may have not been foreseen in the initial grant submission.

Program Office Response: Thank you for your comment. ANA makes every effort to provide as many grant opportunities as possible to as many communities as possible with the limited amount of funding provided. Grantees are able to make budget modifications throughout the grant cycle to adjust their budgets to best meet their needs. Grantees are also able to apply for supplemental funding throughout their grant cycle for activities related to their current scope of work or emergency situations. The ANA grant process is very competitive and ANA is proud of the projects we fund and the resulting impacts on the communities.

Tribe/Requester: LUMMI NATION

Comment: Tribal government and organization depend on the long-term continuity of these programs to support long-term tribal planning. Frequent changes in these programs support short-term opportunistic actions which do not support the solution of long-term problems impacting Indian Country. It is tempting to try to make suggestions and develop program options for tribes. However, without full knowledge, these efforts are doomed to failure. ANA Social and Economic Development Strategies (SEDS) is the best program invented and needs to

be continued at the expense of all other ANA Initiatives. SEDS empowers the Tribal government to pursue its own goals and objectives in a manner that makes sense to its people.

Action Requested: ANA needs to seek tribal input when it is modifying its programs.

Program Office Response: Thank you for your comment. ANA will work towards improving its outreach and obtain tribal input whenever we can.

Office of Child Care

Tribe/Requester: HOPI TRIBE

Action Requested: It has been 15 years since the Child Care and Development Fund (CCDF) was reauthorized. We strongly recommend the permanent reauthorization of CCDF.

Program Office Response: Thank you for your comment. The Administration supports reauthorization of CCDF and looks forward to working with Congress to develop a reauthorization package that improves health and safety in child care settings, supports parents in making child care choices, and improves the overall quality of child care available to families.

Tribe/Requester: HOPI TRIBE

Comment: The percent of set-aside for Tribal Child Care is currently at 2 percent of the total funding and has remained the same although services provided by Tribal Child Care programs have significantly increased. It is relevant that the 2010 census shows a major increase in census numbers of Indian Children (at least in Arizona). The 2 percent money has to be spread further and further each time the child counts increase.

Action Requested: The Hopi Tribe asks that this set-aside be increased to not less than 5 percent.

Program Office Response: Thank you for your comment. CCDF supports self-sufficiency for low-income working families and promotes children's learning and development. The Administration provides the maximum amount allowable under law to Indian Tribes (2 percent of CCDF funds). In addition, the Administration targets a significant portion of its technical assistance efforts to tribes to help them maximize resources and take full advantage of the significant flexibility provided by Federal rules that govern child care funding.

Tribe/Requester: HOPI TRIBE

Comment: The Hopi Child Care program serves a limited number of children. According to our needs assessment, it is clear there is a need for many more children to be served. However, due to the lack of facilities (there is now only one modular building to serve approximately 25 children located in Kykotsmovi), we are unable to serve more children at a "Center." The majority of our parents would like to have their children served at a "Center," however, due to the distance and lack of transportation, our parents do not enroll their children at Kykotsmovi.

Action Requested: We urge the ACF to set aside substantial funds for the construction of child care facilities for our children and families (as currently programs must use existing allotments for construction, but not decrease in services).

Program Office Response: Thank you for your comment. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) amended the Child Care and Development Block Grant (CCDBG) Act to allow Tribal Lead Agencies to use CCDF funds for construction or renovation of child care facilities. ACF currently lacks statutory authority to set aside additional funds for construction/renovation.

Tribe/Requester: HOPI TRIBE

Comment: The Hopi Tribe is currently undergoing restructuring of its entire early childhood education system. This task, as well as the on-going planning for the construction of future facilities, requires the collaboration and cooperation of ACF and the Hopi Tribe.

Action Requested: We recommend ACF invests funds in technical support to tribes targeted specifically to Early Childhood systems building.

Program Office Response: Thank you for your comment. One-fourth of 1 percent of the total CCDF program is used by the Office of Child Care (OCC) to provide technical assistance to grantees. The OCC technical assistance network is designed to address the needs of States Territories, and Tribes administering the CCDF program. The network includes the National Center on Tribal Child Care Implementation and Innovation that supports tribal communities in their efforts to promote and improve child care delivery systems. For additional information, contact the National Center on Tribal Child Care Implementation and Innovation at 800-388-7670.

Tribe/Requester: HOPI TRIBE

Comment: Although the Hopi Tribe continues to recruit and collaborate with the surrounding colleges and universities, the need for staff with a degree in early childhood education has been great. Funding is always a major factor in helping individuals to work towards obtaining a degree in early childhood education, and often once an individual has obtained their degree in early childhood education, they choose to find employment with the local elementary schools due to the increase in salary.

Action Requested: Providing adequate funding for individuals to pursue their early childhood degrees, while still employed in their current positions, is needed to incentivize our Early Childhood education staff.

Program Office Response: Thank you for your comment. OCC is helping States, Territories, and Tribes build professional development systems and workforce initiatives to help child care professionals pursue better training and higher education, moving up career ladders to higher compensation.

Tribe/Requester: HOPI TRIBE

Comment: The need to increase salaries for employees that are employed in our early childhood programs is needed in order to keep up with the competitive salary scales that are being offered to employees on Hopi and surrounding communities.

Action Requested: Increase salary scale to meet competitive market. These increases will assist in the retention of staff, but also to motivate our staff to seek an early childhood degree.

Program Office Response: Thank you for your comment. The CCDF program does not stipulate salary scales. Tribes have the flexibility to determine compensation rates based their internal policies and procedures. We agree that adequate compensation is a critical factor in ensuring a qualified child care workforce.

Tribe/Requester: HOPI TRIBE

Comment: We have found that we are now in need of special educational professionals and specialists (i.e. Occupational Therapists, Physical Therapists, and Speech Therapists who work with children on a daily basis), who can work directly with children identified as having a special

need, as well as to provide training to educational staff on a daily basis. Professionals in the mental health area are also needed, as well as special adaptive equipment for children.

Action Requested: Funding is requested to hire special education professionals who can provide these special services.

Program Office Response: Thank you for your comment. Tribes have flexibility in program design including core elements of CCDF around quality investments and support systems for program and staff. Tribes are encouraged, regardless of size, to take an intentional approach to quality improvement--taking into consideration the training and technical assistance needs of providers, and investing quality funds and efforts in accordance with the needs.

Tribe/Requester: HOPI TRIBE

Comment: All children should receive comprehensive services in early childhood intervention services. Special teachers, pediatricians, and nurses are now needed as the care of children is an important aspect of daily life that has a lasting effect not only on the health and well-being of our children, but also on the health and well-being of their families and our communities.

Action Requested: To ensure the health and well-being of all our children and their families, funds are needed to hire pediatricians and nurses to work with our children and families.

Program Office Response: Thank you for your comment. The CCDF program requires that tribes coordinate with other tribal, Federal, State, and local child care and early childhood development programs, including such programs for the benefit of Indian children. One such entity is public health to ensure the well-being of children and families are addressed.

Tribe/Requester: KARUK TRIBE

Comment: The Karuk Tribe is located in a very rural, underserved community and Community Child Care does not exist in two of the three districts the Tribe has established.

Action Requested: We request that the tribal set-aside be increased from current levels to 5 percent. The Tribe requests consultation on resolving this issue through finding funding to establish a Tribal Child Care Center.

Program Office Response: Thank you for your comment. The Administration provides the maximum amount allowable under law to Indian Tribes (2 percent of CCDF funds).

Tribe/Requester: LUMMI NATION

Comment: All child care needs are not equal. Child care for children with special child care needs is more expensive and is the most needed kind of child care for Indian Country.

Action Requested: Payment for special child care needs.

Program Office Response: Thank you for your comment. Tribes have the flexibility in how they define "special needs." Tribes are not limited in defining children with special needs to only those children with physical or mental disabilities. Tribes could consider children in the child welfare system, children of teen parents, or homeless children as examples of children with special needs.

Tribe/Requester: LUMMI NATION

Comment: Lummi Nation supports funding for Tribal Child Care facilities as a separate fund with a recurring appropriation. There is a need to support for services and facilities consistent with their relative values to the program.

Action Requested: Funding for facilities.

Program Office Response: Thank you for your comment. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) amended the CCDBG Act to allow Tribal Lead Agencies to use CCDF funds for construction or renovation of child care facilities.

Office of Child Care/Office of Head Start

Tribe/Requester: HOPI TRIBE

Comment: Tribal Head Start and Tribal Child Care are currently operated out of two vastly separate offices: Head Start in Washington, D.C., for all the tribes in the United States, but Child Care is operated out of the Regional Offices. Tribes with Head Start and Child Care are assigned to different program and fiscal specialists for each grant and sometimes get conflicting information. ... For tribes to braid ACF Early Childhood Education funding streams and eligibility requirements would assist tribes to build systems and would be easier if Federal Head Start/Child Care staff worked together or were one and the same individuals.

Action Requested: Federal oversight of ACF's Early Childhood Education programs should be reorganized to support Tribal Early Childhood Education systems-building.

Program Office Response: Thank you for your comment. ACF has expanded services to young children and their families as we work to assure quality. An important step in this work has been the establishment of a more integrated focal point for early childhood at the Federal level. The Office of the Deputy Assistant Secretary for Early Childhood Development provides coordination across the OHS and the OCC. Additionally, the NAAAC was recently created and will function as an agency work group to support the Assistant Secretary for Children and Families; the Commissioner, Administration for Native Americans; and all ACF program and regional offices that provide services to Native Americans.

Cross-cutting collaboration and coordination at the national, regional, State, and local levels are critical to ensure early childhood care and education systems provide a continuum of comprehensive services taking into account the whole family's needs. We are committed to investigate opportunities to better align key aspects of Federal and State early childhood systems, including standards, licensing, and Quality Rating and Improvement System (QRIS). An important component of this is the inclusion of tribal communities in this process.

OHS has implemented Learning Labs this year, in collaboration with child care and Head Start programs in specific States, to begin this process of better understanding how we can reduce burdens for local programs and support quality early childhood programs. Our first learning labs are focused on monitoring and school readiness.

As part of this process, we will be assessing how we can optimize coordination and communication between Head Start and Child Care management functions.

Office of Community Services

Tribe/Requester: KARUK TRIBE

Comment: LIHEAP: ... With increasing costs in electricity, wood, and other fuels, fuel delivery along with decreasing funding made available to our Tribe, we have had to reduce the amounts of funding available to clients. ... This program is essential in our area where unemployment and poverty rates exceed national levels (89 percent based on HUD records)...

Action Requested: We need additional funding appropriated to meet this critical need.

Program Office Response: Thank you for your comment. Funding for LIHEAP is set by Congress and can vary from year to year. The LIHEAP statute requires that the amount of LIHEAP funds distributed to each tribe be based on the U.S. Census household count for the tribe or whatever household count, flat dollar amount, or percentage of the State's allocation that the tribe and State agree to. For tribes that choose to negotiate an agreement with the State for a higher LIHEAP allocation, it provides the opportunity for the tribe to show a greater need for LIHEAP based on factors such as increased members, higher fuel prices, and so forth. These agreements can be negotiated at any time with the State. Tribes can reach out to their State counterparts, particularly in the late spring and summer, to renegotiate their agreements for the upcoming fiscal year.

Timeline for completion: The Office of Community Services (OCS) staff from the Division of Energy Assistance will contact the LIHEAP coordinator for the Lummi Nation prior to December 15, 2011, to discuss training needs and upcoming opportunities to share ideas with other directly funded LIHEAP grantees.

Tribe/Requester: LUMMI NATION

Comment: OCS has not been accessed by the Lummi Nation for many years. The problem is that OCS tries to develop programs, which meets the needs of families living in poverty, without involving any of those families. OCS needs to stop ineffective program development and support local development of programs to address local problems.

Action Requested: Provide tribes with a framework in which to plan and develop the community services that are relevant to the needs of their community membership and their unique culture.

Program Office Response: Thank you for your comment. Tribes are eligible to apply for most of OCS' programs to address the needs of families living in poverty. OCS works closely with ANA in consultation and through special initiatives to ensure that we are appropriately meeting the needs of the tribes we serve. One of our newest collaborations with ANA is the Native Asset Building Initiative. It is a joint funding opportunity, offered through a partnership between OCS' Assets for Independence (AFI) program and ANA's SEDS program under the auspices of the ACF ASSET Initiative, an agency-wide effort to bring financial literacy, Individual Development Accounts (IDAs), and related services to more families across the nation, and to create interoperability across ACF program offices. The purpose of this initiative is to increase access to and awareness of asset building opportunities in Native American communities.

- OHS has implemented Learning Labs this year, in collaboration with child care and Head Start programs in specific States, to begin this process of better understanding how we can reduce burdens for local programs and support quality early childhood programs. Our first learning labs are focused on monitoring and school readiness.

- As part of this process, we will be assessing how we can optimize coordination and communication between Head Start and Child Care management functions.

Timeline for completion: Please visit the OCS website at <http://www.acf.hhs.gov/programs/ocs/index.html> for further information about the Tribal Services provided by OCS and how to apply for assistance.

Tribe/Requester: LUMMI NATION

Comment: Community Services Block Grant: The level of need our community members are enduring is not effectively addressed through the very limited funding that is available to the Lummi Nation.

Action Requested: We need financial and technical assistant to address the social services needs of our membership. The Social services needs of communities that are below the Federal poverty guidelines must be factored into allocations supported by the Community Services Block Grant (CSBG). There are no community resources to enlist in community service and development activities. We need a per capita amount that is representative of the true community and social services needs of our families. Three times the current budgeted amount is needed to support persons and communities dealing with poverty, drug abuse, and economic dislocation.

Program Office Response: Thank you for your comment. The CSBG program provides Indian tribes with funds to lessen poverty in communities. The funds provide a range of services and activities to assist the needs of low-income individuals including the homeless, migrants, and the elderly. Grant amounts are based on a formula set in Federal law and are allocated yearly. Households at or below the 125 percent of the Federal poverty guidelines are eligible for CSBG services. In addition to providing direct ongoing training and technical assistance (T/TA) to tribes who are receiving CSBG funding, OCS now has a CSBG Tribal Government Technical Assistance available to provide targeted remote technical assistance to CSBG Tribal Grantees and ensure that tribal organizations' programs meet statutory requirements and achieve their performance outcomes. Overall, the purpose of this grant is to provide T/TA to help tribal grantees correct issues that will help promote the economic and social development of Native Americans through appropriate projects and activities.

Timeline for completion: The T/TA grantee will contact the tribes when they begin their work. The process will begin with surveying the need to pinpoint and develop effective T/TA. For now, if the tribes need T/TA, they can contact the CSBG program staff and ask how to receive assistance. Visit our website for more information at <http://www.acf.hhs.gov/programs/ocs/csbgrantees/directorygrants.html>.

Office of Child Support Enforcement

Tribe/Requester: CENTRAL COUNCIL TLINGIT & HAIDA

Comment: Another issue for tribal child support is that the 20 percent Federal match is unreasonable for tribes without a land base. We are scrambling to find that match so we can do our tribal child support.

Program Office Response: Thank you for your comment. We have heard from more than one tribe that the non-Federal match rate for many tribes is untenable. We are looking at current waiver provisions to determine if there is more flexibility. In addition, we are looking at waiver provisions in other ACF programs.

Timeline for completion: Prior to the beginning of the FY 13 budget year. Annual budgets (which would include requests for waivers) are due in August.

Tribe/Requester: CENTRAL COUNCIL TLINGIT & HAIDA

Comment: Regarding the Office of Child Support and Enforcement (OCSE) policy change outlined in the Memorandum of August 28 for high caseload staffing levels based upon number

of cases, the tribes strongly object to limiting staffing levels based on cases because the high caseloads in the memo are not realistic for tribal governments.

Action Requested: We request that the policy not be implemented and that the tribe be able to make an assessment about the number of caseworkers that are needed to provide efficient child support services.

Program Office Response: Thank you for your comment. The policy outlined in the Memorandum of August 28, 2009, was rescinded via Tribal Dear Colleague letter 10-06 on September 24, 2010.

Timeline for completion: Completed.

Tribe/Requester: CENTRAL COUNCIL TLINGIT & HAIDA

Comment: Another issue is that the Full Faith Credit for Child Support Order Act doesn't take into consideration that most tribes in Alaska don't have Indian Country. Also, the Federal match for our child support is unreasonable for tribes without a land base. We believe the 20 percent match requirement is unreasonable because most tribes in Alaska have virtually no resources (except Federal and State grant funds to operate its government programs). Central Council does not have a reservation land base to provide financial profit, nor does the Tribe have taxable income to use for paying non-Federal match funds. The 20 percent match may not be able to be sustained in the future.

Action Requested: The Tribe recommends that the 45-CFR be amended to a full waiver of the 20 percent match requirement for Alaska Native Tribes that do not have a reservation land base or any other profit making enterprise such as casinos.

Program Office Response: Thank you for your comment. As stated above, we are exploring the legal scope of the OCSE waiver provisions and looking at the waiver provisions in other ACF programs.

Tribe/Requester: CENTRAL COUNCIL TLINGIT & HAIDA

Comment: We established a Child Support Enforcement Court. We have judges, statues, and jurisdiction; but, we don't have the cooperation of the State of Alaska. That cooperation is open and hostile. There are about 220 tribes in Alaska. ... We were told by the State of Alaska that we don't have the capacity to enforce the child support orders that we have under certain circumstances. We're spending time in court (Federal and State) trying to figure out the jurisdiction that we believe we are legally entitled to, while getting resistance by the State. If there is anything your department can do to recommend adding the phrase "Indian Tribe," we would much appreciate that.

Action Requested: We need something from the Federal Government in terms of an amendment to the Full Faith and Credit Act for Child Support Enforcement. If you added just two words, "Indian Tribe," to the language of the statute, it would make a big difference for us in terms of our ability to carry out our obligations and duties to the children in and outside the State of Alaska.

Program Office Response: Thank you for your comment. We are reviewing the decision issued on October 25, 2011, by the Alaska lower court in Central Council of Tlingit and Haida Indian Tribes of Alaska v. State of Alaska. We intend to review the Tribe's recommendation to propose a legislative change to the Full Faith and Credit for Child Support Orders Act. The Tribe may want to reach out to members of Congress to educate them about the difficulties the current law creates for the Tribe.

Tribe/Requester: CENTRAL COUNCIL TLINGIT & HAIDA

Comment: We have a lot of innovative ways of dealing with enforcement in Alaska. It's partly dictated by the environment, the climate, and the severe economic conditions for the people we represent. In some of the small villages, we have about 85 percent unemployment. We found it less expensive and more innovative to use conference calls as a way of enforcing the mandates of the Federal Government. As long as Alaska has a possible "out," it's not going to recognize the tribal status and the inherent jurisdictional rights of the 230 plus tribes in Alaska. We have requested Federal mediation with the State of Alaska and we still have issues over tribal sovereignty. We have created special little courts, youth courts, and others.

Action Requested: We would be interested in being part of your innovation that is going on in the Tribal Court System, because we've been very innovative. Finally, we are asking your support to put two little words, "Indian Tribes" (landless but sovereign), in the Full Faith and Credit Act.

Program Office Response: Thank you for your comment. We are reviewing the decision issued on October 25, 2011, by the Alaska lower court in Central Council of Tlingit and Haida Indian Tribes of Alaska v. State of Alaska. We intend to review the Tribe's recommendation to propose a legislative change to the Full Faith and Credit for Child Support Orders Act. The Tribe may want to reach out to members of Congress to educate them about the difficulties the current law creates for the Tribe.

Tribe/Requester: LUMMI NATION

Comment: Child Support Enforcement Programs must be effectively nested inside of a functioning Tribal Social Services Family and Children support services system.

Action Requested: The Department has the authority to require that tribal consultation be managed in a rational manner for the benefit of the tribal governments and not for the convenience of Federal employees.

Program Office Response: Thank you for your comment. We agree that the child support program must be better integrated into the objectives and operations of the social services safety net, and are promoting more holistic family-centered child support policies services (illustrated by the bubble chart). Tribal child support programs have led the way for the national program, with innovative and holistic community-based approaches that strengthen parent-child relationships and promote responsible fatherhood. In addition, our new annual letter for tribal leaders will invite input on scheduled OCSE consultations and conversations, in addition to soliciting ideas from tribes about yearly initiatives.

Tribe/Requester: PORT GAMBLE S'KLALLAM TRIBE

Comment: Bring principles of tribal consultation into every day practice - Medical Child Support.

Action Requested: We want to express our appreciation for OCSE's willingness to try and work with tribes on this important topic (Medical Child Support). It is an example of how a sincere effort to work through an issue can further the government-to-government relationship. Tribal consultation, in order to be effective, must involve the integration of procedures related to the intent of any consultation policy into every facet or practice. In this particular instance, OCSE is making a genuine effort to incorporate the spirit of cooperation into every facet of working with

tribes. It is a step in the right direction on bringing tribal consultation principles into every day practice and we hope to see this continue.

Program Office Response: Thank you for the recognition. We are committed to learning the most useful ways to communicate and reach out to tribal partners. We plan to implement additional ideas gleaned from our conversation with tribal leaders and directors during the OCSE session following the recent ACF consultation. As mentioned above, we have instituted an annual Dear Tribal Leader Letter to solicit ideas from tribes about yearly initiatives and scheduling. Second, while our regional staff is expected reach out regularly to tribal directors, we are considering adding a quarterly call by our OCSE tribal coordinator.

Timeline for completion: Within the next 6 months.

Office of Family Assistance

Tribe/Requester: BIG PINE PAIUTE OF THE OWENS VALLEY

Comment: On behalf of the Big Pine Paiute Tribe of the Owens Valley and the Big Pine Development Corporation, ... urge you to exempt the Owens Valley Board of Trustees, Paiute Shoshone Band of Indians, Owens Valley Career Development Center from the requirements of CFR 2/OMB A-87 relating to less-than-arms length agreements relating to our subsidiary corporation, the Big Pine Development Corporation. We have been informed that you will have a meeting with the OVDCD in the next few weeks in Washington, D.C., and hopefully you will approve their request.

Action Requested: Support for the Owens Valley Board of Trustees, Paiute Shoshone Band of Indians, Owens Valley Career Development Center in their quest for a positive administrative ruling on the less-than-arms length agreement.

Program Office Response: Thank you for your comment. ACF met with representatives from Owens Valley on August 17, 2011. On October 11, 2011, the Office of Family Assistance (OFA) sent a follow-up letter to Owens Valley requesting more information in consideration of the Tribe's request for an exemption from the less-than-arms-length policy in 2 CFR Part 225 (OMB Circular A-87).

Timeline for completion: In progress.

Tribe/Requester: CENTRAL COUNCIL TLINGIT & HAIDA

Action Requested: We recommend a future meeting on how the determination is made on the ACF indirect percentages. It would be good to understand this.

Program Office Response: Thank you for your comment. Tribes negotiate indirect cost rates with their cognizant agency - often the Department of the Interior (DOI)/ BIA. The Tribal TANF regulations (45 CFR 286.55) provide that indirect costs must be included in the total administrative costs.

Timeline for completion: Not applicable.

Tribe/Requester: CENTRAL COUNCIL TLINGIT & HAIDA

Action Requested: Also, "477" program issues have come up since the OMB circular regarding audits and separation of budgets. According to "477" law, we can take all the funds into one pie. The changes that we've had to implement caused an audit finding because we didn't have the child care funds separated out. If you look at the annual report of the "477" program, the TANF concerns could be addressed by looking at the one report sent to DOI. We were never told why

this issue came up. The purpose of the "477" law was to consolidate coding to reduce administrative costs.

Program Office Response: Thank you for your comment. HHS, DOI, and the Office of Management and Budget (OMB) have been working with tribes to resolve outstanding issues related to the Public Law 102-477 Demonstration Projects. On September 27, 2011, representatives from HHS, DOI, and the Department of Labor (DOL) attended the 477 Tribal Work Group meeting in Myrtle Beach, South Carolina. On September 30, 2011, HHS, DOI, and DOL sent a tri-agency letter to the tribes outlining the current status and next steps toward resolving these issues, including a desire to establish a working group with representatives from the Federal agencies and the tribes.

Timeline for completion: In progress.

Tribe/Requester: KARUK TRIBE

Action Requested: TANF Reauthorization Priorities: 1) Waive or change OMB A-87 language regarding related party-less than arms length methodology on leases between consortia tribes and tribes due to tribal sovereignty and fair market requirements under 25 CFR on Indian Trust Land.

Program Office Response: Thank you for your comment. We appreciate the Tribe's interest in TANF reauthorization. At the present time, we have not initiated a formal process for the solicitation of comments on the reauthorization of the TANF program. However, if a tribe wishes to provide ideas or suggestions on TANF reauthorization, it should be encouraged to submit them in written form (either a letter or e-mail) to the appropriate OFA Regional Office TANF Program Manager. We will advise our TANF jurisdictions of any future plans that we develop relative to conversations on TANF reauthorization.

Tribe/Requester: KARUK TRIBE

Action Requested: TANF Reauthorization Priorities: 2) Change in administrative cap from 35 percent the first year, 30 percent the second year, and 25 percent the third and ongoing to increase negotiate rate with tribes.

Program Office Response: Thank you for your comment. Please see the response above regarding TANF reauthorization.

Tribe/Requester: KARUK TRIBE

Action Requested: TANF Reauthorization Priorities: 3) Initiate planning grants for TANF similar to recent planning grants for Title IV-E.

Program Office Response: Thank you for your comment. Please see the response above regarding TANF reauthorization.

Tribe/Requester: KARUK TRIBE

Action Requested: TANF Reauthorization Priorities: 4) Waive 5-year lifetime limit for period 2009 and 2010 due to economic recession negatively impacting clients and consistent with the American Recovery and Reinvestment Act timelines.

Program Office Response: Thank you for your comment. Please see the response above regarding TANF authorization. Additionally, please note that the Tribal TANF regulations provide that tribes may negotiate a time limit with ACF and exempt a portion of their caseload from the time limits due to hardship, as defined by the tribes.

Tribe/Requester: KARUK TRIBE

Action Requested: TANF Reauthorization Priorities: 5) Addition of formal Tribal Consultation on all TANF matters by ACF.

Program Office Response: Thank you for your comment. Please see the response above regarding TANF reauthorization. Additionally, please note that ACF consults with tribes consistent with the ACF Tribal Consultation Policy.

Tribe/Requester: KARUK TRIBE

Action Requested: TANF Reauthorization Priorities: 6) In addition to TANF Block Grant offered to States and tribes, add additional allocations to both States and tribes in mini-block grant format to allow for current case load level (2010). The current caseload allocation is formulated at the 1996 caseload levels with no built in allocation increase.

Program Office Response: Thank you for your comment. Please see the response above regarding TANF reauthorization.

Tribe/Requester: KARUK TRIBE

Action Requested: TANF Reauthorization Priorities: 7) Policy change with ACF regarding time line limits when tribes submit TANF plan renewals or amendments. As it is now, there is no time limit when ACF region gets back to tribes as to complete TANF Plans from Central Office.

Program Office Response: Thank you for your comment. Please see the response above regarding TANF reauthorization. Additionally, please be assured that ACF makes every effort to provide timely and consistent responses.

Tribe/Requester: KARUK TRIBE

Action Requested: TANF Reauthorization Priorities: 8) Policy change with ACF region on policy clarification. Often times communication on policy interpretation varies from region to central and back to tribes and needs specific time frames. Often times it takes weeks or several months to get clarification on a specific issue.

Program Office Response: Thank you for your comment. Please see the response above regarding TANF reauthorization. Additionally, please be assured that ACF makes every effort to provide timely and consistent responses.

Tribe/Requester: LUMMI NATION

Comment: TANF: Lummi Nation has found that many, if not most, TANF clients need job training and work experience to secure long term employment providing family wages. Yet, many, if not most, are not ready to participate in job training. They need basic academic skills instruction and financial skills to budget income. They also need assistance in organizing their lives and family relationships to allow them to participate in training and in employment.

Action Requested: About 25 percent of tribal members surveyed express unwillingness to seek employment. They are seeking self-employment opportunities. This option is particularly appropriate for tribal members who have significant criminal records. About 30 percent of the adult population has serious criminal records and therefore little prospect of securing private employment.

Program Office Response: Thank you for sharing this information. Tribal TANF allows tribes to tailor their TANF programs, consistent with applicable statutes and regulations, to meet the

unique needs of the individual tribal communities. We look forward to continuing to work with the Lummi Nation to facilitate this process.

Timeline for completion: Not applicable.

Tribe/Requester: OWENS VALLEY DEVELOPMENT CENTER

Comment: Inappropriate application of the antiquated and outmoded A-87, "Less-Than-Arms-Length" (LTAL) rule, as applied to OVDC leases with consortia tribes has resulted in the same and only audit finding in the years 2009 and 2010 A-133 audits. ... The LTAL rule infringes on Tribal Sovereignty by not recognizing the tribes' right to set their own rates for land and facility rentals and leases.

Action Requested: OVDC is again requesting a formal "Face-to-Face" Tribal Consultation meeting to discuss this matter in detail Owens Valley Career Development Center (OVDC) is seeking an exemption, exclusion, or waiver of the LTAL rule as it applies to A-87 section 37(c), rental costs of buildings and equipment.

Program Office Response: Thank you for your comment. ACF met with representatives from Owens Valley on August 17, 2011. On October 11, 2011, OFA sent a follow-up letter to Owens Valley requesting more information in consideration of the request for an exemption from the less-than-arms-length policy in 2 CFR Part 225 (OMB Circular A-87).

Timeline for completion: In progress.

Tribe/Requester: SAUK-SUIATTLE INDIAN TRIBE

Comment: The Sauk-Suiattle Indian Tribe has given notice that it intends to operate a TANF Program in two counties, Skagit and Snohomish Counties in Washington State. The Sauk-Suiattle Tribe has been declared by HHS, as recorded in the *Congressional Record*, to include both Skagit and Snohomish Counties to provide HHS services in those counties. Can we do? We have provider services and offices in both counties.

Action Requested: But ACF, a division of HHS, is questioning whether the Sauk-Suiattle Indian Tribe can provide TANF services because the BIA has not included them as a "new reservation" tribe. Policy will go against HHS and Congressional record. We will proceed with our application and we are letting this body know that this policy will be challenged.

Program Office Response: Thank you for your comment. The Tribal TANF regulations provide that federally recognized tribes are authorized to provide TANF services on their reservations and in their BIA-designated service area for financial and social services. This has been consistent HHS policy (see TANF PI 2005-03); the purpose of this policy is to ensure that a proposing tribe has the administrative capacity to provide services across multiple counties and other tribes have equal opportunity to provide services in these counties as appropriate. ACF has been in frequent communication with BIA to determine if the Tribe has a BIA-designated service area. ACF has attempted to contact the Tribe several times recently but has been unsuccessful. ACF will continue to reach out to the Tribe in attempt to resolve this obstacle, and once the service area is established, ACF will continue to provide technical assistance to the Tribe in implementing a Tribal TANF program.

Timeline for completion: In progress.

Office of Head Start

Tribe/Requester: CENTRAL COUNCIL TLINGIT & HAIDA

Comment: Funding has been flat or the budget has decreased for the last 8 years. It's difficult for the program to meet the performance standards because of the decreased funding. Teaching staff need an AA in early childhood education, but it's become more and more difficult to find financial aid for staff members to go to classes (especially in rural areas). Maintaining the facilities has been a challenge. Head Start buildings have not seen major improvements in the last 4 to 5 years. We try to make them safe for our children, but it's becoming increasingly more difficult. Head Start needs to replace an aging bus fleet. We are holding on to buses beyond the 5-year cycle. At this time, nine buses need to be replaced. Our Head Start program has been in existence since 1979. We also need to look at capturing our full indirect. Right now our main office in Juneau is housed off-site. Recently we were able to negotiate with the National Business Center an indirect rate that excluded our Head Start program.

Program Office Response: Thank you for your comment. The issue of increasing degree requirements of educational staff is a serious and on-going concern of tribal grantees given the remote and isolated locations of many tribal communities with limited resources available. OHS is committed to full and open engagement in dialogue about this and other issues specific to tribal grantees and is willing to consider convening a Tribal Leaders and/or technical workgroup to assist with exchanging information and recommendations.

During 2011, AI/AN Head Start Programs were awarded \$214,818,190 to provide Head Start and Early Head Start services to 24,288 children. Of this amount, \$8,277,909 was awarded (ARRA funds) to launch an additional 17 tribal programs and serve an additional 1,286 children for Early Head Start services primarily. An additional \$3,733,075 in ARRA one-time funding was awarded to provide for quality improvements such as:

- Facility repairs and replacement
- Upgrade playgrounds
- Equipment and furniture
- Replacement of buses

Given the uncertainty of significant increases in future appropriations, we must work across systems collaboratively to develop solutions and alternatives, including developing innovative models and approaches in the delivery of quality early childhood care and education services, to augment existing resources to ensure quality services are continued. We look forward to working with you in support of your children and families.

Tribe/Requester: HOPI TRIBE

Comment: Special needs services. Need the services of specialty therapists for children and also to provide educational training to staff. Mental Health specialists are needed and also special adaptive equipment to meet the needs of children. Funding is needed for these specialty services.

Program Office Response: Thank you for your comment. Head Start does not have a separate line item in the budget for special needs services. Programs determine at the local level how the Federal funds to serve children and families will be determined, keeping in mind local resources and the Head Start requirements. OHS encourages programs to work across systems collaboratively to develop solutions and alternatives, including developing innovative models and approaches in the delivery of quality early childhood care and education services.

Tribe/Requester: HOPI TRIBE

Comment: Professional certification of all early childhood education staff. Adequate funding for current staff to obtain their degrees and then adequate salary to compete with local public schools is a great need. Increase salary scale to meet competitive market.

Program Office Response: Thank you for your comment. Head Start does not have a separate line item in the budget for personnel salaries and benefits. Programs determine personnel salaries and benefits at the local level, taking into consideration overall cost per child. OHS encourages programs to work across systems collaboratively to develop solutions and alternatives, including developing innovative models and approaches to meet these requirements in the delivery of quality early childhood care and education services.

Tribe/Requester: KARUK TRIBE

Comment: Key Issue: Inadequate funding levels, inadequate funding for administrative purposes while increasing requirements and mandates for Head Start Program administration.

Action Requested: The Karuk Tribe requests more information regarding the possibility of obtaining a waiver on the administrative cap placed on Head Start.

Program Office Response: Thank you for your comment. The Head Start grant is indeed a complex grant that has many requirements for management, administration, and governance of the program. The current funding level for existing Head Start and Early Head Start Programs has essentially remained the same over a number of years with the exception of Cost of Living Adjustment (COLA)-specific increases for professional staff and competitive quality improvement non-recurring funding. It is uncertain whether there will be program funding increases in upcoming years given the current environment. Given this uncertainty, we must work closely together to develop solutions and alternatives including innovative models and approaches in the delivery of quality early childhood education services by tribal communities.

Allowable costs for developing and administering a Head Start program may not exceed 15 percent of the total approved costs of the program, unless the responsible HHS official grants a waiver approving a higher percentage for a specific period of time not to exceed 12 months. There are specific conditions under which a limited waiver may be available, and more information is available through ECKLC and your program specialist.

Reference: 1301.32 Limitations on costs of development and administration of a Head Start program.

(a) General provisions.

1. Allowable costs for developing and administering a Head Start program may not exceed 15 percent of the total approved costs of the program, unless the responsible HHS official grants a waiver approving a higher percentage for a specific period of time not to exceed twelve months.

(g) Waiver.

1. The responsible HHS official may grant a waiver of the 15 percent limitation on development and administrative costs and approve a higher percentage for a specific period of time not to exceed twelve months. The conditions under which a waiver will be considered are listed below and encompass those situations under which development and administrative costs are being incurred, but the provision of actual services has not begun or has been suspended. A waiver may be granted when:

- (i) A new Head Start grantee or delegate agency is being established or services are being expanded by an existing Head Start grantee or delegate agency, and the delivery of component services to children and families is delayed until all program development and planning is well underway or completed; or
 - (ii) Component services are disrupted in an existing Head Start program due to circumstances not under the control of the grantee.
2. A Head Start grantee that estimates that the cost of development and administration will exceed 15 percent of total approved costs must submit a request for a waiver that explains the reasons for exceeding the limitation. This must be done as soon as the grantee determines that it cannot comply with the 15 percent limit, regardless of where the grantee is within the grant funding cycle.
 3. The request for the waiver must include the period of time for which the waiver is requested. It must also describe the action the grantee will take to reduce its development and administrative costs so that the grantee will be able to assure that these costs will not exceed 15 percent of the total approved costs of the program after the completion of the waiver period.
 4. If granted, the waiver and the period of time for which it will be granted will be indicated on the Financial Assistance Award.
 5. If a waiver requested as a part of a grant application for funding or refunding is not approved, no Financial Assistance Award will be awarded to the Head Start program until the grantee resubmits a revised budget that complies with the 15 percent limitation.

Tribe/Requester: KARUK TRIBE

Comment: Flat funding - funding has been flat with limited opportunities for increases to offset costs for increased administrative responsibilities. ... We have cut a necessary position, delegating the duties between the Director and Deputy Director, and currently do not have a Program Services Coordinator.

Action Requested: Additional funding to re-create Program Services Coordinator position.

Program Office Response: Head Start does not have a separate line item in the budget for personnel salaries and benefits. Programs determine personnel salaries and benefits at the local level, taking into consideration overall cost per child. OHS encourages programs to work across systems collaboratively to develop innovative and cost effective and efficient models and approaches to meet the requirements in the delivery of quality early childhood care and education services.

The current funding level for existing Head Start and Early Head Start Programs has essentially remained the same over a number of years with the exception of COLA-specific increases for professional staff and competitive quality improvement non-recurring funding. It is uncertain whether there will be program funding increases in upcoming years given the current environment. Therefore, it is even more critical to assess and evaluate local program design to ensure the services identified in your community assessments are meeting the needs of children and families. We at OHS and our ACF partners look forward to working with you in identifying those opportunities.

Tribe/Requester: KARUK TRIBE

Comment: Happy Camp and Yreka are 74 miles apart. Happy Camp employees must travel a minimum of 150 miles round trip to attend in their own vehicle, adding miles and wear and tear at a personal cost.

Action Requested: A Car/SUV/VAN for multi-use, including, but not limited to, transportation for training, attending local meetings, and shopping for bulk grocery items, and to attend county, regional, and State meetings.

Program Office Response: Head Start does not have a separate line item in the budget for equipment, including vehicles, and does not require transportation services. Programs determine and develop their program budget, taking into account overall cost per child, and based on their local community needs assessment. Programs that chose to provide transportation services are typically referring to the transportation of children. OHS transportation regulations primarily refer to this service. Factors that programs may consider when determining transportation services include:

- Effects on enrollment
- Program policies; e.g., neediest families
- Effects on parent participation
- Cost of transportation
- Other transportation assistance to families
- Possibilities for partnering with other transportation service providers

Transportation costs can be considered an allowable cost including travel of staff for training, attending local meetings, and shopping and transportation of program supplies if identified in the application and approved at the time of award.

It appears from the situation described by the Karuk Tribe, and according to 45 CFR 1301.32 Limitations on Costs of Development and Administration of a Head Start Program, some of these types of costs may be considered for dual purposes (administrative and program purposes) and as such, would need to be calculated by the percentage of their total approved costs allocated to development and administration as a part of their budget submission for initial funding, refunding, or for a request for supplemental assistance in connection with a Head Start program.

Tribe/Requester: KARUK TRIBE

Comment: Power outages occur often in Happy Camp due to inclement weather and aging power service lines. We would like to be able to keep our program open for the children and families because of the difficulty of making up dates and the negative impact it will have on the budget to pay employees for their time.

Action Requested: A generator/solar power source.

Program Office Response: Thank you for your comment. The remote and isolated locations of many tribal nations challenges their ability to maintain connectivity to operate programs and services, and to be able to communicate and participate via the internet and phone as other programs are expected to do. This, when combined with harsh and inclement weather, can exacerbate the normal operations of those programs and services.

Given these conditions at this time, it is important for OHS to engage a dialogue with the Tribe and bring to the table other Federal partners that could potentially assist with governmental

infrastructure development (referred through ICNAA). OHS routinely relies on electronic communications such as webinars, net meetings, teleconference calls, etc., to convey policy and grant program information to Head Start programs. We recognize that we must ensure our Head Start Programs have the infrastructure, capabilities, and opportunities to engage with us as other programs do around the country.

In the meantime, we need to have dialogue with the Tribe to ensure they are aware of their options for local program design and waivers available for the situations where their program is not able to operate in the facilities and still provide continuity of services.

Tribe/Requester: KARUK TRIBE

Comment: Head Start mandates that teaching staff obtain an AA or ECE by the fall of 2011. Head Start traditionally has been able to help our teachers obtain the education and training that they need to better serve our children and families. However, due to the State budget crises, it has become increasingly harder to obtain financial aid. More importantly, the distance to drive to the nearest accredited college is a 1-hour drive one way for our Yreka staff and 2-1/2 hour's drive one way for our Happy Camp staff.

Action Requested: Staff Training.

Program Office Response: Thank you for your comment. Head Start does not have a separate line item in the budget for personnel salaries and benefits. Programs determine personnel salaries and benefits at the local level, taking into consideration overall cost per child. OHS encourages programs to work across systems collaboratively to develop solutions and alternatives, including developing innovative models and approaches in the delivery of quality early childhood care and education services.

Tribe/Requester: KARUK TRIBE

Comment: With OHS mandates for higher education for teachers and aides, there is a need for increased financial resources in order to continue on in education. The cost of a BA program is out of reach for our staff, not to mention the lack of a 4-year college in our county. Additionally, the mandates for higher education are not reflected in the salaries of the teaching staff.

Action Requested: Additional funding for teacher's educational expenses.

Program Office Response: Thank you for your comment. Head Start does not have a separate line item in the budget for personnel salaries and benefits. Programs determine personnel salaries and benefits at the local level, taking into consideration overall cost per child. OHS encourages programs to work across systems collaboratively to develop solutions and alternatives, including developing innovative models and approaches in the delivery of quality early childhood care and education services.

Tribe/Requester: KARUK TRIBE

Comment: The impact of the State budget has reduced the accessibility to mental health providers in our Tribe and county agencies. We are seeing more young children and families every year who need these services, but are unable to or denied services based on the increased demand and strain on the providers.

Action Requested: Increasing behavioral health concerns with the children and families.

Program Office Response: Thank you for your comment. OHS has reorganized and strengthened the partnership between the State collaboration offices and technical assistance and

training networks to ensure comprehensive and required services mandated by OHS are available and that gaps in services are identified and addressed. This will require engagement of all parties through collaboration and partnership across the full spectrum of early child care and education systems, including health systems, to ensure all children receive the services they need to be ready for school.

Tribe/Requester: KARUK TRIBE

Comment: We are not licensed in the State of California for a child care facility. This is one of the requirements the State mandates in order to have a contract for State pre-school slots or "blended funding."

Action Requested: Partnership with Pre-K and Local Educational Authorities (LEA). True collaboration between State and tribes must have backing from the Federal Government in support of this recommendation by OHS to collaborate.

Program Office Response: Thank you for your comment. Cross-cutting collaboration and coordination at the national, regional, State, and local levels are critical to ensure early childhood care and education systems provide a continuum of comprehensive services taking into account the whole family's needs. We are committed to investigate opportunities to better align key aspects of Federal and State early childhood systems, including standards, licensing, and the Quality Rating and Improvement System (QRIS). An important component of this is the inclusion of tribal communities in this process.

OHS has implemented Learning Labs this year, in collaboration with child care and Head Start programs in specific States, to begin this process of better understanding how we can reduce burdens for local programs and support quality early childhood programs. Our first Learning Labs are focused on monitoring and school readiness.

OHS will disseminate best practices and demonstrated models of collaborations that have been successful for replication.

OHS is interested in developing various Learning Labs in partnership with tribal communities to better support these programs.

Tribe/Requester: KARUK TRIBE

Comment: The Karuk Tribe requests specific information regarding funding allocated to "non-tribal" head start programs versus the funding allocated to "tribal" head start programs. The Karuk Tribe asks that evidence of "parity" be shown and that practice is exercised for the benefit of our children. It has been asked in the past of ACF, what is the disparity between tribal and non-tribal programs without an answer. It has been stated in the past that tribal programs receive as little as 30 percent funding when compared to non-tribal programs on a national average. The Karuk Tribe requests clarification on this important issue.

Action Requested: Full funding for Tribal Head Start programs.

Program Office Response: Thank you for your comment. The relationship with Tribal Head Start Programs, governed by Tribal Nations, is a different relationship than any other Head Start grantee. It is a government-to-government relationship with statutory requirements to engage in open, continuous, and meaningful consultation, reaffirmed by Executive Order 13175 and most

recently by the new ACF Tribal Consultation Policy of 2011. True consultation leads to information exchange, mutual understanding, and informed decision-making.

The purpose of the Head Start Consultation Sessions is to discuss ways to better meet the needs of Indian, including Alaska Native, children and their families, taking into consideration funding allocations, distribution formulas, and other issues affecting the delivery of Head Start services in their geographic locations. We are looking forward to engaging in dialogue with tribal grantees about this issue and other concerns in the coming year.

Regarding access to program and regional level data, OHS Program Information Report (PIR) data is publicly available on the PIR Reports Web site at <http://hses.ohs.acf.hhs.gov/pir>, where prior year's PIR forms, data, and reports may also be downloaded. Contact the Head Start Enterprise System (HSES) Help Desk to request an access account. All existing HSES users can access PIR data directly in HSES (reports menu) or through the PIR Reports Web site using their current access account.

Tribe/Requester: LUMMI NATION

Comment: Facilities: Head Start program support for facilities construction is not coordinated with its program operational standards. This has meant that the Lummi Nation has operated in a substandard facility for about the last 20 years. The deficits of our facility have been the subject of countless negative reports with no assistance to construct new facilities.

The Tribe has approved borrowing \$4.5 million to develop a new facility. We still need substantial assistance to purchase equipment fixtures and furniture needed to operate the Head Start and Early Head Start and Day Care Programs that will be housed in the facility.

Program Office Response: Thank you for your comment. Head Start does not have a separate line item in its budget for facilities. However, we do encourage building community-based facilities that are child and family centered, housing such programs as child care, community services with Head Start, and crafting multiple funding sources such as child care, HUD, rural health development, Department of Agriculture, and State-based department of commerce funding. OHS offers technical assistance in identifying funding sources as well as facility requirements. OHS has an interagency agreement with the Human Resources and Services Administration (HRSA) to review and comment on draft architectural plans to ensure State and Federal standards and requirements are met. OHS has, when funds are available, provided one-time funding opportunities for unmet facility repair and renovation as well as equipment, supplies, and fixtures for Head Start Programs. The point of contact for beginning the process of providing technical assistance for your facility is your Program Specialist.

Tribe/Requester: LUMMI NATION

Comment: Parent Policy Centers: Tribes need access to the Parent Policy Center which provides support for parents with disabled children. Like all human communities, tribes have persons who suffer from developmental delays and incapacitation for a variety of reasons. Our parents need assistance to ensure that their disabled children are cared for and provided an opportunity for the most productive and least restricted life possible in their own communities with their own people and their families.

Program Office Response: Thank you for your comment. Family, parent, and community engagement is a unique and critical component of the comprehensive Head Start Program to

ensure children's special needs are identified early on, referrals are made, resources identified, and services provided. Each Head Start Program develops their priorities and supportive services for their parents based on the community and parental assessments.

Through the development of community based partnerships, Head Start Programs identify resources to provide direct and supportive services to both child and parent. The OHS comprehensive national training and technical assistance program also assists the program in identification of additional resources.

Tribe/Requester: LUMMI NATION

Comment: Proposed Solutions Program Expansion. The Head Start Bureau is one of the six programs pre-selected to be assumed by the Tribes under the proposed Title VI PL 93-638 as amended. The Lummi Nation urges the Department to support the passage of the proposed Title VI legislations as written. The Lummi Nation needs to be funded to serve 200 children and their families in the Regular and Early Head Start Programs.

Program Office Response: Thank you for your comment. The current funding level for existing Head Start and Early Head Start Programs has essentially remained the same over a number of years with the exception of COLA-specific increases for professional staff and competitive quality improvement non-recurring funding. It is uncertain whether there will be program funding increases in upcoming years. Given this uncertainty, we must work closely together to develop solutions and alternatives including innovative models and approaches in the delivery of quality early childhood education services by tribal communities.

Tribe/Requester: PORT GAMBLE S'KLALLAM TRIBE

Comment: Consult with tribes about regulations to prevent unintended consequences or propose practical fixes - Meeting Federal requirements at the expense of providing services.

Action Requested: We suggest the Office of Head Start allow programs to look at other possible alternatives to meet staff qualification requirements. Supplementation through funding to provide wages would help, although we realize working with limited budgets is an issue. In the alternative, a process may be developed to allow programs to address staff qualification requirements by allowing State-based certification processes including Native languages, culture and oral traditions, as well as other approved training offered by tribal colleges, community colleges, or other organized systems, as sufficient to meet staff qualification requirements.

Program Office Response: OHS is committed to fully supporting the implementation of the new ACF Tribal Consultation Policy, which mandates continuous, open and meaningful consultation with tribes. The policy calls for engagement in consultation with tribes about how OHS will implement these processes throughout each year, and it will include the additional requirements of the Head Start Act. The issue of increasing degree requirements of educational staff is a serious and on-going concern of tribal grantees given the remote and isolated locations of many tribal communities with limited resources available.

OHS is willing to consider convening a Tribal Leaders and/or technical workgroup to assist with exchanging information and recommendations to find acceptable solutions to this and other challenges tribal programs are facing.

Given the uncertainty of significant increases in future appropriations, we must work across systems collaboratively to develop solutions and alternatives, including developing innovative models and approaches in the delivery of quality early childhood care and education services, to augment existing resources to ensure quality services are continued. We look forward to working with you in support of your children and families.

Tribe/Requester: PUEBLO OF ZUNI

Comment: Children's Foster Home - Our outcome of participation with the Tribal Resource and Consultation days with ACF is to get resource grant information to help this important program in operation in meeting quality of life for our young children from the Zuni Pueblo reservation.

Program Office Response: Thank you for your comment. Each year, HHS holds a Tribal Resource Day in conjunction with the HHS Tribal Budget Consultation Session. An overview of all HHS Agencies is provided along with funding opportunities for tribes. This is also an opportunity to highlight best practices from tribal grantees and share tips for successful grant application/projects utilizing multiple grant opportunities to develop comprehensive services for children and families.

Non-ACF Program Questions

Tribe/Requester: KARUK TRIBE

Action Requested: Senior Center: The funding the Tribe has received for our Senior Centers has been a true blessing; the basic need for this program is an increase in funding directed at improving the actual building facilities. Upgrades to these facilities are necessary for the elders utilizing these facilities and the Tribe has had a difficult time obtaining them through other measures.

This issue does not address an ACF program. The Tribe should bring this to the attention of the Administration on Aging.

Tribe/Requester: KARUK TRIBE

Tribal Courts: We request consultation on the process of receding from Public Law 280 and to find a pathway to establish the Karuk Tribal Court as the primary Judicial Authority on Karuk Tribal Lands.

This issue does not address an ACF program. The Tribe should bring this to the attention of the Department of Justice.